

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H02-0201-21 **Applicant:** Mr J Finding
Proposal: Proposed New Bungalow
Location: Land Adj. 10 Harrington Drive Crowland Peterborough
Terminal Date: 22nd April 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
17	Providing a Mix of Housing
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2019

Sections 5, 12 and 14 of the National Planning Policy Framework (2019)

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	1
WARD MEMBER	0	0	0	0
PLANNING LIAISON OFFICER - FLOOD RISK ASSESSMENT	0	0	0	1
HIGHWAYS & SUDS SUPPORT	0	0	0	1
NORTH LEVEL INTERNAL DRAINAGE BOARD	0	0	0	1

SHDC INTERNAL	0	0	0	1
OTHER STATUTORY BODIES	0	0	0	1
RESIDENTS	0	0	0	2

CASE OFFICER ASSESSMENT

PROPOSAL

This is a full application for a proposed new bungalow on land adjacent 10 Harrington Drive, Crowland. The proposal seeks to provide three bedrooms, an en-suite, a bathroom, lounge and combined kitchen / dining area. Finished floor levels are set at 2.4mAOD, with the eaves height at 4.65 metres and a ridge height at 7.118 metres. A stepped access will be added to the rear elevation to facilitate safe egress. The side boundary fencing will be 2.2 metres in height.

SITE DESCRIPTION

The site is an area of grassed land between a row of linear development. The adjacent dwellings to the east and west at 10 Harrington Drive and 14 Harrington Drive have an approximately 6 metre ridge height. To the south of the site is grassed land, which is populated by dilapidated sheds. The site is within Environment Agency Flood Zone 3, and in a "Danger for All" hazard area, with a maximum predicted flood depth of 2 metres on the 2115 South Holland Strategic Flood Risk Mapping. Finished floor levels are set at 2.4mAOD which translates to 1.1 - 1.2 metres above ground level.

RELEVANT SITE HISTORY

None.

CONSULTATION RESPONSES

LCC - County Highways & SUDS Officer

No objections - "For this proposal the access is existing and off street parking and turning is proposed, therefore, it is considered that the proposals would not result in an unacceptable impact on highway safety."

SHDC - Environmental Protection Officer

No objections. Requests unexpected contamination condition.

Environment Agency

Proposals must have a minimum of 2 storeys, with FFL set a minimum of 1 metres above existing ground level, flood resilient construction to a height 300mm above the predicted flood depth, and demountable defences to 600mm above FFL. It is up to the local planning authority to determine whether a single storey dwelling would be suitable in this location. The proposed flood risk mitigation for the proposed single storey property is a FFL at 2.4 metres AOD. The FRA has estimated flood depth for the 0.1% (1 in 1000) plus climate level hazard as approximately 1.1/1.2 metres above existing ground levels with 0.3 metres of flood resilient construction above finished floor level.

North Level Internal Drainage Board

No comments.

Crowland Parish Council

No objections - "The Parish Council is pleased to see this area of waste land being used and has no objections to this application."

Member of the public

Requested a meeting with the applicant to discuss the application. Both the applicant and member of the public have confirmed via telephone calls that the meeting had occurred and no further consultation comments were made.

PLANNING CONSIDERATIONS

Assessment against SELLP Policy 1 - Spatial Strategy

This proposal is assessed against SELLP Policy 1 titled - Spatial Strategy. The relevant section in this policy is titled Main Service Centres. This section of the policy 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."

The proposal is within defined settlement limits amongst a row of existing development. The proposal would help support Crowland as a service centre and sustain existing facilities.

The proposal therefore satisfactorily accords with SELLP Policy 1 in this regard.

Assessment against SELLP Policy 2 - Development Management

This proposal is assessed against SELLP Policy 2 titled - Development Management. This policy states:

"Proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to:

1. 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;
2. quality of design and orientation;
3. maximising the use of sustainable materials and resources;
4. access and vehicle generation levels;
5. the capacity of existing community services and infrastructure;
6. impact upon neighbouring land uses by reason of noise, odour, disturbance or visual intrusion;
7. sustainable drainage and flood risk;
8. impact or enhancement for areas of natural habitats and historical buildings and heritage assets;
9. impact on the potential loss of sand and gravel mineral resources."

When assessed against the above relevant criteria the following can be observed:

1. The size and scale of the proposed bungalow is considered to be appropriate for the site. The layout is typical for a bungalow property. To address flood risk, the bungalow is raised 1.15 metres out of the ground. Whilst this does raise the bungalow higher than other bungalows in the streetscene, the location and prominence does not give material planning concerns about the impact on the character and appearance of the area.
2. The design is considered to be in keeping with the surrounding area and the orientation is the same as that of the adjacent bungalows on a matching line of frontage.
3. Tiles and brick are to match those of the adjacent bungalows. The proposed materials are considered to benefit the visual amenity of the surrounding area.
4. The proposed access is well located and the site provides 2 off road parking spaces which is the minimum amount requested for a 3 bedroom dwelling under Appendix 6 of the SELLP. The parking

layout allows for vehicles to exit the site in a forward gear. The County Highways & SUDS Officer has no objections to the proposed plans.

5. The proposal is not considered to impact existing community services and infrastructure.

6. There is not considered to be a material impact on neighbouring land uses from noise, odour or disturbance. With regard to visual intrusion, the east facing window serving bedroom 1 and the hallway door access face the blank side elevation wall of the detached garage serving 14 Harrington Drive. The east facing window serving the lounge directly faces the blank side elevation wall of 14 Harrington Drive, however some of the upper roof of the rear elevation conservatory can be seen by the occupant. This is not considered to amount to a material overlooking aspect. The proposed decking area to the rear of the dwelling has been replaced by a stepped access to prevent material overlooking from the rear of the bungalow.

With regard to the western elevation the northernmost two side elevation windows serve an en-suite and a bathroom and will be obscure glazed. The two southernmost side elevation windows serve bedroom 3 and a kitchen counter space.

Whilst the proposal will be larger in height there is not considered to be a material overshadowing aspect, with the side elevation window of 10 Harrington Drive sited 0.6 metres away from the proposed 2.2 metre high fencing, no side elevation windows in 14 Harrington Drive, and the proposal sited on a matching line of frontage.

7. The site is within Environment Agency Flood Zone 3, and in a "Danger for All" hazard area, with a maximum predicted flood depth of 2 metres on the 2115 South Holland Strategic Flood Risk Mapping. Finished floor levels are set at 2.4mAOD which translates to 1.1 - 1.2 metres above ground level. Surface water disposal would be addressed by soakaway, with exact details to be addressed by planning condition.

The proposal accords with SELLP Policy 2

Assessment against SELLP Policy 3 - Design of New Development

This proposal is assessed against SELLP Policy 3 titled - Design of New Development. This policy states:

All development will create distinctive places through the use of high quality and inclusive design and layout and, where appropriate, make innovative use of local traditional styles and materials. 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.

Development proposals will demonstrate how the following issues, where they are relevant to the proposal, will be secured:

1. creating a sense of place by complementing and enhancing designated and non designated heritage assets; historic street patterns; respecting the density, scale, visual closure, landmarks, views, massing of neighbouring buildings and the surrounding area;
2. distinguishing between private and public space;
3. the landscape character of the location;
4. accessibility by a choice of travel modes including the provision of public transport, public rights of way and cycle ways;
5. the provision of facilities for the storage of refuse/recycling bins, storage and/or parking of bicycles and layout of car parking;
6. the lighting of public places;
7. ensuring public spaces are accessible to all;
8. crime prevention and community safety;
9. the orientation of buildings on the site to enable the best use of decentralised and renewable low-carbon energy technologies for the lifetime of the development;
10. the appropriate treatment of facades to public places, including shop frontages to avoid visual intrusion by advertising, other signage, security shutters, meter boxes and other service and communication infrastructure;
11. residential amenity;
12. the mitigation of flood risk through flood-resistant and flood-resilient design and sustainable drainage systems (SuDS);
13. the use of locally sourced building materials, minimising the use of water and minimising land take, to protect best and most versatile soils;

14. the incorporation of existing hedgerows and trees and the provision of appropriate new landscaping to enhance biodiversity, green infrastructure, flood risk mitigation and urban cooling;
15. the appropriate use or reuse of historic buildings.

When assessed against the above relevant criteria the following can be observed:

1. With regard to a sense of place, this is not considered to be materially impacted. To address flood risk, the bungalow is raised 1.15 metre out of the ground. Whilst this does raise the bungalow higher than other bungalows in the streetscene, the location and prominence does not give material planning concerns about the impact on the character and appearance of the area.

5. Bin storage and cycle storage is to the rear of the site and is appropriately sited. The proposed access is well located and the site provides 2 off road parking spaces which is the minimum amount requested for a 3 bedroom dwelling under Appendix 6 of the SELLP. The parking layout allows for vehicles to exit the site in a forward gear. The County Highways & SUDS Officer has no objections to the proposed plans.

11. There is not considered to be a material impact on neighbouring land uses from noise, odour or disturbance. With regard to visual intrusion, the east facing window serving bedroom 1 and the hallway door access face the blank side elevation wall of the detached garage serving 14 Harrington Drive. The east facing window serving the lounge directly faces the blank side elevation wall of 14 Harrington Drive, however some of the upper roof of the rear elevation conservatory can be seen by the occupant. This is not considered to amount to a material overlooking aspect. The proposed decking area to the rear of the dwelling has been replaced by a stepped access to prevent material overlooking from the rear of the bungalow.

With regard to the western elevation the northernmost two side elevation windows serve an en-suite and a bathroom and will be obscure glazed. The two southernmost side elevation windows serve bedroom 3 and a kitchen counter space.

Whilst the proposal will be larger in height there is not considered to be a material overshadowing aspect, with the side elevation window of 10 Harrington Drive sited 0.6 metres away from the proposed 2.2 metre high fencing, no side elevation windows in 14 Harrington Drive, and the proposal sited on a matching line of frontage.

12. The site is within Environment Agency Flood Zone 3, and in a "Danger for All" hazard area, with a maximum predicted flood depth of 2 metres on the 2115 South Holland Strategic Flood Risk Mapping. Finished floor levels are set at 2.4mAOD which translates to 1.1 - 1.2 metres above ground level. Surface water disposal would be addressed by via soakaway, with exact details to be addressed by planning condition.

The proposal accords with SELLP Policy 3.

Assessment against SELLP Policy 4 - Approach to Flood Risk

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 South East Lincolnshire Strategic Flood Risk Assessment (March 2017) 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.

The site is located within Environment Agency Flood Zone 3a and the South East Lincolnshire Strategic Flood Risk Assessment (March 2017) (SFRA) shows that the site falls within the 'danger for most' hazard zone, with predicted flood depths of up to 1.6 metres (based on 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.

In terms of the first element, the proposal will provide wider sustainability benefits to the community that outweigh flood risk; that is, the provision of additional housing in a sustainable location within the district. In terms of the latter, the Environment Agency recommends that the proposed dwelling have a minimum of 2 storeys, with finished floor levels (FFL) set a minimum of 1 metre above existing ground level, flood resilient construction to a height 300mm above the predicted flood depth, and demountable defences to 600mm above FFL. The applicant will address flood risk on site by siting finished floor levels at 1.2 metres and have a safe refuge in the roofspace. This is considered to adequately address flood risk concerns and therefore satisfy the sequential test.

PLANNING BALANCE

It is considered that a bungalow can be accommodated on this site without materially impacting the character and amenity of the surrounding area. Flood risk concerns are considered to have been fully met by a condition to add ladder access to safe refuge in the roof space. The proposal is considered to accord with Policies 1, 2, 3, 4, 10, 11, 17, 36 and Appendix 6 of the South East Lincolnshire Local Plan, 2019, as well as Sections 5, 12 and 14 of the National Planning Policy Framework, 2019.

CONCLUSION

The proposal is recommendation for 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.