DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H01-1011-22**	**Applicant:**	**Mr & Mrs S Pywell**
Proposal:	Replacement dwelling		
Location:	44 Backgate Cowbit Spalding		
Terminal Date:	13th December 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
28	The Natural Environment
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2021

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.

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

CASE OFFICER ASSESSMENT

Proposal

The proposal is for a single storey two bed bungalow to replace the existing bungalow that is on the site. The bungalow is 7.1m wide, and 12.1m long, with a total height of 5.22m to highest point of ridge and 2.7m to the eaves.

Site Description

The plot is on a linear residential street on the east side of Backgate within the settlement boundary of Cowbit. The plot has an unoccupied bungalow on the site which sits forward of the general building line. The street consists of a mixture of single storey and two storey dwellings of varying styles and materials.

History

No relevant history.

Consultation Responses

LCC Highway and Lead Local Flood Authority

No Objections
The proposed development would be a simple one-for-one exchange of new dwelling for an existing dwelling so it would not be expected that there would be any change to vehicle movements on the local highway network. The proposed dwelling would utilise the existing vehicle access so there would be no change to what is already occurring at this point.

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 or increase surface water flood risk and so does not wish to object to this planning application.

LCC Historic Environment Officer

No archaeological impact

South Holland Internal Drainage Board

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. Officers have noted works which may require Land Drainage Consent from the Board.

Byelaw 3 (Surface Water)
The applicant has indicated that they intend to dispose of surface water via infiltration. Whilst the site plan shows little net change in the impermeable area we caution that the viability of using a soakaway system should be evidenced for the lifetime of the development. We recommend that ground investigation is carried out to determine infiltration potential, followed by testing in line with BRE Digest 365 if onsite material is considered favourable for infiltration. If infiltration is not feasible at this site, following the drainage hierarchy we would expect the applicant to propose to discharge surface water to a watercourse. In this case, consent would be required under Byelaw 3. Please note that we recommend that any discharge is in line with the Non-Statutory technical standards for sustainable drainage systems (SuDS), therefore the Board is unlikely to grant consent for discharges in excess of greenfield rate.

Byelaw 3 (Treated Foul Water)
We note that the applicant intends to dispose of foul water to a main sewer. Should the applicant's proposals change to include the discharge of treated foul water to a watercourse, consent would be required under Byelaw 3.

Section 23, Land Drainage Act 1991
We are not aware of any riparian owned/maintained watercourses within or adjacent to the site boundary but this should be confirmed by the applicant. Should the applicant's proposals include works to alter a watercourse, or if works are proposed to alter a watercourse at any time in the future, consent would be required under the Land Drainage Act 1991 (and Byelaw 4).

Byelaw 10
There are no Board maintained watercourses within or adjacent to the site boundary therefore Byelaw 10 does not apply.

In connection with amended plans:

The alteration of the red line and re-positioning of the proposed house within the site does not affect previous comments. No additional comments.

Planning Considerations

Principle and Sustainability

Section 38(6) of the Town and Country Planning Act, as amended by the 2004 Act, states that the determination of planning applications must be made in accordance with the development plan unless material considerations indicate otherwise.

Policy 1 of the South East Lincolnshire Local Plan 2019 (SELLP) relates to the overall settlement hierarchy of the district and encourages development in more sustainable locations. The site is within the defined settlement boundary of Cowbit which is designated as a 'Minor Service Centre'. Development will be permitted in minor service centres that supports their role as a service centre itself, helps sustain existing facilities or helps meet the service needs of other local communities. Development is limited to Allocated and Committed sites and infill.

The proposal is within the settlement boundary and is therefore sustainable development.

Size, Scale, Layout and Design

Policy 2 of the SELLP states that proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to, amongst other things, size, scale, layout, density, impact on amenity, character and appearance of the area and the relationship and impact on existing development and neighbouring land uses, the quality of design, access and vehicle generation level and visual intrusion.

The settlement has a variety of styles and materials and is made up of properties of varying ages. In this section of Backgate there are a series of bungalows in lighter bricks, generally line with the application plot's bungalow being forward of the building line.

The proposed dwelling is considered to be satisfactory in terms of overall design and layout, although it is on a small plot. A condition removing permitted development rights is recommended due to the restricted nature of the plot. Following receipt of amended plans, the property would be positioned in the same location as the existing bungalow so will not be more prominent in the street scene than existing. It would not represent a dominating feature or be significantly out of character with the area as a result, subject to the use of appropriate materials.

It is considered that a condition relating to materials would be appropriate. As a result of these measures being in place, the proposal is considered to comply with policy 2 of the SELLP.

Effect on neighbouring properties

Policy 3 of the SELLP requires all development to create distinctive places, with inclusive design and layout, be sensitive to the landscape character, and take into account residential amenity. A

condition is recommended in relation to the utility room porch door to ensure they are finished in obscured glass or of opaque materials to prevent overlooking or loss of privacy to the neighbour. Subject to this condition, the proposal would not adversely affect the amenity of adjoining residential properties as there is reasonable spacing between both neighbouring properties.

The design is acceptable in the street scene and does not impact on landscape character or street scene, subject to appropriate materials.

The proposal is not in conflict with Policy 3 of the SELLP.

Flooding Considerations

Policy 4 of the SELLP relates to the approach to flood risk and details how development proposals will be determined, including sequential testing and other relevant considerations.

The Government Flood Map for Planning identified the site as being in Flood Zone 2. This has a medium probability of flooding.

The Environment Agency Long Term Flood Risk map shows that the site is within an area at risk of reservoir flooding, but a low risk of flooding from surface water flooding and flooding from rivers or the sea (annual probability between 0.1% and 1%).

Dwellings are classified as more vulnerable as per Table 2 of the PPG Flood Risk and Coastal Change. An Exception test is not required. As the scheme is a replacement dwelling a sequential test is not required.

The risk from within the South East Lincolnshire SFRA is 'low hazard' for the Residual Flood Hazard Map for the 1% fluvial and 0.5% tidal event for both the present day and 2116. The site is outside the areas of flooding for the present day and 2116 for the Residual Peak Depth Map for the 1% fluvial and 0.5% tidal map.

Finished floor levels are recommended to be a minimum of 0.3m above ground level with 0.3m of flood resilient construction above finished floor level. This can be controlled via condition.

Foul and Surface Water Drainage

The site is in the South Holland Internal Drainage Board (IDB) District. Surface water drainage from the site discharges to the Board's main drain system. There is an IDB High Priority pipeline/watercourse approximately 50m north of the site which discharges to the Wheat Mere Drain 250m to the east.

Foul water is to be connected to the sewer. Surface water is to be dealt with via soakaway. These details are considered to be satisfactory, but additional notes can be added in relation to IDB requirements.

Impact on Biodiversity

Section 15 of the National Planning Policy Framework (NPPF) and Policy 28 of the SELLP seeks to provide net gains for biodiversity. There are limited opportunities for such a small site to promote biodiversity net gain, however, a condition relating to the submission of minor details to benefit biodiversity and biodiversity friendly landscaping is considered appropriate for items such as swift and bat bricks or planting that benefits biodiversity.

As such the proposal is considered to be in compliance with policy 28 of the SELLP.

Highway Safety and Parking

Policy 36 of the SELLP states that all new development should provide vehicle and cycle parking in accordance with the minimum Parking Standards adopted by the Local Planning Authorities (Appendix 6). The dwelling is two bedrooms which requires 2 car parking spaces and one cycle parking space. Parking is to be on the front drive which is satisfactory. A condition in relation to the submission of a cycle rack can be conditioned to comply with Appendix 6.

The proposal is considered to be compliant with policy 36 of the SELLP.

Planning Balance

Section 38 (c) 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. To determine whether the proposal accords with the Local Plan it is necessary to undertake a planning balance exercise having regard to economic, social and environmental objectives.

In economic terms, future occupants of the house may work locally, support local services and therefore make a contribution to the local economy. There would be short term economic benefits associated with the construction of the dwelling and minor long term benefits of increased spends associated with the household. The economic benefits resulting from the proposal are minor, but weigh in favour of the proposal.

In community terms, the proposal would make a contribution, albeit small, towards providing an upgraded house in the district. This weighs in favour of the proposal.

In environmental terms, a condition to secure biodiversity benefits such as swift boxes weighs in favour of the proposal.

The benefits of the proposal outweigh any harm in the overall the planning balance and as such there is no compelling reason to withhold planning permission.

Conclusion

The proposal is considered acceptable and approval is recommended.

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.