DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H01-0731-22**	**Applicant:**	**Mrs C Laxton**
Proposal:	Demolition of existing dwelling and outline approval for 3 detached dwellings		
Location:	178 Barrier Bank Cowbit Spalding		
Terminal Date:	15th September 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
28	The Natural Environment
29	The Historic Environment
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 SUPPORT	0	0	0	1
IAN MARSHMAN,	0	0	0	1

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

CASE OFFICER ASSESSMENT

Proposal

Outline planning permission is sought for the demolition of an existing dwelling and residential development (3 plots), with all matters reserved for subsequent approval, on land at 178 Barrier Bank, Cowbit.

The application is accompanied by an indicative layout plan which shows a private drive serving 2 of the plots.

Site Description

The site is located on the eastern side of Barrier Bank close to the south western edge of the village. It is presently occupied by a dilapidated bungalow with an overgrown front garden, a detached garage to the south of the site and a substantial garden to the rear of the property.

History

No planning application relevant.

Consultation Responses

Ian Marshman, Historic Environment Officer

The proposed development is in an area of archaeological interest close to a number of previous finds dating from the Iron Age period onwards. Adjacent to the site to the east, previous development has also encountered evidence for Iron Age and Roman settlement and salt making. Iron Age salterns have also been reported to the west of Barrier Bank nearby. There is thus potential that similar remains may exist in the area of the proposed development.

It is therefore recommended that the developer should be required to commission a Scheme of Archaeological Works (on the lines of 4.8.1 in the Lincolnshire Archaeological Handbook).

Local Highway and Lead Local Flood Authority

Does not wish to restrict the grant of permission.

In principle, the proposal would seem acceptable. As this is an outline application with all matters reserved, access and layout have not been considered. Please make the applicant aware of the requirements for access, parking, visibility, turning and layout; as detailed within the Lincolnshire County Council Design Approach and Development Road Specification.

As this is a Minor Application, the applicant will need to provide sufficient information to demonstrate to the Local Planning Authority that the use of a suitable drainage system for the management of surface water run-off is appropriate for this site to mitigate any concerns with flooding of the properties, adjacent properties and surrounding land.

South Holland Internal Drainage Board

In support. Please be aware of any consent 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.

SHDC Environmental Protection Officer

No comments or objections.

Planning Considerations

The main issues in this case are:
- Policy/principle;
- Flood Risk
- Character and Appearance
- Residential Amenity
- Highway Safety and Parking Provision

Principle

The site is situated within the settlement boundary of Cowbit according to inset map no.13 in the South East Lincolnshire Local Plan, 2019.

Policy 1 of the SELLP sets out the spatial strategy for new development across the district. A settlement hierarchy has been established in order to steer development to the most sustainable locations. Cowbit is classed as a Minor Service Centre and, as such, development will be permitted that supports their 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 in the vicinity and is therefore acceptable in principle.

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.

The majority of the site is located within Environment Agency Flood Zone 1, but some of the site is in Flood Zones 2. As part of the site lies within Flood Zones 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 worse 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 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 property or adversely affect residential amenity.

In terms of drainage, the proposal is for surface water to be disposed of via soakaways. There are no known permeability issues in this area that would preclude the use of soakaways. No foul drainage details have been submitted so would need to be conditioned if permission were to be granted.

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.

Character and Appearance

The form of development likely to be accommodated within the site is comparable to other sites that have been developed in recent times and the bungalow to be demolished is of no particular architectural or historic merit.

The proposal would therefore comply with Policies 2 and 3 in the SELLP, 2019 in terms of character and appearance.

Residential amenity

Paragraph 127 of 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 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 3 dwellings could be accommodated on the site without an uncontentious relationship between the proposed plots and the existing dwellinghouses at no.176 and 180 Barrier Bank and 4 and 5 Teal Grove.

The dwellings could be sufficiently spaced out and each plot would benefit from a reasonable sized garden to the rear of the dwelling. However, the proposals are in its outline form and further details should be considered to conclude the extent to which the scheme would ensure good levels of amenity.

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

Taking the above into account, the proposed development are deemed to comply with Policies 2 and 3 in the SELLP, 2019 and Section 12 in the NPPF, 2021 in terms of residential amenity.

Highway safety and parking provision

The County Highways 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.

In terms of parking provision, the proposals should comply with the minimum parking standards set out in Appendix 6 of 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 on the public highways. The density is acceptable and there is room to make appropriate car parking provision.

Private drives

A recently published Council guidance note entitled 'Private Drives - Waste Vehicle Collection Service' sets out a hierarchy for developers to follow when considering waste collection arrangements and private drives. This guidance is not adopted planning policy and as such can only be given limited weight in planning terms. However, it is a material consideration. The relevant section of this guidance note states:

"The Council, as local planning authority, is obliged to take into account the Council's adopted waste collection policy when determining planning/condition compliance applications for waste collection details as it should avoid approving waste collection schemes which are not capable of being provided. The following guidance is therefore provided for developers when seeking planning permission for new developments. The guidance seeks to ensure that developers are fully aware of waste collection issues when submitting planning applications with a view to avoiding later problems, such as poor design under policy 3 of the South East Lincolnshire Local Plan (Adopted March 2019). The following does not constitute adopted planning policy.

1. It is firmly recommended that new developments should seek to minimise private drives when preparing and submitting planning applications. Access roadways to all residential properties should normally be constructed to an adoptable standard under an agreement with Lincolnshire County Council so that they will become public highways to enable refuse/recycling collections to be carried out from outside individual properties without the need for communal waste collection points at the point where private driveways adjoin public highways. This is the preferred solution of the Council as waste collection authority from an operational perspective. Furthermore, it avoids the potential impacts of unmanaged depositing of waste, which can lead to unacceptable impacts upon the visual and residential amenity of communities.

2. Where private drives are unavoidable, the Council would expect to see no more than 6 properties from any one private drive and a carrying distance of less than 30m. In order to judge the suitability of proposals to be served from private drives, the Council will apply a carrying distance of no greater than 30m measured from the nearest point of the plot adjacent to the private drive. This is reflective of Building Regulations Guidance on carrying distances for waste from households. Developers are advised to contact the waste collection service to determine the proposed collection point.

3. Should the proposal include a joint storage area for waste, this will serve no more than 6 properties and should be sited on land owned by a proprietor of the private drive. Storage areas should still allow for collection of the waste by the Council from the public highway. An area of 800mm x 800mm should be provided for each property using the collection point. Design and siting will be expected to take account of impact upon both visual and residential amenity and demonstrate how these impacts have been minimised. Definitive information on the on-going maintenance and responsibility for waste collection points will be required to protect against unmanaged depositing of refuse. The Council may take appropriate enforcement action if the waste collection point is not reasonably maintained.

4. Where private drives are included in a development proposal and the above criteria cannot be met then it may be possible to provide for a private waste collection from individual properties. This would avoid the impacts arising from unmanaged depositing of waste. This may necessitate the developer entering into a section 106 agreement to ensure future delivery of the service.

5. If a private waste collection is not deliverable it is expected that private drives will be minimised through the design or re-design of the scheme to avoid the above concerns.

The Council will apply the above hierarchical approach to waste collection solutions on new developments. It will achieve this via negotiation at pre-application stage, during consideration of planning applications and the discharge of planning conditions. Standard conditions will be applied in relation to roads being constructed to adoptable standard and, on outline planning applications, securing details of waste collection. Full and reserved matters applications will be expected to

include full details of the waste collection solution to be secured up-front.

Where all of the above measures have been reasonably exhausted, the Council may agree to collect waste from private drives in exceptional circumstances."

The indicative block plan shows Plots 2 and 3 being served by a private drive. The edge of the curtilage of Plot 2 sits at 23m from the collection point and Plot 3 sits at 27m from the collection point. The collection point provides the requisite 4.8m x 2.3m area for Plot 2 and 3. Plot 1 fronts the adopted highway and refuse/recycling sacks can deposited kerbside. Appropriate screening can help minimise any amenity impact.

On this basis, officers are of the view that a private drive could be achieved on-site with appropriate waste collection arrangements that comply with the hierarchy and considerations outlined above.

Other considerations

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

Planning balance

The principle of developing housing would be acceptable at such location. The site has low flood risk and the high vulnerable character of residential development would be adequate at such location.

The proposals are in outline form but the footprint of dwellings on the indicative block plan would relate well with the existing urban grain of the surroundings. Likewise, subject to the outline form of the proposals, no cumulative impact would occur upon highway safety nor harm upon the amenity of residents including the current neighbours and future dwelling occupiers. The height, scale and external appearance of dwelling could be determined and subsequently approved at a later stage.

On balance, any adverse impact of granting permission would not 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.

For the reasons above, this application accords with Policies 1, 2, 3, 4, 10, 36 and Appendix 6 of South East Lincolnshire Local Plan (2019) as well as Section 2, 5, 11, 12, 14, 15 and 16 of National Planning Policy Framework (2021).

The recommendation is therefore for a delegated approval.

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.