

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H01-1170-22 **Applicant:** Seagate Homes
Proposal: Residential Development
Location: Land South Of Former Engine Shed Mill Drove South Cowbit
Terminal Date: 20th March 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
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
32	Community, Health and Well-being
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2021

National Planning Policy Framework (NPPF), 2021

Sections -

- 2 Achieving sustainable development
- 4 Decision-making
- 5 Delivering a sufficient supply of homes
- 8 Promoting healthy and safe communities
- 9 Promoting sustainable transport
- 11 Making effective use of land
- 12 Achieving well-designed places
- 14 Meeting the challenge of climate change, flooding and coastal change
- 15 Conserving and enhancing the natural environment
- 16 Conserving and enhancing the historic environment

Planning Practice Guidance (PPG)

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
SHDC INTERNAL	0	0	0	1
RESIDENTS	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

Outline application for residential development; market housing of three x four-bedroom dwellings. The application form proposes that access on to Mill Drove South is to be dealt with at this time, with all other matters reserved for later consideration.

The application is supported by a Flood Risk Assessment.

Foul and surface water drainage are proposed to be dealt with via the mains sewer and soakaways.

The application has been revised since submission with an indicative block plan to demonstrate that a development of this nature could be accommodated on this site and to take in to account the LCC Highway requirements set out below. The density of the proposal would be circa 23 dwellings per hectare.

Site Description

The application site, to the west of Mill Drove South, forms part of a wider area of brownfield land, formerly used as a railway yard associated with the defunct line that ran through the site. The land has been left unused for a number of years. This application plot is circa 0.1317 hectares in size.

The site of the proposed development is within Flood Zones 1 as shown on the Environment Agency's Flood Zone maps.

History

H01-0871-18. OUTLINE. Residential development - up to 45 dwellings, including re-alignment of Mill Drove to Stonegate Road junction. APPROVED 15-03-19. This application has expired.

Elsewhere in Mill Drove South:

H01-1204-22. FULL Residential Development comprising 21 dwellings. Under consideration.

Consultation Responses

Cowbit Parish Council

No response.

SHDC Environmental Protection

Request that the standard land contamination conditions be applied at this location. Also request the construction management plan condition be applied.

LCC Highways & SUDS Support

In order to support this application, please can the applicant show a frontage footway to the sites boundary on Mill Drove South with a suitable pedestrian crossing points with tactile paving to make connection with the existing footway on the opposite side of Mill Drove South.

LCC Historic Environment Officer

This office welcomes the intention to retain and convert the historic goods shed as outlined in this application but which will be the subject of future proposals for the wider Goods Yard site. This building is a non-designated heritage asset, which together with other surviving buildings from the Victorian station, give this part of Cowbit its distinctive character.

We would recommend that the design of the proposed dwellings and any landscaping (a reserved matter) take inspiration from the site's railway heritage.

However, we would recommend that no archaeological input be required in association with the present application.

South Holland Drainage Board

Byelaw 3 (Surface Water)

The applicant has indicated that they intend to dispose of surface water via infiltration, however I cannot see that the viability of this proposal has been evidenced. 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)

I note that the applicant intends to dispose of foul water to a main sewer. Should the applicants 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

I note the presence of a watercourse which is not maintained by the Board (a riparian watercourse) adjacent to the western site boundary. Whilst not currently proposed, should the applicant's proposals change to include works to alter the riparian watercourse, or if works are proposed to alter the watercourse at any time in the future, consent would be required under the Land Drainage Act 1991 (and byelaw 4).

I note the presence of a Board Maintained watercourse (DRN193P2801 - B28 Parsons Dyke) within / adjacent to the northern site boundary. Whilst not currently proposed, should the applicant's proposals change to include works to alter the watercourse, or if works are proposed to alter the watercourse at any time in the future, consent would be required under the Land Drainage Act 1991 (and byelaw 4).

Byelaw 10

Whilst not currently proposed, should the applicant's proposals change to include works within 9 metres of the aforementioned Board Maintained watercourse, or if works within 9 metres of the watercourse are proposed at any time in the future, consent would be required under Byelaw 10.

Public

Two representations have been received, raising the following:

Objection - Impact of access on the pallet business on the opposite side of Mill Drove South.

Comments - concerns that the size of the development proposed in the two current applications will place an unacceptable increase in the vehicular use of the junction of Mill Drove South with Stonegate.

The junction is sub-standard VISIBILITY TO THE RIGHT FOR VEHICLES EMERGING FROM MILL DROVE SOUTH INTO STONEGATE.

The addition of a further 24 dwellings will increase daily vehicle movement by a possible 48 in number seriously increasing the likelihood of collisions occurring at the junction.

With a housing increase of the numbers proposed one would anticipate the need for safe movement both vehicular and pedestrian onto Stonegate.

A previous application, albeit for more units, required the junction with mill drove south and Stonegate to be amended to improve access and that application included a pedestrian footpath. in the event that these applications be deemed suitable we would wish for a similar agreement to improve the junction be made and that improvement implemented prior to occupation of the dwelling.

OFFICER NOTE:

H01-1204-22 is the current application referred to above.

H01-0871-18 is the previous application referred to above.

Planning Considerations

The main issues in this case are:

Principle of Development

Sustainability

Layout and Design

Refuse collection

Highway safety and parking

Impact of neighbouring Residents/land users

Flooding considerations

Foul and Surface Water Drainage

Landscape Impact

Contaminated Land

Heritage considerations and Archaeology

Biodiversity

Principle of Development

This brownfield site is within the settlement boundary of Cowbit, which is considered to be a Minor Service Centre for the purposes of the SELLP.

Within the settlement boundaries of the Minor Service Centres 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.

It is considered that this proposal accords with Policy 1 of the SELLP.

Layout and Design

This application is in outline with access only to be considered at this time, however an indicative layout has been submitted in support of the application. The indicative layout demonstrates that 3 dwellings could be accommodated on this site, and the details of layout and design would be addressed by the subsequent Reserved Matters submission/s.

It is considered that a detailed layout and design to be submitted at a later date, could be provided that could accord with Policies 2 and 3 of the SELLP and contained within the NPPF 2021 in this regard.

Refuse collection

It is envisaged that a layout could be designed to enable refuse collection in accordance with the SHDC Private Drives - Waste Vehicle Collection Service - Guidance Note, which is not a planning document, but is a material consideration. It is considered that a detailed layout and design to be submitted at a later date, could be provided that could accord with Policies 2 and 3 of the SELLP and contained within the NPPF 2021 in this regard.

Highway safety and parking

The response of LCC Highway Service is set out above.

It is to be noted that a larger quantum of development has previously been approved on this and adjoining land, and at that time it was considered that due to the number of dwellings, being up to 45, it was necessary to include the re-alignment of Mill Drove to Stonegate Road junction. This consent has expired.

It is not considered that the provision of 3 additional dwellings on to Mill Drove South would impact adversely on highway safety and necessitate a realignment of the Mill Drove to Stonegate Road junction.

An objection has been received from a business occupier on the opposite side of Mill Drove South. It is considered that any existing business or other use on to Mill Drove South should already be able to access the public highway from private land in a safe manner, without the need for traversing highway verges or other highway land other than the running surface of the adopted highway. If a business has a substandard access it is not the role of this application to remedy that situation.

It is considered that this application accords with Policies 2 and 3 of the SELLP and contained within the NPPF 2021 in this regard.

Impact of neighbouring Residents/land users

The detailed layout and design could be provided in such a way to sit comfortably with adjoining land uses at the reserved matters stage. It is considered that a detailed layout and design to be submitted at a later date, could be provided that could accord with Policies 2 and 3 of the SELLP and contained within the NPPF 2021 in this regard.

Flooding considerations

All of the site is within flood zone 1. As the larger part of Cowbit is within flood zones 2 and 3 this site, being in zone 1 can be considered satisfactory for development. Therefore I consider that the sequential test has been passed.

Despite the siting of the proposal, the submitted Flood Risk Assessment recommends that it is preferable that new dwellings should be of two story construction with all bedrooms at first floor level. This is to provide a refuge for residents if the buildings were to become flooded after a major breach of the tidal bank, and ensure there is no danger to residents when they are asleep. Also, the FRA proposes that the finished ground floor level of the proposed new buildings should be a minimum of 300mm above existing ground level.

The FRA also advises that the developer should advise owners and occupiers of the properties to register with the Environment Agency's Floodline Warnings Direct Service.

These matters are to be controlled via condition.

It is considered that this application accords with Policies 2, 3 and 4 of the SELLP and contained within the NPPF 2021 in this regard.

Foul and Surface Water Drainage

Details of foul and surface water drainage are to be submitted as a result of pre commencement conditions proposed.

Landscape Impact

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

Contaminated Land

As a result of the previous use of the site it is recommended that the standard pre commencement conditions relating to contaminated land are imposed on this scheme.

Heritage considerations and Archaeology

The response of the LCC Historic Environment Officer is set out above. This officer welcomes the intention to retain and convert the historic goods shed as outlined in this application but which will be the subject of future proposals for the wider Goods Yard site.

This building that actually sits outside this application site is a non-designated heritage asset, which together with other surviving buildings from the Victorian station, give this part of Cowbit its distinctive character.

The LCC officer recommends that the design of the proposed dwellings and any landscaping (a reserved matter) take inspiration from the site's railway heritage. As the site is not within a conservation area it is not considered that such a level of expectation can be imposed.

No archaeological input be required in association with the present application.

Biodiversity

The standard ecological condition is recommended.

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 1, 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.