DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H14-0436-21**	**Applicant:**	**Mr & Mrs A Marsh**
Proposal:	Erection of dwelling with access from Market Way - outline approval H14-0327-17		
Location:	Land Adj. Willow Cottage Market Way Pinchbek		
Terminal Date:	17th June 2021		

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
28	The Natural Environment
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2019

Section 2. Achieving sustainable development.
Section 5. Delivering a sufficient supply of homes.
Section 11. Making effective use of land.
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
WELLAND AND DEEPINGS INTERNAL DRAINAGE BOARD	0	0	0	1

RESIDENTS	0	0	0	2

CASE OFFICER ASSESSMENT

Proposal

This is a reserved matters application for a proposed detached two storey dwelling with access off Market Way. An application for additional environmental approval was approved on 20 October 2020 thereby extending the time period for the submission of a reserved matters application until 1 May 2021. The proposals also comprises the means of access to the site, boundary treatments, landscaping, the layout, scale and external appearance of building, including a schedule of external materials to be used. Finished floor levels are as specified in the Flood Risk Assessment and as conditioned in the outline permission (3.6m AOD). Details of foul and surface water drainage are also included as required by the outline permission. The dwelling would have 3no bedrooms and a driveway to the front.

The walls would be constructed using Kempley antique facing blue engineering bricks. The roof tiles would be Santoft Calderdale dark grey slate. The doors and windows would be UPVC in anthracite grey and the rainwater goods would be black UPVC.

Site Description

The site is within the curtilage of Willow Cottage and consists of a 0.035ha area which is currently little used by the occupants of the cottage. Brick wall limits the north and east boundaries. Shrubs and a modest garden house are at the back of the site and ancillary development delimits the west side. The site falls within the defined limits of the settlement of Pinchbeck as defined in the South East Lincolnshire Local Plan.

The site has outline planning permission for residential development for one dwelling on this plot.

History

H14-0327-17 - Residential development including access from Market Way - Approved

Consultation Responses

Welland and Deeping Internal Drainage Board

No objections subject to applications being made for consent to alter the watercourse and to discharge surface water into the Board's Blue Gowt No 1 drain.

LCC Highways/SUDS Authority

No objection.

Requests the addition of two informative notes should permission be granted.

Public

A third party has recommended the installation of a minimum of 3no swift nest bricks be required by a planning condition to provide enhancement for biodiversity.

One neighbour has objected raised the following concerns:
·The dwelling is too big for the plot
·The dwelling will result in loss of light and overshadowing to neighbouring properties
·The rear balcony will result in overlooking

Planning Considerations

Principle of development

The site is within the settlement boundary of Pinchbeck. Although the proposal is within defined settlement boundaries of a built-up area, the location is not on brownfield land. However, outline permission was granted prior to the adoption of the current Local Plan. At that time, the Council was uncapable of delivering a 5-year housing land supply and permission for market housing in the countryside was granted in the presumption of sustainable development in accordance with National Planning Policy Framework (NPPF) published in 2012. As such the principle of residential development was approved at such location and therefore this is not disputed with this current application.

Design and layout

Paragraph 127 of National Planning Policy Framework (NPPF), 2019 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. Policies 2 and 3 of SELLP 2019 amongst other matters seek to ensure that development respects the character and appearance of the area and the relationship to existing development and land uses.

One local resident has raised objections to the scheme on grounds that the proposed dwelling is too big for the plot. The concerns are noted. However, the dwelling is considered to be proportionate to the size of the plot and would retain sufficient amounts of outdoor amenity space. As such it is not considered that the proposal results in overdevelopment of the site.

The proposed dwelling would have a similar set back from the highway to the adjacent dwelling at no.2. There is no strong character in this part of the street therefore the proposed dwelling is not considered to be out of keeping with the street scene.

The front area would be sufficiently spacious for a driveway. The rear garden would be likewise of decent size to ensure good levels of amenity to the future residents. Internally, all the proposed bedrooms would be above the minimum space standards and the future householders would enjoy good living conditions.

The plot would be bounded with 2 metre high brick wall on the western boundary matching the existing wall along the eastern boundary and a 1.2 metre high closeboard fence on the northern boundary. The driveway to the front would be gravelled and a small patio area laid to the rear. The rest of the site would be grassed with planting along the rear boundary, inside of the proposed wall. On balance, the proposals for landscaping and boundary treatment would be appropriate with existing site features and the residential use of the land.

The external walls would constructed using Kempley antique facing bricks with detailing in blue engineering bricks. The roof tiles would be Sandtoft Calderdale dark grey slate. The doors and windows would be UPVC in anthracite grey and the rainwater goods would be black UPVC.

Given there are examples of various materials in the immediate area the proposed materials schedule is considered to be acceptable and would not result in unacceptable impact on the visual amenity of the area.

Flood risk and drainage

Policy 4 of SELLP is concerned on flood risk management and states that new development will be permitted if appropriate flood resistance and resilience measures are proposed (criterion c); incorporates the use of Sustainable Drainage Systems (SuDS) (criterion e); and demonstrates that adequate foul water treatment and disposal already exists or can be provided in time to serve the development (criterion g).

Welland and Deepings Internal Drainage Board has not raised any objections to the scheme subject to the applicant making an application to them for consent to alter the watercourse and to discharge surface water into the Board's Blue Gowt No 1 drain.

At the time of the outline permission the Environment Agency requested mitigation measures in

accordance with the approved Flood Risk Assessment (FRA) report are carried out as follows:

·Finished floor levels are set no lower than 3.6 AOD or 650mm above surrounding levels
·Flood resilient/resilient techniques to be a minimum of 300mm above finished floor levels.

Taking into account the fact that the South East Lincolnshire Strategic Flood Risk Assessment (March 2017) indicates that the site is not affected by hazard or depth, this should ensure that the development is safe for its lifetime. Raising floor levels by this extent would not have a detrimental impact on the appearance of the property or adversely affect residential amenity.

In terms of drainage foul drainage would be connected to the main sewer plus surface water would be dealt with by means of a soakaway in the rear garden and discharge into the Blue Gowt No 1 drain.

Subject to the above advice the proposal is considered to be in accordance with Policies 2, 3 and 4 of the Local Plan with regard to their provisions on flood risk and drainage.

Residential amenity

Paragraph 127 of National Planning Policy Framework (2019) amongst other matters seeks places with a high standard of amenity for existing and future users. Policies 2 and 3 of South East Lincolnshire Local Plan (2019) set out residential amenity and relationship to existing development and land uses as main considerations when making planning decisions.

The adjacent neighbour to the east of the application site at Snowdrop Lodge, 2 Market Way has objected to the scheme on grounds of loss of light and overshadowing and overlooking resulting from the proposed balcony. The concerns are noted, however, it is not considered that any unacceptable impact would result on this neighbour. The proposed dwelling would have a similar footprint to this neighbour and would only project approximately 0.7 metres from this neighbours rear elevation which is considered to be minor. This neighbour does not have any primary windows facing the application site therefore no overbearing impact or unacceptable overshadowing would result. With regards to the proposed balcony, this would be enclosed by brick walls on the eastern and western elevations therefore there would be no direct overlooking into this neighbours garden.

With regards to the neighbour to the west at no.6 the proposed dwelling would be located approximately 1.4 metres from the shared boundary with this neighbour and at least 6.5 metres from this neighbours nearest elevation. This separation distance is considered sufficient given this neighbour does not have any primary windows facing the application site and the fact this neighbours main amenity space is toward the west. As such this separation distance is considered to be sufficient as to not result in any unacceptable impact. No first floor windows are proposed directly overlooking this neighbour and the proposed balcony would have brick walls on the eastern and western elevations to prevent direct overlooking. As such there are no overlooking or loss of privacy concerns.

Highway safety and car parking provision

The County Highways Authority has not objected the principle of creating a new independent vehicular access subject to the submission of details and subsequent approval at a later stage.

In conjunction with Policy 36 of SELLP 2019, Appendix 6 sets out the minimum standards for parking provision upon the use class. Two spaces for dwellings with up to 3 bedrooms should be provided within the curtilage. The proposed dwelling would have 3 bedrooms. The proposed driveway layout would be sufficient for two cars that could enter and egress the site in a safe and forward manner. Overall, the proposals would ensure minimum parking standards.

Other matters

A third party has recommended the installation of a minimum of 3no swift nest bricks be required by a planning condition to provide enhancement for biodiversity. The comments are noted, and a condition recommended to this effect.

Planning balance

The principle of developing the residential scheme is acceptable at such location given the extant

outline permission.

The external materials, landscaping and mean of enclosure would be sympathetic with the neighbouring land uses and the semi-rural character of the area. The dwelling footprint would sit well within the plot. No unduly harm would occur upon the amenity standards of adjacent neighbours.

On-street parking would be prevented by appropriate car parking arrangement within the plot and no cumulative impact upon highway safety is anticipated by the proposal.

On balance, no adverse impact of approving the reserved matters would significantly and demonstrably outweigh the benefits of doing so, when assessed against the planning policies taken as a whole.

Conclusion

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.

Taking into account the above, this application complies with Policies 1, 2, 3, 4, 10, 11, 28, 36 and Appendix 6 of South East Lincolnshire Local Plan (2019) as well as Sections 2, 5, 11, 12 and 14 of National Planning Policy Framework (2019).

Accordingly, it is recommended to approve this application via delegated powers.

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.

RECOMMENDATION

The application can be approved under delegated powers.