CHAIRMAN'S PANEL Held On: 11th November 2022

DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H01-0639-22**	**Applicant:**	**East Anglian Civils Holdings Ltd**
Proposal:	Residential Development - 6 Dwellings		
Location:	Land At 66 Barrier Bank Cowbit Spalding		
Terminal Date:	15th November 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
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

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	0	0	0
IAN MARSHMAN,				

HISTORIC ENVIRONMENT OFFICER	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
RESIDENTS	1	0	0	0

Route for determination of application	**Delegated**	X	**Committee**	

CASE OFFICER ASSESSMENT

PROPOSAL

This is a full application seeking permission for the erection of one 4-bed and five 3 bed semi-detached dwellings on land to the north-west of no.66 Barrier Bank.

Plot 1 would comprise a single integrated garage, living room, open plan kitchen/dining room, utility and w/c on the ground floor with 4no bedrooms, a family bathroom and one en-suite shower room on the first floor. Plots 2-6 would have a living room, open plan kitchen/dining room and w/c on the ground floor with 3no bedrooms, a family bathroom and one en-suite shower room on the first floor.

The front gardens would be part gravel/granite chippings providing off-street parking and turning provision for 2no vehicles on each plot.

The dwellings would be constructed from double pantile rustic tiles, Ibstock Ivanhoe Katrina multi facing bricks, brick detailing to eaves, Stone cills (bath colour), light cream upvc windows, black rainwater goods and anthracite grey doors.

The rear boundaries would have 2.0m high timber closeboard fencing and the rear gardens would be divided by 1.8m high timber closeboard fencing with the front gardens divided by 1.2m high timber post and rail fencing. The shared boundary of plot 1 with no.56 to the north-west of the site would have a 2.0m high close boarded fence.

SITE DESCRIPTION

The site is located on the northern side of Barrier Bank close to the western fringe of the village. It is presently occupied by a commercial building within the centre of the site. A hedge is located along the site's frontage and a number of trees are situated along the western boundary. It is accessed via a layby. Houses are located to the east and west of the site. Open land is situated to the north.

RELEVANT PLANNING HISTORY

H01-0640-22 - Proposed replacement offices & storage buildings including demolition of existing buildings - Pending consideration

H01-0368-20 - Residential Development - approved under H01-0120-17. Removal of Condition 4 relating to maximum number of dwellings and maximum floorspace - Approved

H01-0359-20 - RM - Erection of 5 dwellings - Outline approval H01-0120-17 - Approved

H01-0120-17 - Outline - Residential development (5 plots) - Approved

REPRESENTATIONS

South Holland Internal Drainage Board

Requests ground investigation and infiltration testing to be carried out in order to ensure the proposed drainage strategy is suitable. If (following testing) a strategy wholly reliant on infiltration is not viable and a surface water discharge is proposed to a watercourse, then the proposed development will require land drainage consent in line with the Board's byelaws (specifically byelaw 3). Should the applicants' proposals change to include the discharge of treated foul water to a watercourse, consent would be required under Byelaw 3. Any alterations to a watercourse will require consent from the Board Byelaw 4).

LCC Highways/SUDS Authority

No objection. Requests the addition of two informative notes with regards to the formation of a new access should permission be granted.

Historic Environment Officer

The area of the proposed development has already been subject to an archaeological evaluation, in association with application H01-0120-17, which did reveal some archaeological remains. However, these had been heavily disturbed and were not deemed to be of sufficient significance to justify any further archaeological recording. On this basis no further archaeological input is required in association with the present application.

Public

One letter of objection has been received from a local resident siting the following concerns:

·The applicant has already illegally extended the site into a plot of agricultural land
·Noise disturbance from construction vehicles/workers
·Loss of privacy to existing residents
·The industrial/commercial units to the rear are not appropriate for this countryside location
·Overdevelopment of the site
·Unacceptable increase in vehicle movements

PLANNING CONSIDERATIONS

Principle of development

The site is within the settlement boundary of Cowbit and has previously been granted outline and reserved matters permission for residential development therefore the principle of residential development has already been approved at such location and therefore this is not disputed with this current application.

Design and layout

Paragraph 130 of National Planning Policy Framework (NPPF), 2021 establishes that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area; are visually attractive as a result of good architecture and sympathetic to local character and history, including the surrounding built environment and landscape setting. Policies 2 and 3 of SELLP 2019 amongst other matters seek to ensure that development respects the character and appearance of the area and the relationship to existing development and land uses.

One local resident has objected to the scheme on grounds of overdevelopment of the site. The concerns are noted and discussed below.

The proposed plots would be smaller to the previously approved scheme, however, the layout and positioning of the dwellings is considered more in line with the existing street scene and building line. The proposed dwellings are on balance considered to be proportionate to the size of the plots and each plot would provide adequate amounts of outdoor amenity space. As such it is not considered that the proposal results in overdevelopment of the site. The proposed dwellings would have a similar set back from the highway to the adjacent dwellings. There is no strong character in terms of design and size in this part of the street therefore the proposed dwellings are not considered to be out of keeping with the street scene.

The front area would be sufficiently spacious for driveways providing off-street parking. The rear gardens would be small but on balance acceptable. Internally, all the proposed bedrooms would be above the minimum space standards and the future householders would enjoy good living conditions.

The dwellings would be constructed from Ibstock Ivanhoe Katrina multi facing bricks, brick detailing to eaves, Stone cills (bath colour), light cream upvc windows, black rainwater goods and anthracite grey doors sitting under double pantile rustic roof tiles. The rear boundaries would have 2.0m high timber closeboard fencing and the rear gardens would be divided by 1.8m high timber closeboard fencing with the front gardens divided by 1.2m high timber post and rail fencing. The shared boundary of plot 1 with no.56 to the north-west of the site would have a 2.0m high close boarded fence.

Given there are examples of various materials in the immediate area the proposed materials schedule is considered to be acceptable and would not result in unacceptable impact on the visual amenity of the area.

As such the proposed development is on balance considered acceptable in terms of its appearance and impact on the street scene.

Residential amenity

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

One local resident has raised objections on grounds of noise disturbance from construction vehicles/workers and loss of privacy to existing residents from the proposed development. With regards to noise from construction vehicles, this would only be for a temporary period therefore the scheme could not reasonably be resisted on this basis. The concerns in respect of loss of privacy are discussed below.

Plot 1 would sit closest to the neighbour at no.56 Barrier Bank. Plot 1 would have a much smaller footprint compared to no.56 therefore it would not result on any overbearing impact. In addition, there are tall trees along the shared boundary with this neighbour which would be retained therefore the majority of the proposed development would not be visible to this neighbour.

With regards to the neighbour to the east (Wash View, 66 Barrier Bank) plot 6 would sit closest to this neighbour. This neighbour would be located at least 12 metres from plot 6. This separation distance is considered sufficient as to not result in any overbearing impact or unacceptable overshadowing. The access adjacent to this is existing therefore no new impact is considered to result from this. There would only be one first floor window in the eastern elevation which would serve a landing therefore a condition has been appended for this window to be obscure glazed in order to avoid any direct overlooking of this neighbour.

It is considered that the amenity of neighbouring residents would not be materially harmed in terms of overlooking, lack of privacy, overshadowing, overbearing effect, noise and disturbance. The noise levels from the proposed 6no residential dwellings would be less than the existing use therefore the relationship with existing residential neighbouring dwellings would be improved.

Given the above, it is considered that it has been demonstrated that the proposal would comply with Policies 2 and 3 of the SELLP and paragraph 130 of the NPPF in respect of its provision for residential amenity.

Highway safety and car parking provision

In conjunction with Policy 36 of SELLP 2019, Appendix 6 sets out the minimum standards for parking provision upon the use class. Two spaces for dwellings with up to 3 bedrooms and 3 spaces for dwellings with 4+ bedrooms should be provided within the curtilage.

Plot 1 would have 4 bedrooms and plots 2-6 would have 3 bedrooms therefore a maximum of 3 off-street parking spaces would be required for plot 1 and 2 parking spaces for the remaining plots. All

plots would have driveways to the front providing off-street parking spaces and plot 1 would also have a single garage which meets the size requirements for enclosed parking spaces. As such the proposed development would ensure minimum parking standards.

1 cycle parking space would also be required for each plot and therefore would be sufficient space on each plot to accommodate this.

One resident has raised concerns with regards to an increase in vehicle movements as a result of the additional units which may impact highway safety. The concerns are noted, however, the County Highways Authority has not objected to the scheme on these grounds therefore it is not considered that the scheme would result in unacceptable highway safety issues.

Drainage

Policy 4 of the SELLP relates to flood risk management and states that new development will be permitted if appropriate flood resistance and resilience measures are proposed (criterion c); it incorporates the use of Sustainable Drainage Systems (SuDS) (criterion e); and demonstrates that adequate foul water treatment and disposal already exists or can be provided in time to serve the development (criterion g).

South Holland Internal Drainage Board has advised that although the applicant has indicated that they intend to dispose of surface water via infiltration, the viability of this proposal has not been evidenced. It is recommended that ground investigation is carried out, followed by testing in line with BRE Digest 365 to determine if infiltration potential is considered favourable. If infiltration is not feasible at this site, following the drainage hierarchy it would be expected that the applicant proposes to discharge surface water to a watercourse. It is noted that the applicant intends to dispose of foul water to a main sewer. Should the applicants' proposals change to include the discharge of treated foul water to a watercourse, consent would be required under Byelaw 3. The applicant should confirm if there are any riparian owned/maintained watercourses within or adjacent to the site boundary. Should the applicant's proposals include works to alter a watercourse, or if works are proposed to alter a watercourse at any time in the future, consent would be required under the Land Drainage Act 1991 (and byelaw 4). An informative has been attached advising the applicant of this.

Given the above the proposal is considered to be in accordance with Policies 2, 3 and 4 of the Local Plan and Section 14 of the National Planning Policy Framework (2021) with regard to their provisions on drainage.

Other matters

One local resident has raised concerns that the applicant has extended the site onto agricultural land to the rear to create industrial/commercial units which are not appropriate for the countryside location. The concerns are noted, however, the parcel of land in question is subject to a separate application therefore concerns relating to this land will be considered under that application.

Planning balance

The principle of developing the residential scheme is acceptable at such location given the site is within the settlement boundary with previous outline and reserved matters permission.

The siting, design and external materials would be sympathetic with the neighbouring land uses and the semi-rural character of the area. The footprints of the dwellings would sit well within the plot. No undue harm would occur upon the amenity standards of adjacent neighbours. On-street parking would be prevented by appropriate car parking arrangement within the plot and no cumulative impact upon highway safety is anticipated by the proposal.

On balance, no adverse impact of granting planning permission would significantly and demonstrably outweigh the benefits of doing so, when assessed against the planning policies taken as a whole.

Conclusion

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.

Taking into account the above, this application complies with Policies 1, 2, 3, 4, 10, 11, 17, 28, 30, 36 and Appendix 6 of South East Lincolnshire Local Plan (2019) as well as Sections 2, 5, 11, 12, 14 and 15 of National Planning Policy Framework (2019).

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.

The application was considered by Chairman's Panel on 11/11/22 who accepted the decision could be delegated.