

## DECISION DELEGATED TO HEAD OF PLANNING

**Application No:** H02-0151-24      **Applicant:** Mr A Fasae & Mr G Lawal

**Proposal:** Erection of 6 Detached Dwellings

**Location:** Land Off Hereward Way Crowland

**Terminal Date:** 21st June 2024

### 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    |
| 28         | The Natural Environment   |
| 29         | The Historic Environment  |
| 30         | Pollution                 |
| 36         | Vehicle and Cycle Parking |
| APPENDIX 6 | Parking Standards         |

#### National Guidance

#### National Planning Policy Framework 2023

Section 2 - Achieving sustainable development  
Section 4 - Decision-Making  
Section 5 - Delivering a sufficient supply of homes  
Section 9 - Promoting sustainable transport  
Section 12 - Achieving well-designed & beautiful 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        |
| HIGHWAYS & SUDS SUPPORT | 0      | 0       | 0       | 1        |

|                                                 |   |   |   |   |
|-------------------------------------------------|---|---|---|---|
| RUBEN LOPEZ,<br>HISTORIC<br>ENVIRONMENT OFFICER | 0 | 0 | 0 | 1 |
| NORTH LEVEL<br>INTERNAL DRAINAGE<br>BOARD       | 0 | 0 | 0 | 1 |
| SHDC INTERNAL                                   | 0 | 0 | 0 | 2 |
| RESIDENTS                                       | 2 | 0 | 0 | 1 |

## **CASE OFFICER ASSESSMENT**

### **Proposal**

This is a full planning application for the erection of 6 dwellings and associated infrastructure.

The dwellings are accessed from Hereward Way, the access is proposed to be made up to adoptable standards, Plot 2 takes its own access from Hereward Way meaning that the private access serves a total of 5 number dwellings.

The layout is irregular with plots 4 & 5 facing northerly into the development, and plots 3 and 6 looking southerly towards those plots, Plots 1 and 2 retain an active frontage presenting their principle elevation to Hereward Way.

The site plans also show the location of visitor parking and bin parking for the rear plots, it also shows a modest scheme of landscaping with amenity areas.

The dwellings, are as follows:

Plot 1- This is a 3-bedroom dwelling (4th bedroom or study at ground) with the first floor located above the eaves. Two gable dormers are shown to the principal roof pitch and roof lights are located to the rear.

Plot 2 - This is a 3-bedroom dwelling with first floor above the eaves and front lean to porch. There are two gable dormer to the front elevation and one to the rear.

Plot 3 - This is a 3-bedroom dwelling with first floor above the eaves, a number of gable dormers are located on this floor to accommodate sufficient internal floor space.

Plot 4 & 5 - These are 3-bedroom dwellings (both with a bedroom on ground). Traditional two storey in part with gable features

Plot 6 - This is a 2-bedroom dwelling (3rd bedroom or study at ground) with the first floor located above the eaves. Two gable dormers are shown to the principal roof pitch and roof lights are located to the rear.

### **Site Description**

The application site lies on the eastern side of Hereward Way and is sited to rear of dwellings fronting South Street and Reform Street. The land is presently an unused farm/commercial yard, containing a range of buildings of no architectural/visual merit. The site lies within the Crowland Conservation Area. It has an extant planning permission for the erection of 4 number dwellings.

Hereward Way is an adopted road and many access points emanate from it, normally to the rear of

properties. The application site falls within a combination of "Low Hazard", "Danger for Some" and "Danger for Most" hazard zones.

## **History**

H02-0234-22 - Erection of 4 Dwellings. Granted subject to conditions.

## **Consultation Responses**

### Crowland Parish Council

CPC have concerns regarding the increased traffic, with other approved planning approvals, leading to further deterioration - in an already poorly conditioned road surface, (adopted highway), this needs to be urgently addressed by LCC Highways. CPC also recommend that the full width of the roadway be useable by both pedestrians and vehicles including a footpath from the top end of Broadway to the development be put in place. A recommendation is that a streetlight should be put on the development and a refuse collection point be located at the front of the development for the bin collection along Hereward Way.

### Environmental Protection

I request a standard land contamination condition to be applied at this location

### Conservation Officer

I wish to raise no objections to this proposal upon built heritage conservation grounds. The proposal site is within the conservation area, meaning that the proposal should be subject to consideration under Policy 29 of the SELLP. As such, the proposal, at a minimum should be of a design that is respectful to the setting and the local vernacular. In this instance, the traditional design features such as dormer windows, brick arched lintels, and the smaller 1.5 storey scale suggest a proposal that shall be relatively attractive and low-impact, particularly given that the site would front onto Hereward way, which is a low-traffic and obscure portion of the conservation area.

Still, given the conservation area setting, I would advise that should the case officer seek to recommend approval, conditions be applied that request full details of external materials, as well as details of windows and doors to be submitted. I would also suggest applying a condition requiring all rainwater goods to be black-painted metal. The applicant should also be informed that upon submission of the details requested by these conditions, it shall be an expectation that doors and windows shall be timber framed, and that roof coverings are natural materials (either slates or clay pantiles)

### Historic Environment

Thank you for consulting us on this. Having reviewed the application documents and the available Historic Environment information for this application, the proposal is unlikely to have an impact on significant archaeological remains. Consequently, no further archaeological input is necessary for this application.

### Highways

The proposal is for the erection of 6 dwellings off a private drive leading from Hereward Way. The Site already has planning for 4 executive houses. Access to be constructed under a Section 184 to Lincolnshire County Council Specification. Vehicle speeds are low along Hereward Way due to the nature of the road and the precedent has already been set here. The proposal will not lead to an adverse impact on the public highway.

### LLFA

As Lead Local Flood Authority, Lincolnshire County Council is required to provide a statutory planning consultation response with regard to drainage and surface water flood risk on all Major applications. This application is classified as a Minor application, and it is therefore the duty of the Local Planning Authority to consider the surface water flood risk and drainage proposals for this planning application

## IDB

If infiltration is not viable and surface water disposal is via the Anglian Water sewer a development levy will be payable to the Board.

## Representations

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. Three number objections have been received. The material points can be summarised in the following way:

- Clarification on how these proposed plans impact our right of way
- Highway Safety Issues
- Issues for waste collection
- Facilities not commensurate with the area and therefore new dwellings would place a strain on local services

Also a representation has been received that expresses topics such as water pressure, drainage and residential amenity considerations are given to any assessment.

## *Officer Comments*

The objection containing the right of way access did not present any details of how this access is achieved and whether or not it relates to vehicular access/ or just pedestrian.

This is a civil matter and any planning permission achieved would not supersede or quash any legal rights of access. Such matters are to be resolved by the landowner and those with rights over the land.

## **Planning Considerations**

### ]Evaluation

Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

In this case, the adopted South East Lincolnshire Local Plan 2011-2036, adopted March 2019, forms the development plan for the District, and is the basis for decision making in South Holland. The relevant development plan policies are detailed within the report above.

The policies and provisions set out in the National Planning Policy Framework (December 2023) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

Furthermore, where a Neighbourhood Plan has been adopted, this alongside the adopted Local Plan, forms part of the Development Plan for the District, and must be considered when assessing development proposals. In this instance, no relevant neighbourhood plans have been adopted.

The Authority is able to demonstrate a supply of deliverable sites equivalent to in excess of 5 years through the latest Housing Land Supply Assessment.

## **Principle of Development**

The South East Lincolnshire Local Plan sets out the settlement hierarchy in respect of delivering sustainable development that meets the social and economic needs of the area whilst protecting and enhancing the environment; in order to provide enough choice of land for housing to satisfy local housing need, whilst making more sustainable use of land and to minimise the loss of high quality agricultural land by developing in sustainable locations and at appropriate densities.

Policy 1 of the South East Lincolnshire Local Plan sets out a spatial strategy for delivering sustainable development across South East Lincolnshire until 2036. Policy 1 (Spatial Strategy) expresses the sustainable framework of settlements, ranking the settlements deemed to be most sustainable in descending order. The most sustainable locations for development are situated within

the 'Sub-Regional Centres', followed by 'Main Service Centres'. Lower down the hierarchy in respect of sustainable development are areas of limited development opportunity including Minor Service Centres, with areas of development constraint comprising 'Other Service Centres and Settlements'. The countryside is at the bottom of the settlement hierarchy and represents the least sustainable location.

The application site is located within the main service centre of Crowland. Of these areas policy 1 point 2 states:

*Within the settlement boundaries of the Main Service Centres (as shown on 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.*

Furthermore, an extant permission for residential development is already in place across the site. This proposal is to increase the number of dwellings (by an additional two). The principle of residential development across the site has already therefore been established. The proposal would therefore accord with policy 1 of the SELLP.

## **Flood Risk & Drainage**

Policy 4 sets out South Hollands approach to Flood Risk. The application site is located within FZ 1 in accordance with EA Planning Maps. The South East Lincolnshire Strategic Flood Risk Assessment (March 2017) shows that the site falls within a combination of "Low Hazard", "Danger for Some" and "Danger for Most" hazard zones, with potential flood depths of up to 0.5m (based on the 1% Fluvial/0.5% Tidal scenario).

Development in all flood zones, and development over 1 hectare in size in Flood Zone 1, will need to demonstrate that surface water from the development can be managed and will not increase the risk of flooding to third parties.

Section 14 of the National Planning Policy Framework also in part concerns itself with flood risk and is relevant.

The application site already has an extant permission residential development and therefore in principle terms the use is established a condition on finished floor levels however will be attached. These should conform with the EA standing advice on mitigation in this area.

The applicant also puts forward a principal drainage strategy, this is based upon infiltration, which of course is preferred. However, whilst the applicant has presented infiltration guidance set out in CIRCA 753 (The SuDs manual), no site-specific information has been provided and therefore justification exists to attach a surface water drainage condition (especially given that the application relates to an increase in two dwellings of what has been previously approved). Foul water is to be connected to the existing network and Anglian Water under legislation have a duty to accept these flows, and so no condition will be attached as regards this.

On this basis it is considered that the proposal would accord with SELLP Policy 4 as well as section 14 of the National Planning Policy Framework.

## **Historic Environment (and Character)**

The application site is located within Crowland Conservation Area. Policy 29 of the SELLP sets out the approach to considering schemes that affect the historic environment. It states that "To respect the historical legacy, varied character and appearance of South East Lincolnshire's historic environment, development proposals will conserve and enhance the character and appearance of designated and non-designated heritage assets, such as important known archaeology or that found during development, historic buildings, conservation areas, scheduled monuments, street patterns, streetscapes, landscapes, parks (including Registered Parks and Gardens), river frontages, structures and their settings through high-quality sensitive design"

Part B of the policy is concerned with specifically with conservation areas, it states that "Proposals within, affecting the setting of, or affecting views into or out of, a Conservation Area should preserve (and enhance or reinforce, as appropriate) features that contribute positively to the area's character, appearance and setting. Proposals should:

1. Retain buildings/groups of buildings, existing street patterns, historic building lines and ground surfaces;
2. Retain architectural details that contribute to the character and appearance of the area;

3. Where relevant and practical, remove features which are incompatible with the Conservation Area;
4. Retain and reinforce local distinctiveness with reference to height, massing, scale, form, materials and plot widths of the existing built environment;
5. Assess, and mitigate against, any negative impact the proposal might have on the townscape, roofscape, skyline and landscape;
6. Aim to protect trees, or where losses are proposed, demonstrate how such losses are appropriately mitigated against.

Section 16 of the NPPF which seeks to protect and enhance the historic environment is also relevant. Part 12 of the NPPF (Achieving well-designed places) states that good design is a key aspect of sustainable development and new development should be visually attractive as a result of good architecture and appropriate landscaping. It is important that new residential development should be of the highest quality to enhance and reinforce good urban design characteristics. It is generally accepted that good design plays a key role towards sustainable development. Regard must be had towards the impact that the proposed dwelling would have on local character, including topography, street patterns, building lines, boundary treatment and through scale and massing. Likewise, Policy 2 of the SELLP states that design which is inappropriate to the local area, or which fails to maximise opportunities for improving the character and quality of an area, will not be acceptable. Policy 2 point 1 states that proposal should meet with sustainable development considerations specifically in relation to 'size, scale, layout, density and impact on the amenity, trees, character and appearance of the area and the relationship to existing development and land uses'.

Policy 3 sets out the 'Design of new development' in part it states that "Design which is inappropriate to the local area, or which fails to maximise opportunities for improving the character and quality of an area, will not be acceptable".

The proposal is for 6 number modest size dwellings that, they contain a mix of characteristics. All contain interest in the roofscape and given the immediate context of the area would represent a betterment along Hereward Way. Material weight is given to the extant permission where 4 larger dwellings can be developed on this site.

The conservation officer has been consulted and has no objections to the proposal subject to conditions. The officer states:

*full details of external materials, as well as details of windows and doors to be submitted. I would also suggest applying a condition requiring all rainwater goods to be black-painted metal. The applicant should also be informed that upon submission of the details requested by these conditions, it shall be an expectation that doors and windows shall be timber framed, and that roof coverings are natural materials (either slates or clay pantiles).*

Therefore subject to such condition the proposal is considered acceptable.

In terms of archaeology the Historic Places Team have been consulted and have no objections to the proposal, nor any mitigation to add. It is therefore considered that the proposal would accord with SELLP Policies 2, 3 and 29 as well as sections 12 and 16 of the National Planning Policy Framework.

### **Amenity and Environmental Considerations**

Paragraph 135f of the National Planning Policy Framework (December 2023) states that development should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Policy 2 and of South East Lincolnshire Local Plan (2019) sets out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

Policy 30 is concerned with pollution and places impacts in relation to noise, disturbance and air quality as important consideration when considering proposals for planning.

The dwellings are sited at an appropriate separation distance from all other properties not to lead to

an unacceptable level of impact from overshadowing and overbearing. Key elevations to consider as regards to overlooking are the rear of plots 3, 4, 5 & 6 which are located close to the site boundary and the side elevations of plots 1 & 2.

The only opening that would have potential to result in unacceptable overlooking is the dormer window serving bedroom 2 on plot 3 and the landing opening serving plot 4 (though views from this are slightly diluted by an existing structure within a neighbouring yard). That said both openings given the potential impact will need to be obscurely glazed and non-opening (or top hung) to avoid any unacceptable levels of visual intrusion.

Internally all plots retain a sufficient separation distance not to have an overbearing impact upon one another and all openings are in locations that are considered to limited the effects from overlooking.

In terms of the use of the site, material to the assessment is that the applicant can erect four number dwellings, the intensification of the site from an uplift in two in terms of noise and disturbance to existing properties is considered acceptable.

Conditions will be attached to mitigate the impacts of the development upon neighbouring amenity during the construction phase.

Therefore, subject to the aforementioned mitigation the proposal would accord with SELLP Policies 2, 30 and NPPF paragraph 135f.

### **Highway Safety & Parking Provision**

In respect of highway matters, Policy 2 details that proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to access and vehicle generation.

Policy 3 details that development proposals will demonstrate how accessibility by a choice of travel modes including the provision of public transport, public rights of way and cycle ways will be secured, where they are relevant to the proposal.

Section 9 of the National Planning Policy Framework (December 2023) specifically relates to 'Promoting sustainable transport'. Paragraph 111 of the National Planning Policy Framework (December 2023) advises that "development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe".

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.

A recently published Council guidance note entitled 'Private Drives - Waste Vehicle Collection Service' sets out a hierarchy for developers to follow when considering waste collection arrangements and private drives. This guidance is not adopted planning policy and as such can only be given limited weight in planning terms. However, it is a material consideration.

The relevant section of this guidance note states:

"The Council, as local planning authority, is obliged to take into account the Council's adopted waste collection policy when determining planning/condition compliance applications for waste collection details as it should avoid approving waste collection schemes which are not capable of being provided. The following guidance is therefore provided for developers when seeking planning permission for new developments. The guidance seeks to ensure that developers are fully aware of waste collection issues when submitting planning applications with a view to avoiding later problems, such as poor design under policy 3 of the South East Lincolnshire Local Plan (Adopted March 2019). The following does not constitute adopted planning policy."

The highway authority has been consulted and giving material weight to the extant permission have no objections subject to the attachment of planning informative. The informative relate to the proposed access to be agreed with the authority and made up to LCC specification. Any statutory utility connections and that the road serving the development is to remain private and not maintainable at public expense.

The applicant proposes an acceptable access/egress into the site details of which need to be agreed with the highway authority, there is appropriate off-street parking provision for all dwellings and a bin store is located close to the start of the adopted road allowing residents of rear plots to place their bins closer to the adopted highway.

Further details of the bin store which is shown on plan along with a methodology of how waste is taken away from site will be attached as a planning condition to any permission.

The impact from construction related activities will need to be mitigated and a construction environmental management plan will be conditioned.

Therefore, subject to the consenting under highways the proposal is considered to be acceptable and would accord with 2, 3 and 32.

### Land Contamination

SELLP Policy 30 is concerned with land contamination. Environmental Protection have been consulted and have no objections to the proposal subject to further information as regards contamination is submitted and agreed with the LPA.

### Ecology & BNG

The application is not subject to mandatory BNG. A supporting statement as regard ecology and BNG carried out by Sharman Architecture has been received. The site is brownfield and limited Biodiversity exists on site, the proposal which offers modest landscaping would likely result in an overall net gain compared to the existing conditions. Furthermore the statement sets out recommendations to encourage wildlife. Any permission achieved will be conditioned to be in accordance with this document.

### **Planning Balance**

As detailed above, Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

The proposal represents appropriate development within the defined settlement boundary. The development hereby proposed does not materially harm the character or appearance of the locality, or amenity of nearby residents, and provides adequate parking, whilst conforming with the South East Lincolnshire Local Plan and the provisions of the National Planning policy Framework when viewed as a whole.

In this instance, there are no material considerations that weigh against the proposal and as such, the planning balance is in favour of the development.

### **Conclusion**

The proposed development is recommended for approval subject to the conditions outlined within this report.

### **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.