

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H02-0079-20 **Applicant:** Longhurst Group Ltd
Proposal: Erection of 41 dwellings & associated works - outline approval H02-0723-16 (allowed on appeal)
Location: Land East Of Crease Drove Crowland
Terminal Date: 11th June 2020

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
18	Affordable Housing
28	The Natural Environment
32	Community, Health and Well-being
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 8 - Promoting healthy and safe communities
 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
NORTH LEVEL INTERNAL DRAINAGE	0	0	0	1

BOARD				
SHDC INTERNAL	0	0	0	1
OTHER STATUTORY BODIES	0	0	0	1
RESIDENTS	4	0	1	0

CASE OFFICER ASSESSMENT

Proposal

This is a reserved matters application (except for access), relating to outline application (H02-0723-16), for the erection of 41 dwellings and associated works on land east of Crease Drove, Crowland.

An entirely affordable scheme is proposed, however the exact tenure mix is to be confirmed at a later stage due to the applicant wishing to have flexibility given the current climate. The applicant is seeking to modify the existing Unilateral Undertaking that forms part of the outline permission and so a requirement for the submission of details of an affordable housing scheme can be incorporated into the Deed of Variation.

The proposal is for a mix of semi-detached properties and short terraces. All properties would be 2 storey.

Two areas of open space are proposed - One at either end of the site. The area at the western end of the site will effectively also act as a buffer to the commercial use to the south-west. The area of open space at the east of the site includes an attenuation basin and also acts as the required 9m easement for the adjacent IDB drain. A detailed landscaping scheme is proposed throughout.

There is a single access point into the site from Crease Drove. 4 short private drives are located off the main estate road. 2 vehicle parking spaces are shown for each property.

Site Description

A greenfield site located to the east of Crease Drove. New residential developments are currently under construction to the north and south. There is an IDB drain that adjoins the eastern boundary of the site, beyond which is the rear gardens of properties on Beccelm Drive. There are varying boundary treatments to the rear of these properties. There is a commercial business to the south-west on the opposite side of Crease Drove.

History

H02-0723-16 - Outline application for residential development (allowed on appeal September 2017)

H02-0216-17 - Outline application for residential development - re-submission of H02-0723-16 (withdrawn September 2017)

Consultation Responses

Crowland Parish Council - Will leave to expertise of planning officers.

North Level IDB - No objections in principle. Application has been made to discharge surface water to the drain to the east. Byelaw requiring 9 metre easement has been complied with.

Lincolnshire Police - No objections. Gives standard advice re crime prevention.

SHDC Strategic Housing - Policy 18: Affordable Housing of the Local Plan recommends that a tenure split of 70% in favour of Rented and 30% Intermediate housing for sale dwellings will be sought. The suggested mix for this application proposes a 56/44 split in favour of Affordable Rent but given that the whole scheme is proposed as affordable housing this is still compliant with policy as it appreciates 'that this may vary on a site by site basis due to factors such as viability or affordable housing need'. The Affordable Rented houses will assist with meeting demand from the Council's Housing Register and the developer should be prepared to enter into a Nominations Agreement with the Council to secure these. The Shared Ownership houses will assist in allowing households a subsidised route to home ownership. Goes on to give advice re shares, mix of house sizes and ensuring the mortgagee protection provisions are in place.

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

Public (4 objections, summarised) -

- Highways concerns (congestion at James Road junction)
- Concern re flood risk (tidal/fluvial) and potential for surface water flooding; flood risk information three years out-of-date; query why water is not directed to all three adjoining drains/dykes rather than just the one on the eastern boundary
- Concern re impact on industrial area and Crowland Cranes
- Applications should be submitted for allocated housing sites instead

Planning Considerations

The principle of residential development on the site has been established by virtue of the outline consent.

Therefore the key matters (including the reserved matters) to be considered are:

- Detailed layout, scale and appearance;
- Access, highways and parking concerns;
- Landscaping and open space;
- Drainage and Flood Risk;
- Impact upon residential amenity and nearby commercial concerns;
- Affordable housing provision; and
- Other matters.

Detailed layout, scale and appearance

Four house types are proposed, with a mix comprising of 20 x 2 bed houses and 21 x 3 bed houses. All of the houses proposed on the scheme would either be semi-detached or in short terraces which is common on all affordable schemes such as this.

The dwellings would be of traditional brick build but with contemporary features added throughout. Windows and doors would be grey in colour with rendered window surrounds of the same colour at ground floor on the front elevations. A contemporary grey canopy will surround the front entrance door. In addition, a brick feature panel is shown between houses in order to break up the facade. Two brick types are proposed - both red-multi, one darker - along with dark grey roof tiles, which are similar in nature to those approved for the developments to the north and south. Notwithstanding this, all the schemes that have already been approved along this side of Crease Drove do have different characteristics as they are all separate entities and under the ownership of different developers. This development will effectively create its own character and, in the context of the above, a more contemporary appearance is considered to be acceptable.

In terms of scale, all properties would be 2 storey which is in keeping with the existing development in the vicinity as well as that which is currently being constructed to the north and south.

Dwellings would be accessed from either the adoptable estate road running through the site or from one of the four short private drives. This is considered to be an acceptable balance between estate and private roads. Each dwelling has the required level of off-road vehicle parking space, in accordance with the parking standards in the Local Plan (Appendix 6).

Private drives and driveways would be constructed of permeable paving, with the estate road and

associated footways being of bituminous construction. This is a typical and appropriate arrangement.

Refuse collection would be a combination of kerbside for the main estate road and collection points for private drives. The shared surface shown at the eastern end of the estate road is to be constructed to an adoptable standard, meaning that refuse collection points would be sited where the private roads join the estate road. All properties would be within a 30m carrying distance of a collection point.

The total area of the site that is subject to outline approval is approximately 1.58ha. However, the scheme that is the subject of this particular application covers a smaller area, with the remaining land the subject of a separate full planning application for 14 units. The overall density (based on 55 dwellings) would therefore amount to 35/ha. The Local Plan does not specify any densities for housing sites other than allocations and, even in this case, it is stated that the capacity specified for these is not necessarily a maximum or minimum. It is therefore considered that whether a density is appropriate should be assessed on a case-by-case basis, taking into account the context of the site and any other considerations or constraints, such as viability. With regard to this, the site immediately to the north is being constructed at a density of 33/ha and the site to the south at a density of 27/ha. This, one could argue, is reflective of the fact that the site to the north is an all affordable scheme and that to the south is a predominantly market development and thus the property mix differs. Affordable schemes tend to be a mixture of semi-detached properties and small terraces - which is the case here and for the site to the north - whereas the market scheme to the south comprises of a number of detached properties which by their very nature have a greater land take, thus reducing density. Provided the scheme is acceptable in all other regards in terms of design and layout (parking, garden space etc), it is not considered that the higher density of the site would be a justifiable reason for refusal in and of itself. In terms of the development's visual appearance, it is not considered that this is adversely affected by the density of the scheme. There are only a limited number of properties that have a short separation distance (approx. 1m), with the rest being greater than this and separated by parking spaces or gardens.

Two areas of open space are proposed - One at either end of the site. The area at the western end of the site will effectively form a continuation of the set back that has been incorporated into the scheme to the south for reason of visual amenity. The open space at the eastern end of the site will be multifunctional in that it includes an attenuation basin and also acts as the required 9m easement for the adjacent IDB drain. These are areas that would otherwise not be developed. For these reasons, the siting of the areas of open space within the site are considered to be appropriate.

The approved flood risk assessment requires finished floor levels (FFLs) to be set no lower than 2.19m AOD. Based on the existing site levels provided, this would result in finished floor levels being a maximum of around 1.3m above existing ground level. Levels will have to be raised the most for those properties at the east of the site and along a section of the south-western side of the site. The FFLs of the nearest properties on the development currently being built to the south range from 1.71 AOD to 1.95m and those on the site to the north range between 2.35m to 3.10m. There is therefore a noticeable difference in levels as you move northwards across the sites. It is therefore not considered that the requirement to raise floor levels would have an adverse impact on the character and appearance of the development itself, nor the wider area. The agent has advised that there is the possibility that levels may change once the developer gets out on site and so they have requested that a levels condition be added to cover this.

Taking the above into account, it is concluded that the design and layout 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; and 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, highways and parking concerns

Access was agreed at outline stage and is thus not a reserved matter. The principle of this number of dwellings and associated traffic that would be generated was also accepted at that stage.

With regard to the layout of the internal roads, the Highways Authority have raised no objections and there is no issue in respect of this in planning terms.

Given the above, the proposal is 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.

As with all other sites along this side of Crease Drove, there is a condition on the outline approval that requires details to be submitted to and approved by the Council for the structural improvement and widening of Crease Drove and the provision of a footway on the eastern side of Crease Drove. This will be dealt with in due course.

Appendix 6 of the Local Plan sets out parking standards for residential dwellings and states that 2 vehicle parking spaces are required for dwellings with up to 3 bedrooms. The proposed vehicle parking arrangements are in accordance with this.

Landscaping and open space

As previously discussed, there are two areas of open space included in the scheme, which amounts to approx. 0.29ha in total. This is greatly in excess of the 0.07ha required by Policy 32 of the Local Plan for the population expected to be generated by 41 dwellings. The requirement would increase to 0.09ha taking into account the additional 14 dwellings which are the subject of a separate full planning application. As well as these areas providing recreation and visual amenity benefits, there is also an added purpose/benefit of facilitating suitable surface water drainage from the site and ensuring that adequate access is maintained for the maintenance of the IDB drain to the east.

A scheme of landscaping and tree planting is proposed throughout the site. Ornamental planting will be incorporated to the front of the majority of properties, with small areas of turf and formal hedging to the front of some. New trees would line a large proportion of the estate road. In addition to this landscaping, the attenuation basin will also act as a visual feature that will contribute to the appearance of the scheme.

The open space at the west of the site will be bordered by formal hedging along the boundary with Crease Drove which should help avoid conflict between road users and those making use of the open space.

Boundary treatments are also an important element of a landscaping scheme. 1.8m close board fencing is proposed to the rear of/in between properties. Planting will be provided in prominent locations to soften the impact of fencing.

Overall, it is considered to be a suitable landscaping scheme for the site. The proposed scheme therefore complies with Policy 3 of the Local Plan in respect of its provisions on landscaping.

Drainage and Flood Risk

Surface water would be disposed of by a conventional gully and surface water sewer system, with a discharge to the IDB drain to the east. The ground conditions in this location are not suitable for infiltration and so a sustainable drainage system is not achievable. The IDB drain is the most suitable adjoining drain into which to discharge to due to its capacity.

An attenuation basin would be utilised for the site's storm water which would store surface water run-off that exceeds the permitted run-off rate. This has an outfall to the drain along the eastern boundary. With the exception of the attenuation basin, this system would be adopted by Anglian Water.

The Lead Local Flood Authority and Internal Drainage Board have no objections in principle to the proposed surface water drainage strategy as shown. There is a condition on the outline approval that requires specific details to be discharged, which will take place in due course.

The proposal is for foul water to be pumped via a pumping station and rising main to the nearest existing mains foul water connection, which is to the north near Alderlands Close. Anglian Water are obligated to accept flows from new developments and raised no objections at outline stage.

Concern has been raised regarding the danger of flooding, however the principle of development on the site has already been established at appeal, and mitigation measures agreed by condition. Finished floor levels would be raised in accordance with the recommendations in the approved flood risk assessment.

Given the above, it is considered that the proposed drainage scheme accords with Policies 2, 3 and 4 of the Local Plan which require proposals to provide appropriate means of drainage.

Impact upon residential amenity and nearby commercial concerns

The closest existing properties to the application site are to the east on Beccelm Drive. All of the proposed dwellings are in excess of 30m away from the rear boundaries of these properties. For this reason, it is not considered that there would be a material adverse impact on residential amenity in terms of loss of privacy, light or being overbearing in nature, despite the need to raise floor levels.

As previously mentioned, residential schemes are under constructed immediately to the north and south of the site. The relationship between those dwellings being constructed to the south and the proposed dwellings is such that residential amenity should be protected. There would be in excess of 21m between rear elevations and in excess of 15m where the relationship is side to rear, which are the generally accepted separation distances. The same applies to the site to the north.

Concern has been raised regarding the interrelationship with the proposed housing and nearby commercial activity. Paragraph 182 of the NPPF states that planning decisions should ensure that new development can be integrated effectively with existing businesses and that such businesses should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business could have a significant adverse effect on new development in its vicinity, the applicant (or 'agent of change' should be required to provide suitable mitigation before the development has been completed.

Considering this in the context of the proposed development, the development itself would represent the 'agent of change'. The outline application was supported by a Noise Assessment Report, however noise was not an issue considered by the Inspector at appeal stage. It is therefore not considered to be a material concern for this reserved matters application.

Overall, there are not considered to be any significant or demonstrable adverse impacts relating to residential amenity that would warrant refusal of this proposal. The proposal is considered to accord with Policies 2, 3 and 30 of the Local Plan in respect of their provisions on residential amenity.

Affordable housing provision

The outline application was granted subject to a unilateral undertaking for the provision of one third of the site as affordable housing, however this proposal is for 100% of the dwellings to be affordable.

The exact tenure mix is to be confirmed at a later stage due to the applicant wishing to have flexibility given the current climate. Strategic Housing have no objections to this approach. The applicant is seeking to modify the existing Unilateral Undertaking that forms part of the outline permission and so a requirement for the submission of details of an affordable housing scheme can be incorporated into the Deed of Variation.

There is considered to be no conflict with Policy 18 of the Local Plan at this stage.

Other matters

The outline approval requires a management plan for areas of public and incidental open space, landscaping, refuse/recycling collection points and parking courts/private drives to be submitted to and approved by the Council prior to commencement of development. A management and maintenance plan has been submitted at officer's request in order to understand how areas are likely to be managed. The private drives, attenuation basin, open space and areas of incidental open space will be maintained by a management company. The remaining areas would either be conveyed to each property or adopted by the Highways Authority. These details will still need to be formally discharged.

An updated ecological survey has been submitted, which recommends the installation of bat boxes. As this relates somewhat to the appearance of the development, it is considered that it would be reasonable to add this as a condition.

Conclusion

Taking all of the above into account, the proposal is considered to comply with the local development framework and national planning policy.

The recommendation is therefore for a delegated approval.

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.