DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H01-1047-20**	**Applicant:**	**AC Building (P'boro) Ltd.**
Proposal:	Erection of 5 dwellings and associated works - outline approval H01-0292-19		
Location:	22 Backgate Cowbit Spalding		
Terminal Date:	5th February 2021		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02	Development Management
03	Design of New Development
04	Approach to Flood Risk
17	Providing a Mix of Housing
28	The Natural Environment
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2019

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	0	0	0	1

BOARD				
RESIDENTS	3	0	0	1

CASE OFFICER ASSESSMENT

Proposal

Reserved matters approval is sought for the erection of 5 dwellings and associated works at 22 Backgate, Cowbit. Outline planning permission was granted under application ref. H01-0292-19.

The proposal is for 5 x 4 bed detached dwellings with attached garages and on plot parking. Each dwelling would have its own access.

Finished floor levels would be raised to 3.00m AOD, in accordance with the approved flood risk assessment.

Site Description

The site currently accommodates a bungalow and an old storage shed/workshop and includes a large domestic garden area. The existing bungalow is of no particular architectural or historic merit. The site is adjoined by residential properties (bungalows) to the north and south, however there are also two-storey properties in the vicinity. Two new bungalows have recently been constructed opposite (ref. H01-0994-18). The eastern boundary is open with an agricultural field beyond.

Relevant History

H01-0292-19 - Demolition of existing dwelling and workshop, erection of up to five detached dwellings including hard standing and access from Backgate (approved April 2019)

Consultation Responses

South Holland Drainage Board - Pleased to see that initial testing shows that a drainage strategy reliant on infiltration is likely to be achievable on the proposed development. Reminds applicants of consents required if proposal is to have an impact on a watercourse.

LCC Historic Environment Officer - I can confirm that the written scheme of archaeological investigation submitted here meets the requirements of this office in respect of Condition 4 of outline permission H01-0292-19. This condition could therefore be discharged. We look forward to this archaeological work taking place on site, should reserved matters approval be forthcoming, and receiving a copy of the final report in due course.

LCC Highways SUDS - Does not wish to restrict the grant of permission.

Public (3 objections received, summarised) -
- Five two-storey dwellings are out of character with the immediate neighbourhood's dwellings. Adjacent dwellings are all bungalows. FRA states that single storey dwellings are satisfactory
- Relatively high density/overdevelopment
- Reduction in open appearance that is characteristic of dwellings along Backgate
- Overshadowing, loss of light and loss of privacy
- Loss of existing views
- Installation of a minimum of 6 swift nest bricks recommended to provide enhancement for biodiversity.
- Safety concerns due to no fencing between Plot 5 and adjacent drain
- Concern re type of fence proposed on eastern boundary and query who will be responsible for maintaining planting and trees if they grow through the fence

Planning Considerations

Principle

As the principle of development on the site has already been established, 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 5 x 4-bed dwellings which would each be different in design, although forming a cohesive development overall in visual terms. The proposed materials of construction are Hampton Rural Blend bricks, Quinn Western Slate Graphite roof tiles and cream Monocouche render (where applicable). Fenestration would be grey UPVC. Given that the design of existing properties in the wider area varies, the proposed materials are considered acceptable. There are also properties of a similar design further north along Backgate.

In terms of layout, each dwelling would be sited fairly centrally within the plot, with some variation in 'building line'. The layout of each plot allows for parking within the curtilage and for drivers to enter and exit in forward gear. The positioning of the dwellings is not at odds with the existing form of development in the area.

With regard to scale, all properties would be two-storey and occupy a similar footprint to other dwellings along Backgate. Two storey development is not at odds with existing development in the vicinity as there are examples of two-storey dwellings further north on the eastern side of the road. Given that finished floor levels would be raised by a maximum of approx. 500mm (Plot 5) above existing ground level and dwellings are set in from the boundaries at the northern and southern ends of the site, the proposal wouldn't create a development at odds with adjoining properties.

Taking the above into account, it is concluded that the layout, scale and appearance of the scheme 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.

Access and Parking

Each dwelling would be served by a new individual access from Backgate. The Highway Authority have raised no objection to the proposed access arrangements on highway safety grounds. The proposal is therefore considered to be in accordance with Policy 2 of the Local Plan which 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. 3 parking spaces within the curtilage 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

New planting would be provided along the frontage of the site and in between dwellings, alongside new trees. The existing hedge along the northern boundary is to be retained. Each driveway would be gravelled with the rear gardens being laid to lawn with additional planting along the rear boundaries.

Concern has been raised regarding who would be responsible for the maintenance of planting that grows through the proposed 1.2m high post and rail fence to the rear, and the agent for the applicant has confirmed that a clause will be inserted into the legal pack to ensure that the owners of the new dwellings are liable for the maintenance of said planting.

2m high closeboard fencing is to be erected in between rear gardens, dropping down to 1.2m in height at the front of the properties. This is an acceptable arrangement. The plans have been

revised to also show 2m high closeboard fencing along the southern boundary of Plot 5 adjacent to the drain for safety reasons.

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

Plots 1 and 5 are adjacent to existing dwellings. The only northern and southern facing first floor windows to Plots 1 and 5 respectively are to landing areas, which are not a habitable space in planning terms. Based on the submitted street view drawing and levels details (internal and external), the proposed 2m high boundary treatment should be sufficient to prevent overlooking. Taking this into account, it is not considered that the proposal would have a material impact with regard to loss of privacy.

The bulk of Plot 1 (excl. single-storey garage) is approx. 15m to the south of the existing neighbouring property. At such a distance it is not considered that the proposed dwelling would have a material overshadowing impact or be unduly overbearing in planning terms. Likewise in terms of Plot 5 and the existing bungalow to the south, which is approx. 15m away from the two storey element of the proposed dwelling.

All properties sit well within the site, allowing for suitable external amenity space for occupiers, and privacy in internal amenity areas.

Overall, the proposal is considered to accord with Policies 2, 3 and 30 of the Local Plan in respect of their provisions on residential amenity.

Flood Risk and Drainage

Condition 11 of the outline approval requires that finished floor levels (FFLs) of the dwellings be set at a minimum of 3.00m OD as a flood risk mitigation measure. The proposal is for FFLs to be set at this level, therefore Condition 11 is satisfied.

Foul water would be discharged into the existing Anglian Water network via a connection point in Backgate and surface water to soakaways. Infiltration testing has been carried out which concluded that the ground has sufficient permeability for the use of soakaways, and the IDB are content with this.

Given the above, it is considered that the drainage proposals and 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 and drainage 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

Taking into consideration the above, the proposed development is considered to be in accordance with Policies 2, 3, 4 and 36 (and Appendix 6) of the South East Lincolnshire Local Plan (2019) as well as Sections 12, 14 and 15 of the National Planning Policy Framework (2019).

The recommendation is therefore for a delegated approval.