

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H01-0820-22 **Applicant:** Mr N Marshall

Proposal: Erection of 5 Dwellings - outline approval H01-0823-19

Location: Land Off Stonegate Cowbit Spalding

Terminal Date: 18th 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
05	Meeting Physical Infrastructure and Service Needs
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
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	0
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1

SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
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CASE OFFICER ASSESSMENT

Proposal

RESERVED MATTERS. Erection of 5 Dwellings - outline approval H01-0823-19.

Specifically this application proposes all reserved matters be considered, for the following dwellings, to be served from a private access road:

Plot 1 - detached four-bedroom dwelling with parking spaces to the front and a detached garage;

Plot 2 - detached three-bedroom dwellings with parking spaces;

Plot 3 - detached three-bedroom dwellings with parking spaces;

Plot 4 - detached three-bedroom dwellings with parking spaces;

Plot 5 - detached three-bedroom dwellings with parking spaces.

Cycle parking is shown on the layout plan however it is not clear what form this would take.

Three house types are proposed, and integrated photovoltaic panels are proposed to be installed to the roof of each dwelling.

The application is supported by a Topographic Survey that can be compared to the submitted finished floor levels shown on the layout plan. This indicates significant levels increases as a result of the constraints of the site and its location within Flood Zones 1, 2 and 3.

A Post Planting Maintenance Schedule is also provided.

Site Description

The site is part of the old railway yard that is no longer needed and is currently overgrown. The site is positioned within the settlement boundary for the settlement as set out in the Inset Map for Cowbit.

The site sits within Flood Zones 1, 2 and 3 of the Environment Agency's flood map, and a flood risk assessment was submitted with the outline application and informed that application.

History

H01-0823-19. OUTLINE. Residential development for five dwellings. APPROVED 21-01-20

H01-0871-18. Outline consent. Residential development - up to 45 dwellings, including re-alignment of Mill Drove to Stonegate Road junction. Approved 15-03-19.

Consultation Responses

Cowbit Parish Council

No response received.

LCC Highways and SUDS

No Objections.

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.

Requests that any permission given by the Local Planning Authority shall include informatives.

No objection to amendment.

South Holland Internal Drainage Board

The Board's Officers have reviewed the documents submitted in support of the above planning application. Officers have noted works which may require Land Drainage Consent from the Board. Please be aware of the potential for conflict between the planning process and the Board's regulatory regime.

Where consents are required, the Board strongly recommends that these are sought from the Board prior to determination of this planning application. The annexe at the end of this letter outlines the Board's regulatory function and how to apply for Land Drainage Consent.

Third Parties

No representations received.

Planning Considerations

Principle of development

The application site is within the settlement boundary of Cowbit, and is previously developed land. The principle of developing this site for residential use has been set by the outline consent set out above.

This application is therefore to assess the reserved matters, namely:

- i) detailed drawings of the estate layout to a scale of not less than 1:500 and including road and plot layouts;
- ii) detailed drawings to a scale of not less than 1:100 showing the siting, design and external appearance of each building, including a schedule of the materials to be used for external walls and roof;
- iii) details of landscaping and tree planting.
- iv) the existing and proposed site levels and floor levels of the buildings and hard surfaced areas.

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.

Design

The design of the dwellings varies slightly in form and over all takes a standard brick under a slate or tile roof approach, although full materials details are required to be submitted at a later date as a result of the condition appended to the outline consent.

The form of development would introduce a modern development to this area that is typified by a mix of dwelling styles, types and ages. This former railway land development is adjoining other railway land that has benefited from planning consent for residential development in the past and it likely to come forward at some point in the future.

The form of the dwellings proposed is considered to accord with Policies 2 and 3 of the SELLP in this regard.

Highway safety and parking

The response of LCC as Highway Authority is set out above. No objection is raised to the entrance details, that were approved in principle by the outline consent.

The parking provision would accord with Policy 36 and Appendix 6 of the South East Lincolnshire Local Plan.

As the access road would be a private drive and not adopted, details of refuse collection are required to be submitted at a later date as a result of a condition appended to the outline consent, and to assist this an informative is suggested to draw attention to the SHDC Private Drives - Waste Vehicle Collection Service - Guidance Note, which is not a planning policy but is a material consideration.

Impact on residents

The nearest dwellings to this proposal are located on Stonegate, and benefit from comfortable garden sizes and lengths. Despite the raise in levels to accommodate this development, it is not considered that the development would result in undue overlooking or a loss of privacy to adjoining dwellings, over and above the usual dwelling to dwelling relationships expected within village residential areas.

The development is considered to accord with Policies 2 and 3 of the SELLP in this regard.

It is not considered necessary to restrict permitted development rights on this site to protect the amenities of future occupants of the site or existing adjoining properties.

Landscaping and Trees

A standard residential layout for landscaping has been provided. No trees worthy of retention are shown to be impacted by the proposals.

Drainage

The concerns of the IDB are taken into account however it is to be noted that conditions 9 (Details of Soakaway System), 10 (Surface Water Disposal Details) and 11 (Foul Drainage Details) require details to be submitted and discharged pre commencement. These details are to be submitted via a separate application and such conditions do not need to be repeated here.

The informatives requested by the IDB are set out in the recommendation.

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 would 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 2, 3, 4, 5, 10, 11, 17, 28, 29, 30, 31 and 36 and Appendix 6 of the South East Lincolnshire Local Plan (SELLP), 2019, plus advice within the National Planning Policy Framework (NPPF), 2021.

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.

Conclusion

Approve.

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.