DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H01-0914-23**	**Applicant:**	**Mr J Mason**
Proposal:	Proposed Storage Building		
Location:	Lapwing 72 Backgate Cowbit		
Terminal Date:	11th December 2023		

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
30	Pollution
36	Vehicle and Cycle Parking

National Guidance

National Planning Policy Framework 2023

Section 2 - Achieving sustainable development
Section 4 - Decision-Making
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
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	1	0
RESIDENTS	1	0	0	0

CASE OFFICER ASSESSMENT

Proposal

The application is for the erection of a storage building located to the rear of the curtilage of Lapwing (Number 72 Backgate). An email has been received from the agent who has confirmed that the storage building is for domestic purposes. The applicant has provided a location plan with the rear of the amenity area outlined in red, however number 72 Backgate known as 'Lapwing' is outlined in blue and so conditionally can be linked through the use of a planning condition.

The applicant seeks to erect the domestic storage building to rear amenity area and to the rear of number 70a Backgate. The building floor plans show that internally the space is annotated as 'store' and a toilet is located within the building, all across one floor. To the ridge the height is approximately 6.5m and 3.3m to the eaves. The domestic building is accessed through an up and over door as well as a side door, there is also a window on one side elevation. The external finishing materials are to match that of the dwelling.

Site Description

The application site is located to the rear of number 72 Backgate (Lapwing) and located within the development boundary shown on the Policies Map (Inset 13) for Cowbit.

The application site is laid to gravel and abuts the open countryside treated with a post and rail fence along the western boundary, it is accessed/egressed from the driveway that serves Lapwing. The dwelling has recently been extended and altered and the application site extends across the rear of both the applicant's property and number 70a Backgate.

The application despite being close to the edge of the settlement boundary is located within the defined limits for Cowbit. The application site is also located within flood zone 1 in accordance with the Environment Agencies mapping system. In terms of the hazard flood maps this area of Backgate is located within a white zone, and therefore does not present a hazard.

History

H01-0415-23 - Proposed front boundary wall and gates. Approved 26-06-23
H01-0867-22 - Two storey side and rear extension, detached garage and alterations. Approved 16-11-22
H01-0867-22 - Two storey side and rear extension, detached garage and alterations. Approved 16-11-22
H01-0837-17 - Erection of detached house. Approved 18-10-17

Consultation Responses

LCC Highways
No objection: The proposed storage building is in the rear garden area of number 72 Backgate and well away from the public highway. No alterations are being proposed to be made to the existing access arrangements for the property and therefore, 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 would not be expected to have an unacceptable impact upon highway safety or a severe residual cumulative impact upon the local highway network and does not wish to object to this planning application.

LLFA
As Lead Local Flood Authority, Lincolnshire County Council is required to provide a statutory

planning consultation response with regard to drainage and surface water flood risk on all Major applications. This application is classified as a Minor Application and it is therefore the duty of the Local Planning Authority to consider the surface water flood risk and drainage proposals for this planning application.

Environmental Protection
No comments

South Holland Drainage Board
The site is within the Internal Drainage District (IDD) of the South Holland Internal Drainage Board (IDB) and therefore the Board's Byelaws apply. Whilst the Board's regulatory process (as set out under the Land Drainage Act 1991 and the Board's Byelaws) is separate from planning, the ability to implement a planning permission may be dependent on the granting of any required Land Drainage Consents. 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 as outlined in the table below and detailed overleaf. 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

Representation
A letter of objection has been received from a neighbouring resident. Concerns are expressed that this building will be utilised for commercial activity and in turn there will be negative impacts upon the character and amenity of the residential area. The objector states that already disturbance exists from the coming and going of commercial vehicles including industrial plant, the area is not in character terms reflective of a residential amenity space and there is a loss of privacy emanating from the existing ongoings. The objector believes that this application would compound the issue.

Response: The applicant has confirmed that this building will be used for domestic storage and so the assessment will be based upon the effects that a domestic storage building would have in this location.

Planning Considerations

The application is for a domestic storage building (as confirmed by the agent) within the rear curtilage of Lawpwing. The application site is located within the development limits for Cowbit and located within flood zone 1 in accordance with Environment Agency Mapping System for planning. The following issues are relevant to this assessment:

Principle of Development
Character and Appearance
Amenity
Highway Safety
Flood Risk

Principle of Development

Policy 1 of the South East Lincolnshire Local Plan sets out a spatial strategy for delivering sustainable development across South East Lincolnshire until 2036. Policy 1 (Spatial Strategy) expresses the sustainable framework of settlements, ranking the settlements deemed to be most sustainable in descending order. The most sustainable locations for development are situated within the 'Sub-Regional Centres', followed by 'Main Service Centres'. Lower down the hierarchy in respect of sustainable development are areas of limited development opportunity including Minor Service Centres, with areas of development constraint comprising 'Other Service Centres and Settlements'. The countryside is at the bottom of the settlement hierarchy and represents the least sustainable location.

Cowbit is considered to be a 'Minor Service Area' under policy 1 of the SELLP. Regarding these areas policy 1 states "Within the settlement boundaries of the Minor Service Centres (as shown on the Inset Maps) 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."

The proposal is for a domestic storage building to be associated with Lapwing. The proposal is therefore considered an appropriate form of development and acceptable in principle. The proposal would accord with policy 1 of the South East Lincolnshire Local Plan.

Character & Appearance

Part 12 of the NPPF (Achieving well-designed places) states that good design is a key aspect of sustainable development and new development should be visually attractive as a result of good architecture and appropriate landscaping. It is important that new residential development should be of the highest quality to enhance and reinforce good urban design characteristics. It is generally accepted that good design plays a key role towards sustainable development. Regard must be had towards the impact that the proposed dwelling would have on local character, including topography, street patterns, building lines, boundary treatment and through scale and massing.

Specifically, paragraph 130 of the 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; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users, among other considerations.

Policy 2 of the SELLP states that design which is inappropriate to the local area, or which fails to maximise opportunities for improving the character and quality of an area, will not be acceptable. Policy 2 point 1 states that proposal should meet with sustainable development considerations specifically in relation to 'Ã??¢?¦ size, scale, layout, density and impact on the amenity, trees, character and appearance of the area and the relationship to existing development and land uses'.

Policy 3 sets out the 'Design of new development' in part it states that "Ã??¢?¦Design which is inappropriate to the local area, or which fails to maximise opportunities for improving the character and quality of an area, will not be acceptable"

The applicant proposes a dual pitched garage to the rear of the plot, the garage external materials are to match those on used on the dwelling 'Lapwing'. The footprint of the garage is slightly larger that a double garage, and in terms of the scale it stands at around 6.5m to the ridge. However given its location and the appropriate palate of materials proposed it is not considered that unacceptable impacts upon the character of the settlement or wider open countryside would follow from the approval of such a building.

Therefore, subject to the materials being conditioned to match that of the dwelling the proposal is considered to be acceptable in character terms and would accord with policies 2 and 3 of the SELLP as well as Part 12 of the National Planning Policy Framework.

Amenity

Paragraph 130 of the National Planning Policy Framework (2021) states that development should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Policy 2 and of South East Lincolnshire Local Plan (2019) sets out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

Policy 30 is concerned with pollution and places impacts in relation to noise, disturbance and air quality as important consideration when considering proposals for planning.

The original submission was slightly ambiguous as it proposed simple a 'storage' building. The application site was also outlined in red, and the dwelling know as Lapwing in blue. Confirmation was sought from the agent as to what the storage building was to be used for. In an email dated 20th November the agent confirmed that the use was for:

Just domestic storage. ..so want a secure building for the vehicles/bikes/mowers etc.

On that basis then this application is assessed on the premise that it is for a domestic storage building only. Therefore subject to a condition, that will link any future storage to being domestic, ancillary to the dwelling bounded by blue on the location plan 'Lapwing' the proposed use is acceptable. The condition precludes the ability for the applicant to store commercial related items, including vehicle and industrial plant, which is a concern expressed by a resident through an objection. The condition is necessary as any other storage type would require a different assessment as regards amenity, from the coming and going of vehicles, lighting and noise. This assessment for clarity is based upon the building being for domestic storage, as confirmed by the agent.

In terms of the physical structure despite the ridge being at circa 6.5m its location to the west of dwellings and dual pitched roof would mean that any overshadowing/overbearing upon neighbouring properties would not be unacceptable. Furthermore, all openings are at ground and given the existence of boundary treatments there is limited opportunity to overlook.

The proposal then as a domestic storage building, linked to the dwelling is considered to be acceptable in the relation to noise, disturbance and impacts relating to its physical presence. The proposal subject to the aforementioned condition would accord with policies 2 and 30 of the South East Lincolnshire Local Plan as well as paragraph 130 of the National Planning Policy Framework

Highway Safety

In respect of highway matters, Policy 2 details that proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to access and vehicle generation.

Policy 3 details that development proposals will demonstrate how accessibility by a choice of travel modes including the provision of public transport, public rights of way and cycle ways will be secured, where they are relevant to the proposal.

Policy 36 is concerned with Vehicle and Cycle Parking it states that "All new development, including change of use, should provide vehicle and cycle parking, in accordance with the minimum Parking Standards adopted by the Local Planning Authorities (in Appendix 6).

Section 9 of the National Planning Policy Framework (2021) specifically relates to 'Promoting sustainable transport'. Paragraph 111 of the National Planning Policy Framework (2021) advises that "development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe".

The highway authority have been consulted and have stated that they have no objections to the proposal. The existing access arrangement is unaltered and the proposal would still retain a sufficient amount of off-street parking provision.

Given that the proposal is for a domestic use an assessment upon the intensification of the access, that potentially would result from non-domestic uses has not been made. On this basis the proposal would accord with policies 2, 3 and 36 of the South East Lincolnshire Local Plan as well as section 9 of the National Planning Policy Framework.

Flood Risk and Drainage

Policy 4 of the SELLP sets out South Hollands approach to Flood Risk whilst section 14 of the NPPF is concerned with flooding and drainage, as regards national planning policy. The application site is in an area of low risk in flooding terms in accordance with the South East Lincolnshire SFRA and flood zone 1 in respect of environment agency mapping.

The proposal given that it is for domestic storage, relates in effect to householder development. The proposal is for minor development in flood risk terms and therefore the Environment Agencies advice on flood risk is helpful for ensuring extensions or alterations are designed and constructed to conform to any flood protection already incorporated in the property and include flood resilience measures in the design. This should be followed and there is no requirement for condition.

In terms of drainage given the modest amount of surface water created the proposal would safety be mitigated by satisfying the requirements of Approved Document H, of building regulations. The garage also shows that a toilet will be installed, the mitigation of foul water disposal is also covered off by the same document. A connection into a non-private network would also require adherence to water industries act and is therefore mitigate.

It is considered that in respect of flood risk and drainage the proposal would accord with policy 4 of the South East Lincolnshire Local Plan as well as section 14 of the National Planning Policy Framework.

Conclusion

The proposal for a domestic storage building is therefore considered acceptable, subject to a condition reinforcing that storage related items are domestic only, and linked as ancillary to the dwelling outlined in blue on the location plan and ensuring that the materials match that of the host property, Lapwing.

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.