

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H02-0111-22 **Applicant:** Mr M Strickland
Proposal: Proposed Residential Dwelling.
Location: Grosvenor 48 Broadway Crowland
Terminal Date: 3rd April 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
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
17	Providing a Mix of Housing
28	The Natural Environment
29	The Historic Environment
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2021

Section 2 - Achieving sustainable development
Section 4 - Decision making
Section 5 - Delivering a sufficient supply of homes
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
Section 16 - Conserving and enhancing the historic environment

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	1
WARD MEMBER	0	0	0	0
ENVIRONMENT AGENCY	0	0	0	1

HIGHWAYS & SUDS SUPPORT	0	0	0	1
IAN MARSHMAN, HISTORIC ENVIRONMENT OFFICER	0	0	0	1
NORTH LEVEL INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	1	1
RESIDENTS	1	0	0	0

CASE OFFICER ASSESSMENT

Proposal

Full planning permission is sought for the erection of a detached 3 bed chalet bungalow with attached garage at Grosvenor 48 Broadway, Crowland.

The proposed construction materials are all to be confirmed, therefore a materials schedule condition will be added should this application be approved. New shrubbery will be introduced along the Hereway Way boundary and a Crateagus (Hawthorn) Tree will replace the existing tree near the boundary to be removed. The area to the front and side of the dwelling will be block paved permeable surfacing and grassed following construction of the house.

As the proposal lies within an area of South Lincolnshire Strategic Flood Risk identified as "Danger for Some" and "Low Hazard", the finished floor level will be required to set to a minimum of 300mm above existing ground level on site.

Site Description

Existing access to the site is from Hereward Way, which is a single track, kerbless, tarmac surfaced lane. The land is associated with no. 48 Broadway, which is a detached dwelling to the east/south-east on the opposite side of Hereway Way, and fronts on to Broadway. Access to the site is through a timber gate on to gravel surfacing, part overgrown by vegetation. There is a small garage on the site currently. There are terraced properties to the west and semi-detached dwellings to the south. On the whole there is a mixture of development on either side of Hereward Way and there is no distinct pattern. The site adjoins Crowland Conservation Area.

History

No relevant planning history.

Consultation Responses

North Level District internal Drainage Board- No objection in principle. However, require further details of the SUDs proposed.

Crowland Parish Council- The Parish Council would like to clarify that Hereward Way is not an unmade Road, but believe the road surface should be made good by LCC Highways as it is in desperate need of resurfacing.

Environment Agency- No comments.

Local Highway and Lead Local Flood Authority- No objections.

SHDC Conservation Officer- Whilst this site is in adjacency to the Conservation Area, I do not wish to raise any concerns from a conservation perspective. The proposed design appears to be appropriate to the area and similar in nature to existing development in the vicinity and does not appear to suggest an overbearing, overcrowding, or overdevelopment risk, meaning that it shall bear no significant impact, if at all, upon the appreciation of the nearby heritage asset. The case officer should, therefore, continue to determine this application with due regard to Policy 29 of the SELLP and S16 of the NPPF, in addition to all other relevant considerations.

SHDC Environmental Protection - No comments or objections.

Ian Marshman, Historic Environment Officer- No archaeological impact.

Public comments:

- Concern over privacy
- Height of proposed building will block sunlight into gardens along Reform Street
- Hereward Way is predominantly a service road to the rear of properties

Planning Considerations

The main issues in this case are:

Principle of Development
Layout, Scale and Design
Highway safety and parking
Flood Risk and Drainage
Residential Amenity
Heritage Considerations

Principle of Development

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 site is located within the settlement boundary for Crowland, as set out in the South East Lincolnshire Local Plan (SELLP), 2019. Policy 1 (Spatial Strategy) of the SELLP indicates that within Main Service Centres, such as Crowland, development will be permitted that supports its role as a service centre for the settlement itself, helps sustain existing facilities or helps meet the service needs of other local communities. In the context of this, the principle of residential in this location is considered acceptable.

Layout, scale and design

The application site lies just outside of the Crowland Conservation Area. The proposal is for a 1.5 storey, 3 bed dwelling, which in design terms makes reference to the form of development elsewhere in Hereward Way, being a detached chalet bungalow. The proposed property will be set approx. 2.4m from the road and would have a private garden set along the south section of the site, with the side elevation of the dwelling facing the road. There will be a requirement to raise finished floor levels by around 300mm due to flood risk, but this will not materially impact the appearance of the development. Overall it is not considered that a dwelling of the scale and design proposed on the application site would be unduly cramped or have a material adverse impact on the wider street scene or views to and from the Crowland Conservation Area, particularly taking into account the variety of buildings that front on to Hereward Way.

Exact materials would be dealt with by condition.

Taking the above into account, it is concluded that the layout, scale and design 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; the relationship to existing development; and impact on historical buildings and heritage assets. Policy 3 requires development proposals to respect the density, scale and massing of neighbouring buildings; the landscape character of the location; and a sense of place by complementing the historic environment.

Highway safety and parking

Access would be taken from Hereward Way to the south. Despite its narrowness, the road is adopted highway and the Highway Authority have been consulted as part of the application process, raising no objection on highway 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 arrangements and vehicle levels will be acceptable.

Appendix 6 of the SELLP sets out minimum vehicle parking standards for residential developments and requires that at least 2 parking spaces are provided within the curtilage for dwellings with up to 3 bedrooms. 2 parking spaces are indicated on the block plan for the new dwelling. The blockwork drive includes a 6m turning circle for vehicles to manoeuvre on the drive and an electric operated sliding gate.

Full boundary treatment details will be conditioned.

Flood risk and drainage

The National Planning Policy Framework (2021) requires the application of the Sequential Test to steer new development to areas with the lowest probability of flooding. If, following the application of the Sequential Test, it is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding, the Exceptions Test can be applied if appropriate.

The South East Lincolnshire Strategic Flood Risk Assessment (March 2017) (SFRA) is the basis for applying the Sequential Test. This concludes that the vast majority of South Holland District is in Flood Zones 2 and 3. Therefore, consistent with wider sustainability objectives, it is not realistically possible to direct all development to zones with a lower probability of flooding. As such, the document outlines a methodology whereby the SFRA hazard and depth maps (in that order) are to be utilised when determining flood risk and applying the sequential test. Using this methodology it is possible to use the information to steer development towards the areas of lower flood risks as advised within Section 14 of the NPPF.

In terms of flood risk, the application site is situated in Environment Agency Flood Zone 1. Therefore, the proposed dwelling would appear to be situated in a low flood risk area on the face of it.

However, the South East Lincolnshire Strategic Flood Risk Assessment (March 2017) shows that the site falls within a combination of "Low Hazard" and "Danger for Some " hazard zones, with potential flood depths of up to 0.25m (based on the 1% Fluvial/0.5% Tidal scenario).

The Local Plan has allocated sequentially preferable sites in terms of flood risk that are capable of meeting the identified housing targets for individual settlements. Although the application site is not a housing allocation within the Local Plan (only suitable sites capable of accommodating 10+ dwellings have been allocated), the site does lie within the settlement boundary for Crowland. In general, there is a presumption in favour of sustainable development within settlement boundaries and windfall sites are expected to have a contribution towards housing supply (and maintaining the 5-year supply of deliverable sites) in the district. As such, one could argue that, should the site be acceptable in all regards, and if the Exceptions Test is successfully passed, that the site is acceptable in flood risk terms, notwithstanding the fact that there are sequentially preferable allocated sites in the adopted Local Plan.

In order for the Exceptions Test to be passed, it must be demonstrated that the proposed development will provide wider sustainability benefits to the community that outweigh flood risk, and that it will be safe for its lifetime, without increasing flood risk elsewhere and where possible reduce flood risk overall.

With regard to the above, the development would provide some wider sustainability benefits to the

community through a contribution towards housing supply, and other benefits including generating employment during the construction period and its proximity to a range of services and facilities. Providing that finished floor levels are set no lower than 300mm above existing ground level, the development should be safe for its lifetime.

In terms of surface water drainage, the proposal is for this to be discharged via a sustainable drainage system, but no further details have been provided at this stage. For foul water disposal, it has been indicated on the application form as unknown. Therefore, a condition requiring full drainage details will be added if the application were to be approved.

Given the above, 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

It is not considered that the proposed development will have a material adverse impact on residential amenity in terms of being overbearing, or creating an overlooking or loss of light impact.

The proposed dwelling will have no side facing windows at first floor to the west and the neighbouring garden to the south is over 20m away from the front elevation bedroom windows of the proposed dwelling. The rooflights on the north facing roof slope would face towards the recently approved dwelling to the north (H02-1292-21) which has two rooflights on the south facing roof slope and is over 20m away from the proposed rear elevation. Therefore, there would not be a material overlooking aspect in that direction due to the separation distance being sufficient. There are also two rooflights on the west elevation from the proposed kitchen and dining area. This would not impact upon overlooking of the dwellings to the west along Reform Street, due to the single storey nature and the rooflights not proposed at eye level. Finished floor levels would need to be raised by approximately 300mm as a mitigation measure, but with the use of 2m boundary treatments (boundary treatment details to be conditioned) there would not be an adverse amenity impact.

It is not considered that the proposed dwelling would result in unacceptable overshadowing of the gardens of the dwellings to the west taking into account the path of the sun, it's overall height (1.5 storey) and the considerable length of those gardens (approx. 18m).

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

Heritage considerations

The SHDC Conservation Officer raises no objections to this application. The proposal site sits just outside of the Conservation Area, however, it is not felt that the proposed design would be out of character with the immediate area and therefore would not cause harm to views into or out of the Conservation Area.

The application is considered to be acceptable within the context of Policy 29 of the SELLP (2019) and Section 16 of the NPPF (2021) as well as all other relevant planning considerations.

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 application site lies within the settlement boundary for Crowland and the principle of residential development in this location is acceptable. It is not considered that the proposal would materially harm the character or appearance of the locality or nearby Conservation Area, nor the amenity of residents. There is no objection from the Highway Authority and parking arrangements are acceptable. Flood risk matters are considered to have been appropriately addressed and full drainage details can be conditioned.

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

In light of the above considerations, the proposal is considered to be in accordance with Policies 1, 2, 3, 4, 29 and 36 (incl. Appendix 6) of the South East Lincolnshire Local Plan (2019), as well as Sections 12, 14 and 16 of the National Planning Policy Framework (2021).

The recommendation is for a delegated approval.