DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H02-0160-23**	**Applicant:**	**PEM Developments**
Proposal:	Proposed new dwelling with off street parking		
Location:	Land To Rear Of 44 South Street Crowland Peterborough		
Terminal Date:	17th April 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
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 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

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
IAN MARSHMAN, HISTORIC ENVIRONMENT OFFICER	0	0	0	1

NORTH LEVEL INTERNAL DRAINAGE BOARD	0	0	0	1
RESIDENTS	1	0	0	0

CASE OFFICER ASSESSMENT

Proposal

This is a full planning application for a proposed new dwelling with off street parking at 44 South Street, Crowland.

The proposal is for a single storey, two-bed dwelling, fronting Thorney Road, with access to the rear off South Street. This is similar to a previous application under ref. H02-0753-21, which received planning permission for a proposed two storey dwelling on this site.

Site Description

The application site sits between frontage residential development on both Thorney Road and South Street, and extends the full length between the two. There are existing vehicular accesses on both sides. The Snowden Playing Field is on the opposite side of Thorney Road. Existing dwellings in the vicinity are varied in terms of age and design, with a mixture of single-storey and two-storey dwellings in the locality.

The plot falls within the Crowland Conservation Area and is surrounded by a mix residential property not only in
design type and size but from age also.

History

H02-0753-21- FULL- Approved on 22-10-21- Proposed new dwelling with off street parking.

Consultation Responses

Public comment (1)

Objection/comments received, summarised-

- Privacy and invasion of light.
- Impact on privacy; application does not show the windows of neighbouring properties on the plans
- Proposed wall lights will impact us on light pollution
- Incorrect measurements. The position of the manhole cover to the drains is wrong, it is in the middle of the plot not to the right hand side, and they show a measurement of 1.4m, but to the nearest point of the cover, it is 1.8m.
- Need access to maintain our house, painting, and guttering, this would impact us on the ability to do this.
- Concern re foul drainage capacity; Presently, 2 houses use the mains drains, this is not shown in their plans (they only show it being shared by 1 property).
- The plans show no pathing to the property e.g. the use of the side entrance. Need to understand what their plans are, its impact to drains, any water flow directly onto our house which would cause rising damp issues (our house sits lower than the site).
- It states there are no hedges in the plan, there is an existing large established hedge which has nesting birds and wildlife through the year, and is shown on Page 4 of the 'design & access statement.

North Level IDB

No comments.

Historic Environment Officer, Lincolnshire County Council

No archaeological impact.

Local Highway and Lead Local Flood Authority

Approve with conditions.

Crowland Parish Council

No objection.

Planning Considerations

Principle

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 development in this location is considered acceptable.

Layout, Scale and Appearance

Paragraph 130 of the National Planning Policy Framework (NPPF), 2021 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; and 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, among other considerations. 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.

The proposal is for a single-storey, two-bed dwelling, fronting Thorney Road, with access to the rear off South Street. The property would sit forward of no. 7a but its front elevation would only project as far as the front elevation of no. 9 adjacent. There would be an approx. 3m separation distance to the side elevation of no. 7a and minimum of approx. 1.8m to no. 9 Thorney Road. Although this is less of a gap than between other properties fronting Thorney Road, it is not anticipated that it would have a material impact on the street scene taking into account how the proposed dwelling sits between existing development on the submitted block plan.

The visual appearance of existing dwellings in the vicinity is varied, therefore it is not considered that the proposed design would materially impact the character and appearance of the area. In fact, the proposed dwelling incorporates more interesting architectural features than some existing properties nearby (e.g. quoins, eaves detailing, brick arch lintel). The proposed materials and scale would be in keeping with surrounding development. The boundary treatment will include 1.8m high close boarded fence with concrete slotted posts with gravel boards. Details of the proposed landscaping can be secured by condition.

Finished floor levels would only need to be raised by 300mm as flood risk mitigation, which would have a minimal impact on design/appearance.

Taking the above into account, the external appearance, layout and scale of the proposed dwelling is considered to be acceptable and the proposal in accordance 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.

Highway Safety and Parking

Vehicle access to the dwelling would be from South Street, with the existing access from Thorney Road no longer being used. The Highway Authority have been consulted and have no objections to the proposal subject to a condition requiring the Thorney Road access to be permanently closed and reinstated back to a full height kerb footway. 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 to the Local Plan sets out minimum vehicle parking standards and requires at least 2 spaces for dwellings of up to 3 bedrooms. Two vehicle parking spaces are proposed, with access off South Street. The proposal therefore complies with Appendix 6 in this regard.

Residential Amenity

Paragraph 130 of National Planning Policy Framework (2021) 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.

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.

Facing windows of no. 9 Thorney Road to the south are to the dining/family/sitting space at ground floor and a w/c and landing at first floor. The latter two are non-habitable spaces in planning terms and any impact on these rooms would not be material.

The neighbouring dwelling to the north (no. 7a Thorney Road) is also a bungalow and has two facing windows. The window on the left hand side of that elevation would fall behind the rear elevation of the proposed dwelling and would still experience sunlight in the afternoon and early evening (time of year dependent) as the proposed dwelling is now single storey. At the eastern end of the bungalow is another window, which would be impacted by the proposed dwelling but, again, similar to no. 9, that room is served by two windows which makes refusal difficult to justify.

The only side facing windows to the proposed dwelling would be obscured glazed (bathroom/wc's), which again are non-habitable spaces.

Taking the above into account, the proposed bungalow is deemed to comply with Policies 2 and 3 in the SELLP, 2019 and Section 12 in the NPPF, 2021 in terms of residential amenity.

Flood Risk and Drainage

The NPPF 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 site is located within Environment Agency Flood Zone 1 and is therefore in a sequentially preferable location in flood risk terms.

The South East Lincolnshire Strategic Flood Risk Assessment (March 2017) (SFRA) indicates no hazard and no depth for the site. In this instance, finished floor levels of 300mm above existing ground level would be sufficient as a precautionary flooding mitigation measure. 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, the proposal is for surface water to be disposed of via soakaways and for foul water to be connected into the private drainage of 44 South Street. There are no known permeability issues in this area that would preclude the use of soakaways.

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.

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 proposal represents infill development within the settlement boundary of Crowland. It is therefore in accordance with Policy 1 of the Local Plan in this regard. It is not considered that the proposal would materially harm the character or appearance of the locality or amenity of residents. There are no material highway issues and parking levels are in accordance with the Local Plan requirements. Flood risk and drainage matters are considered to have been appropriately addressed.

Overall, the planning balance is considered to be in favour of the proposal.

Conclusion

In light of the above considerations, the proposal is considered to be in accordance with Policies 1, 2, 3, 4 and 36 (incl. Appendix 6) of the South East Lincolnshire Local Plan (2019), as well as Sections 5, 12 and 14 of the National Planning Policy Framework (2021).

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.