DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H01-0820-21**	**Applicant:**	**R & K Barker**
Proposal:	Erection of 9 Dwellings - outline approval H01-0997-18, and the approval of details relating to conditions 5 (Landscaping), 6 (Boundary Treatment), and 8 (Vehicle Turning).		
Location:	Ashtree House 72 Barrier Bank Cowbit		
Terminal Date:	15th December 2021		

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
31	Climate Change and Renewable and Low Carbon Energy
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2021

NPPF 2021.

Representations:

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

INTERNAL DRAINAGE BOARD				
RESIDENTS	0	0	0	1

CASE OFFICER ASSESSMENT

PROPOSAL

Reserved matters application for the erection of 9 Dwellings - outline approval H01-0997-18, and the approval of details relating to conditions 5 (Landscaping), 6 (Boundary Treatment), and 8 (Vehicle Turning).

Plot 1 - Three bedroom, two storey detached dwelling
Plot 2 - Four bedroom, two storey detached dwelling
Plot 3 - Three bedroom, two storey detached dwelling
Plot 4 - Three bedroom, two storey detached dwelling
Plot 5 - Three bedroom, two storey detached dwelling
Plot 6 - Three bedroom, two storey detached dwelling
Plot 7 - Three bedroom, two storey detached dwelling
Plot 8 - Three bedroom, two storey semi-detached dwelling
Plot 9 - Three bedroom, two storey semi-detached dwelling

Each dwelling has a garage and parking.

The application is supported by a Drainage & Maintenance Strategy and planting plan.

SITE DESCRIPTION

The site is 0.58 ha. to the rear of existing residential development and is currently a commercial plant nursery with associated greenhouses, hard standing, office and outbuildings, outside the settlement of Cowbit. Vehicular access is gained via Barrier Bank, which has a run off road/service lane immediately to the west.

There is a mixed frontage to this part of Barrier Bank, and the site sits within and adjacent to this frontage.

The site has been used as a bird sanctuary, garden centre, tea rooms and a caravan site. The remainder of the horticultural nursery which consists of glasshouses, water storage and ancillary plant and equipment sits to the north, and would be demolished.

An underground pipe and associated easement and a mains sewer cross the site.

The site is within Flood Zone 1 as identified by the Environment Agency.

There are trees along the north eastern boundary of the site that are within the applicant's ownership. A root protection area is shown on the layout plan. There are also trees on the north western boundary of the site on adjoining land that is not in the applicant's ownership.

RELEVANT HISTORY

H01-0997-18. SEC 73 MODIFICATION. Proposed residential development - approved under H01-0321-18. Modification of Conditions 2 and 4 to allow amendments to previously approved plans and amendment to site area. APPROVED 14-11-18.

H01-0321-18. OUTLINE. Proposed residential development (no more than 9 dwellings). APPROVED 09-08-18.

REPRESENTATIONS

Cowbit Parish Council

The Parish Council have no comments or objections.

LCC Highways & Lead Local Flood Authority

Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development is acceptable and accordingly, does not wish to object to this planning application.

No objections to the Provision of surface water drainage strategy and minor amendment to the road alignment.

Requests that any permission given by the Local Planning Authority shall include informatives relating to the Highway Act.

South Holland Internal Drainage Board

Having reviewed the Drainage & Maintenance Strategy (Stafford Infrastructure Engineering, Sept 2021), published on the planning portal on 27 September 2021, note that the disposal of surface water via infiltration is deemed unsuitable and that surface water will be discharged to the riparian owned watercourse to the north-west of the site, subject to the removal of silt (as noted on Page 3 of the Drainage & Maintenance Strategy). Please be aware that this development would therefore require consent in line with the Board's Byelaws (specifically Byelaw 3). Any consent granted will likely be conditional, pending the payment of a Surface Water Development Contribution fee, calculated in line with the Board's charging policy.

Public

One comment received regarding provision for Swifts.

PLANNING CONSIDERATIONS

The main issues in this case are:
Principle of Development
Layout and Design
Highway safety and parking
Impact of neighbouring Residents/land users
Refuse Collection
Flooding considerations
Foul and Surface Water Drainage
Landscape Impact
Contaminated Land
Heritage considerations
Archaeology
Biodiversity

Principle of Development

The principle of the development of this site for 9 dwellings is set by the outline consent granted.

Layout and Design

This reserved matters scheme shows nine dwellings, two to the frontage of Barrier Bank and 7 served from a driveway to be built to adoptable standards. The applicant has advised that the road shall however be kept as a private drive.

The proposed layout provides for a spacious development with clear front and rear garden spaces.

Plots 1 and 2, are shown to be in line with the building line of No.80 Barrier Bank, and would be a continuation of this front facing form of development. Parking for these two dwellings is shown to be accessed from the new roadway, rather than from Barrier Bank.

The dwelling on plot 2 would overlook and be overlooked to and from the rear garden area of No.80, in the usual way of front facing development.

Plot 3 is an L-shaped dwelling that is sufficiently distanced from existing dwellings to not give rise to overlooking or loss of day or sun light.

Plot 4 is to be sited obliquely to the frontage, so as to minimise overlooking to No.72 Barrier Bank. No loss of day or sun light would be caused by this unit.

Plot 5 is also to be sited obliquely to the frontage, so as to minimise overlooking to No.70 Barrier Bank and to other dwellings within the site. No loss of day or sun light would be caused by this unit.

Plots 6 and 7 are L-shaped dwellings that are sufficiently distanced from existing dwellings to not give rise to overlooking or loss of day or sun light.

Plots 8 and 9 are a pair of semi detached dwellings with parking to the sides. These dwellings are sufficiently distanced from existing dwellings to not give rise to overlooking or loss of day or sun light.

Highway safety and parking and condition 8 (vehicle turning)

The underground pipe and associated easement, as well as the manhole to the existing mains sewer are constraints to the site and to the road layout. The road is shown to be a private driveway, and the associated refuse collection matters are discussed below.

Although the road layout has a pinch-point to the south east of plot 5, only 5 dwellings are served beyond this point, and the roadway, including the ability demonstrated for turning, is considered to be acceptable. It is to be noted that LCC Highways and SUDS raise no objections.

Impact of neighbouring Residents/land users

The development has been designed in such a way as to minimise impacts to the existing adjoining users, as discussed above, and it is considered that the scheme accords with the provisions of Policies 2 and 3 of the SELLP in this regard.

Refuse Collection

Condition 11 of the outline consent requires the submission of details of the means of storage and disposal of refuse and recycling, and is to be dealt with by a later submission. The applicant has been made aware of the SHDC guidance from the Waste Service regarding private drives and waste collection, that clarifies the current position of the Waste Service. This is not being used as a change to planning policy, but is a material consideration.

Flooding considerations

The outline consent referenced above is supported by a Flood Risk Assessment, which did not identify matters of risk as the site is within Flood Zone 1 as identified by the Environment Agency.

Foul and Surface Water Drainage

Foul water will be disposed of via the existing foul sewer that crosses the site. Surface water drainage is to be dealt with via soakaways and in accordance with the Building Regulations.

Landscape Impact and conditions 5 (Landscaping) and 6 (Boundary Treatment)

There are trees along the north eastern boundary of the site that are within the applicant's ownership. A root protection area is shown on the layout plan. There are also trees on the north western boundary of the site on adjoining land that is not in the applicant's ownership. Drawing ref 1288-3_RM_PP01 B sets out the protection and maintenance regimes for the scheme.

The landscaping scheme is adequate and the boundary treatments are a mix of timber and brick.

Contaminated Land

Contaminated Land is dealt with by Condition 7 of the outline consent, and is to be dealt with by a later submission.

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 proposed development does not materially harm the character or appearance of the locality, or amenity of nearby residents, and provides adequate parking. Taking into consideration these factors, the proposal is considered to comply with Policies 1, 2, 3, 4, 10, 11, 17, 28, 30, 31 and 36 and Appendix 6 of the South East Lincolnshire Local Plan (SELLP), 2019, plus advice within the National Planning Policy Framework (NPFF), 2021.

Conclusion

There are no significant factors in this case that indicate against the proposal and outweigh factors in favour of the proposal and the policies referred to above.

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.

This application was considered by the Chairman's Panel on 10 December 2021 and Members concluded that a delegated decision is an appropriate route.

RECOMMENDATION

That the application be approved under delegated powers.