

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H01-0517-22 **Applicant:** Mr N & Mr M Higham
Proposal: Residential Development
Location: Land At 110 & 112 Barrier Bank Cowbit Spalding
Terminal Date: 28th October 2022

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
04	Approach to Flood Risk
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
17	Providing a Mix of Housing
28	The Natural Environment
29	The Historic Environment
30	Pollution
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2021

Section 2. Achieving sustainable development
Section 5. Delivering a sufficient supply of homes
Section 11. Making effective use of land
Section 12. Achieving well-designed places
Section 14. Meeting the challenge of climate change, flooding and coastal change
Section 15. Conserving and enhancing the natural environment
Section 16. Conserving and enhancing the historic environment

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS	0	0	0	1

SUPPORT				
IAN MARSHMAN, HISTORIC ENVIRONMENT OFFICER	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	0	2
RESIDENTS	2	0	0	4

CASE OFFICER ASSESSMENT

PROPOSAL

Outline planning permission is sought for residential development (7 plots), with all matters reserved for subsequent approval, on land at 110 & 112 Barrier Bank, Cowbit.

The application is accompanied by an indicative layout plan which shows a private drive serving the 7 dwellings.

SITE DESCRIPTION

The site is located on the northern side of Barrier Bank close to the village church and school. It is presently occupied by an old post office building at the front of the site, with agricultural type buildings and open land to the rear, including sheep grazing. A hedge and trees delineates much of the western boundary. The eastern boundary is less well defined, but there is heras fencing present. There are residential units to the east and west of the site.

RELEVANT PLANNING HISTORY

No relevant planning history.

REPRESENTATIONS

South Holland Internal Drainage Board

Having reviewed the documents submitted in support of the above planning application, please be aware of a potential for conflict between the planning process and the Board's regulatory regime, due to the proposed works potentially requiring Land Drainage Consent from the Board.

LCC Historic Environment Officer

The proposed development is situated within the historic core of the medieval settlement of Cowbit close to the Grade I Listed medieval parish church. The village is thought to have developed during the 13th century along the new Fendyke. Although earlier 11th century pottery has been found that may indicate that it had an earlier origin. Extensive Roman remains of settlement and salt production are also known within the village environs. There is thus a high potential for the proposed development to have an impact on as yet unrecorded archaeological remains.

The outline plans proposed are lacking in detail but it would appear that the proposed development

would also involve demolition of the historic former post office and village stores, which is an attractive early 19th century building with a number of surviving historic features including bay windows featuring early 20th century stained glass, original post box, and perforated 'dagger board' canopy. It would also involve the demolition of part of an earlier 18th century house (which is now a separate dwelling No. 114 Barrier Bank). Both No. 114 and the former post office and village stores could be considered to be non-designated heritage assets in the terminology of the NPPF, and together these buildings contribute to the character and local distinctiveness of the historic core of the village and the street scene along Barrier Bank.

Despite this the developer has not provided any information on the potential impacts on the historic environment, which is not in accordance with the minimum requirements for development proposals in the National Planning Policy Framework (paragraph 194) or South East Lincolnshire Local Plan Policy 29f.

We would however recommend that if permission is forthcoming that you attached SHDC's standard conditions AR1, AR2 and AR3. Although the buildings to be demolished may not be economical to repair they are still of local historic interest and should be recorded prior to demolition. There also remains potential for archaeological remains below ground that would be impacted by development, so we would recommend an evaluation is carried out post-determination by condition.

SHDC Environmental Protection Officer (contaminated land)

No comments or objections with respect to land contamination.

SHDC Environmental Protection Officer (noise and odour)

No objection. Requests a construction management plan.

Local Highway and Lead Local Flood Authority

Requests that any permission given by the Local Planning Authority include some standard highway conditions.

Public

5 no. objections/comments received, summarised as follows:

- Building is of historical interest and should be repurposed as there is a shortage of amenities in the village
- Impact on historic centre of Cowbit and nearby non-designated heritage assets
- Archaeological survey and Heritage Impact Assessment is required before application is determined
- Overlooking/loss of privacy
- Overshadowing/loss of light
- Concern re subsidence and potential for surrounding properties to be impacted
- Existing Victorian walls, hedgerows and trees along neighbouring properties should be taken into account
- Land is prone to flooding and is poorly maintained
- Construction management plan needed to minimise noise and pollution
- Potential for impact on bats
- Loss of agricultural land
- Site is haven for wildlife

PLANNING CONSIDERATIONS

The main issues in this case are:

- Principle;
- Character and Appearance
- Residential Amenity
- Highway Safety and Parking Provision
- Flood Risk
- Other Considerations

Principle

The site is situated part within and part outside of the settlement boundary of Cowbit as defined on inset map no.13 of the South East Lincolnshire Local Plan, 2019 (SELLP). Plots 5 and 6 on the indicative layout sit outside of the settlement boundary.

Policy 1 of the SELLP sets out the spatial strategy for new development across the district. Cowbit is classed as a Minor Service Centre and, as such, development will be permitted that supports its role as a service centre for the settlement itself, helps sustain existing facilities or helps meet the service needs of other local communities. Development will normally be limited to Allocated and Committed sites and infill. Although the site cannot be considered infill as it is depth development, it is reflective of other depth/backland schemes off Barrier Bank in Cowbit. The rear two plots on the indicative layout are outside of the settlement boundary for the village, however they are inline with The Coach House to the east and there are other buildings set back to the west. On this basis, depth development of this nature is acceptable in principle.

Character and Appearance

The form of development likely to be accommodated within the site is comparable to other backland sites that have been developed in Cowbit in recent times.

Concern has been raised regarding residential development of the site being at odds with the character and appearance of the surrounding area, and the impact it would have on non-designated heritage assets. LCC's Historic Environment Officer has commented that: "Both No. 114 and the former post office and village stores could be considered to be non-designated heritage assets in the terminology of the NPPF, and together these buildings contribute to the character and local distinctiveness of the historic core of the village and the street scene along Barrier Bank." Following these comments, the planning agent has corresponded with the Historic Environment Officer at the County Council and provided more information on the buildings to be demolished. It is understood that it is not economical to repair these buildings but, as they are of local historic interest, the Historic Environment Officer has advised they should be recorded prior to demolition. An archaeological assessment can be conditioned to be undertaken prior to commencement of development in the usual way.

The Vicarage and the associated Coach House may also be considered non-designated heritage assets due to their age and architecture. It is considered that a sympathetically designed scheme would not materially impact their value in heritage terms.

On the basis of the above, it is considered that residential development of the site would be acceptable in character and heritage terms in principle, and would therefore accord with Policies 2, 3 and 29 in the SELLP, 2019 in this respect.

Residential amenity

Paragraph 130 of the National Planning Policy Framework (2021), amongst other matters, seeks places with a high standard of amenity for existing and future users. Policies 2 and 3 of the South East Lincolnshire Local Plan (2019) set out residential amenity and relationship to existing development and land uses as main considerations when making planning decisions.

Taking into account the indicative details of the proposals, it is considered that 7 dwellings could be accommodated on the site without an uncontentious relationship between the proposed plots and the existing residential units adjacent.

Other than the conservatory to The Coach House, there do not appear to be any windows that face towards the application site from that unit. A satisfactory separation distance is capable of being achieved and any dwelling adjacent on site can be designed with no side facing windows.

There is one side facing window to The Vicarage that faces toward the application site and the development can be designed to avoid any material impact to that dwelling.

There is substantial hedging between the application site and no. 108 Barrier Bank, which will minimise amenity impact.

Raising floor levels by around 300mm would not adversely affect residential amenity of surrounding properties.

SHDC's Environmental Protection Officer has requested a construction management plan, which will deal with matters such as noise, vibration and dust during the construction period.

Taking the above into account, the proposed development is deemed to comply with Policies 2 and 3 in the SELLP, 2019 and Section 12 in the NPPF, 2021 in terms of residential amenity, in so far as it can be considered at this stage.

Highway safety and parking provision

The County Highway Authority has been consulted and no objection has been raised to the principle of developing housing at such a location. However, the proposals are in its outline form with all matters reserved, therefore specific access details are not available at this stage.

As the road is to be private, it has been confirmed by the agent that the dwellings will have a private waste collection, the details of which can be secured by condition.

In terms of parking provision, the proposals should comply with the minimum parking standards set out in Appendix 6 of the SELLP, 2019. No details have been submitted in this regard considering the outline form of the development. In principle, good design standards would be able to accommodate sufficient cars within each plot without encouraging on-street parking on the public highways and/or the private drive. The density is acceptable and there is room to make appropriate car parking provision.

Flood Risk

The NPPF requires the application of the Sequential Test to steer new development to areas with the lowest probability of flooding. If, following the application of the Sequential Test, it is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding, the Exceptions Test can be applied if appropriate.

A small section to the rear of the site is located within Environment Agency Flood Zone 2. As part of the site lies within Flood Zone 2, a sequential test should be undertaken.

The South East Lincolnshire Strategic Flood Risk Assessment (March 2017) is the basis for applying the Sequential Test. This concludes that the vast majority of South Holland District is in Flood Zones 2 and 3. Therefore, consistent with wider sustainability objectives, it is not realistically possible to direct all development to zones with a lower probability of flooding. As such, the document outlines a methodology whereby the SFRA hazard and depth maps (in that order) are to be utilised when determining flood risk and applying the sequential test. Using this methodology it is possible to use the information to steer development towards the areas of lower flood risks as advised within Section 14 of the NPPF.

The South East Lincolnshire Strategic Flood Risk Assessment (March 2017) (SFRA) indicates that the site is at worst case situated in a low hazard area for the 1% fluvial and 0.5% tidal event probability in 2115, with potential for flood depths up to 0.25m.

The Local Plan has allocated sequentially preferable sites in terms of flood risk that are capable of meeting the identified housing targets for individual settlements. Although the application site is not a housing allocation within the Local Plan (only suitable sites capable of accommodating 10+ dwellings have been allocated), the site does lie within the settlement boundary for Cowbit. In general, there is a presumption in favour of sustainable development within settlement boundaries and windfall sites are expected to have a contribution towards housing supply (and maintaining the 5-year supply of deliverable sites) in the district. As such, one could argue that, should the site be acceptable in all regards, and if the Exceptions Test is successfully passed, that the site is acceptable in flood risk terms, notwithstanding the fact that there are sequentially preferable allocated sites in the adopted Local Plan.

In order for the Exceptions Test to be passed, it must be demonstrated that the proposed development will provide wider sustainability benefits to the community that outweigh flood risk, and that it will be safe for its lifetime, without increasing flood risk elsewhere and where possible reduce flood risk overall.

With regard to the above, the development would provide some wider sustainability benefits to the

community through a contribution (albeit small) towards housing supply, and other benefits including generating employment during the construction period and its proximity to a range of services and facilities.

Setting finished floor levels at 300mm above existing ground level (and no lower than 3.0m OD) would mitigate against the risk identified and should ensure that the development is safe for its lifetime. Raising floor levels by this extent would not have a detrimental impact on the appearance of the properties or adversely affect residential amenity.

In terms of drainage, the proposal is for surface water to be disposed of via soakaways for Plots 3, 5 and 6, with surface water from Plots 1, 2, 4 and 7 to be collected and discharged by a perforated pipe placed under the the private access roadway. Full details of this can be secured by condition. Foul drainage discharge will be connected to the existing mains that run throughout the site.

Given the above, the proposal (at this stage) is considered to be in accordance with Policies 2, 3 and 4 of the Local Plan with regard to their provisions on flood risk and drainage.

Other considerations

Details of boundary treatment will be secured by means of a condition.

A reminder can be added to the decision notice that works to trees should only be carried out outside the bird nesting season and that bats are protected species. Any undeveloped areas of the site appear to be either mown regularly or are grazed by sheep. Any value of that area for wildlife is therefore likely to be limited.

With the exception of some grazing sheep, the application site does not appear to be in agricultural use and is of a scale that does not suit modern farm machinery. Its loss is therefore given very limited weight in the overall planning balance.

The structural stability of a building is primarily a matter for Building Control, but a note can be added to the decision notice alerting the applicant to the concerns raised.

PLANNING BALANCE

Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, states that the determination must be made in accordance with the development plan unless material considerations indicate otherwise.

The application site lies partly within, but also partly outside, the settlement boundary for Cowbit. However, any dwelling outside of the settlement boundary here would be inline with The Coach House to the east and there are other buildings set back to the west. On this basis, depth development of this nature is acceptable in principle. Whilst development would result in the loss of buildings which can be considered non-designated heritage assets, their restoration would appear to be economically unviable and LCC's Historic Environment Officer has not submitted an objection. It is considered that a sympathetically designed scheme would not materially harm the character or appearance of the locality or amenity of residents. The Highway Authority have raised no objection and parking levels in accordance with the Local Plan requirements are capable of being achieved. Flood risk and drainage matters are considered to have been appropriately addressed.

Taking the above into account, the planning balance is considered to be in favour of the proposal.

CONCLUSION

For the reasons set out above, this application is considered to satisfactorily accord with Policies 1, 2, 3, 4, 10, 11, 28, 29, 30, 36 and Appendix 6 of South East Lincolnshire Local Plan (2019) as well as Sections 2, 5, 11, 12, 14, 15 and 16 of National Planning Policy Framework (2021).

Additional Considerations

Public Sector Equality Duty

In making this decision the Authority must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in

discharging its functions) to:

A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act

B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).

C. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149. It is only one factor that needs to be considered, and may be balanced against other relevant factors.

It is not considered that the recommendation in this case will have a disproportionately adverse impact on a protected characteristic.

Human Rights

In making a decision, the Authority should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as South Holland District Council to act in a manner that is incompatible with the European Convention on Human Rights. The Authority is referred specifically to Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of property).

It is not considered that the recommendation in this case interferes with local residents' right to respect for their private and family life, home and correspondence, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general public interest and the recommendation is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

RECOMMENDATION

That the application be approved under delegated powers.

N.B. The application was presented to Chairman's Panel on 28th October 2022 and Members were in agreement with a delegated approval.