

DECISION DELEGATED TO HEAD OF PLANNING

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Application No: H01-0757-22 Applicant: Scenic Wilson Developments Ltd.

Proposal: Erection of 5 Dwellings - outline approval H01-0597-21

Location: Adj. 128 Barrier Bank Cowbit Spalding

Terminal Date: 27th September 2022

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02 Development Management
03 Design of New Development
04 Approach to Flood Risk
36 Vehicle and Cycle Parking
APPENDIX 6 Parking Standards

National Guidance

National Planning Policy Framework 2021

Section 5 - Delivering a sufficient supply of homes
Section 12 - Achieving well-designed places
Section 14 - Meeting the challenge of climate change, flooding and coastal change

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

RESIDENTS	1	0	0	0
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CASE OFFICER ASSESSMENT

Proposal

Reserved Matters approval is sought for a residential development of 5 dwellings. Outline planning permission was granted under application ref. H01-0597-21.

The proposal is for 1 x 3 bed, 3 x 4 bed and 1 x 5 bed two storey detached dwellings. Plots 1, 3, 4 and 5 are to be served by a private drive and a field access being retained on the eastern side.

Site Description

The site is located on the eastern side of Barrier Bank close to the western edge of the village. It is presently occupied by agricultural buildings and open land within the centre of the site. A hedge is located along the site's frontage, a number of trees and an agricultural building are situated along the western and eastern boundary. It is accessed between no. 134 and 128 Barrier Bank. Agricultural land is situated to the west.

History

H01-0597-21- OUT- Approved on 11-10-21- Residential Development

Consultation Responses

South Holland IDB

No comments.

Ian Marshman, Historic Environment Officer

An archaeological evaluation has previously been carried out on this site which did not reveal any remains of significance sufficient to warrant any further recording requirements. Therefore this office recommends that no further archaeological input be required in association with the present application.

Local Highway and Lead Local Flood Authority

Does not wish to restrict the grant of permission.

Public - 1 objection received, summarised

- Loss of privacy
- Removal of mature trees and consequent impact on wildlife

Planning Considerations

Principle

The principle of the development of this site for 5 dwellings is set by the outline consent granted. The main issues to be taken into account in respect of this application are whether the proposed scheme is acceptable in terms of the reserved matters (layout, scale, external appearance, means of access and landscaping).

Layout, Appearance and Scale

The proposal is for 1 x 3 bed, 3 x 4 bed and 1 x 5 bed two storey detached dwellings which would each be different in terms of design and layout, although forming a cohesive development overall in visual terms. The proposed materials of construction are all of a variety of facing brickwork on the external walls including Birkdale, Audley Antique, Kimpton Blend, London Weathered Yellow and Reclaimed Mixture of TBS as well as a variety of cream and grey UPVC windows to each of the dwellings. Given that the design/visual appearance of existing properties in the wider area is varied, the proposed materials are considered appropriate.

Plot 2 is to be accessed directly from the public highway with Plots 1, 3, 4 and 5 being served by a private drive. The layout of each plot allows for parking within the curtilage.

In regards to the scale, all properties are two storey and are on modest sized plots. There are a variety of mostly two storey dwellings along this part of Barrier Bank. This back land development can clearly cater the two storey dwellings, along with 3 detached garages for Plots 2, 3 and 5.

Finished floor levels would be raised by a minimum of approx. 300mm above ground level. Raising these properties by such an extent would not materially impact the street scene.

Taking the above into account, it is concluded that the layout, scale and appearance of the scheme satisfactorily accords with Policies 2 and 3 of the Local Plan. Policy 2 of the Local Plan requires development proposals to take into account sustainable development considerations such as: quality of design; size, scale, layout, density, impact on character and appearance of the area and the relationship to existing development. Policy 3 requires development proposals to respect the density, scale and massing of neighbouring buildings and the landscape character of the location.

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."

Plots 1 and 2 front the adopted highway and refuse/recycling sacks could easily be deposited kerbside. Plots 3, 4 and 5 are served by the private drive - The proposal is for those dwellings to be served by a private drive and the applicant is intending to provide for a private waste collection from individual properties. This arrangement satisfactorily complies with the hierarchy outlined above.

On this basis, officers are of the view that the proposed private drive and waste collection arrangements satisfactorily comply with the hierarchy and considerations outlined above.

Access and Parking

Plots 1 and 2 are accessible directly from the public highway, albeit Plot 1's parking is off the private drive at the rear. Plots 3-5 are served by a private drive. The Highway Authority have raised no objection to the proposed access arrangements on highway safety grounds, which are therefore considered to be in accordance with Policy 2 of the Local Plan. This requires it to be demonstrated that access and vehicle generation levels will be acceptable.

Appendix 6 of the Local Plan sets out minimum parking standards, including for new residential development. 2 parking spaces within the curtilage should be provided for dwellings with up to 3 bedrooms and 3 spaces should be provided for dwellings with 4 or more bedrooms. Between the garaging and the driveway space provided, the proposal complies with this requirement.

Landscaping

In terms of soft landscaping it would include two Robin Hill Trees upon the entrance driveway to the site, with low level planting along the driveway. There will also be Sheerwater Seedling Tree and Robin Hill Trees within the site. Rear gardens would be grassed.

Hard landscaping includes a tarmac footpath to the front of the site. A 1.8m high timber fencing is proposed to the rear of the site and in between the proposed dwellings. Existing boundary planting to the north and south boundaries will be retained and enhanced where required.

This is considered to be a suitable landscaping scheme for the site and in accordance with Policy 3 of the Local Plan in respect of its provisions on landscaping.

Residential Amenity

Paragraph 130 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.

A member of the public has objected in regard to loss of privacy by virtue of the three plots at the rear. Both Plots 4 and 5 are at an angle to the existing frontage dwellings and therefore there would not be direct overlooking. Plot 3 faces the rear of 128 Barrier Bank but there is around a 30m separation distance with a garage in between, thus there would be no material overlooking impact.

There are 4 side facing windows to no.128. The only side facing windows to Plot 1 on the northern side are to a utility, W/C, entrance and landing, which are not primary habitable spaces. There would therefore be no material overlooking issue. The first floor window to 128 would appear to be a secondary window to bedroom 2 and the side facing ground floor windows to a garage, utility and W/C. As these windows are either to non-habitable spaces or are secondary, it is not considered that the proposed dwelling on Plot 1 would have a material overbearing or loss of light impact to the neighbouring dwelling.

There are numerous side facing windows to no. 134. The first floor windows appear to belong to a landing and bathroom and the ground floor windows to a hall, the stairs and a secondary kitchen window. On a similar basis to the above, there would not be a material overbearing or loss of light impact to the neighbouring dwelling on that side from Plot 2.

Overall it is not considered that the dwellings will have an contentious relationship with the neighbouring dwellings and the proposal satisfactorily complies with Policies 2 and 3 of the Local Plan in amenity terms.

Flood Risk and Drainage

Condition 8 of the outline approval requires that finished floor levels (FFLs) of the dwellings be set at no less than 300mm above ground level. The proposed levels indicated on 3208 S02C satisfy this requirement.

No surface or foul water disposal has been confirmed through this application (subject of separate application ref. H01-0767-22).

Given the above, it is considered that the flood mitigation measures accord with Policies 2, 3 and 4 of the Local Plan which require proposals to provide appropriate means of drainage and flood defence.

Planning Balance

The principle of residential development on this site has already been established by virtue of the outline permission. It is not considered that the proposal would materially harm the character or appearance of the locality or amenity of residents. There are no material highway issues and parking levels are in accordance with the Local Plan requirements. Flood risk 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.

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.

Conclusion

In light of the above considerations, the proposal is considered to be in accordance with Policies 2, 3, 4 and 36 (incl. Appendix 6) of the South East Lincolnshire Local Plan (2019), as well as Sections 5, 12 and 14 of the National Planning Policy Framework (2021).

The recommendation is therefore for a delegated approval.