

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H02-0234-22 **Applicant:** Mr M Strickland
Proposal: Erection of 4 Dwellings
Location: Off Hereward Way/Broadway Crowland
Terminal Date: 20th June 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
30	Pollution
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	0	2
RESIDENTS	2	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This is a full application seeking permission for the erection of 4 dwellings on land off Hereward Way/Broadway, Crowland.

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. On the whole there is a mixture of development on either side of Hereward Way and there is no distinct pattern.

History

H02-0100-13- Full- Refused at Appeal on 13-02-14- Erection of chalet bungalow and double garage and demolition of existing buildings on site.

Consultation Responses

Environment Agency

No comments.

North Level IDB

Object. As no surface water disposal provided- Reconsult once drainage report received.

Crowland Parish Council

No objections. The Parish Council welcomes this attractive proposal for a sensitive site. However, the poor condition of the road surface along Hereward Way, (which is an adopted highway), needs to be urgently addressed by LCC Highways.

SHDC Conservation Officer

Raise no objections to this proposal upon conservation grounds. The site is within the Conservation

Area for Crowland, however, the designs appear conservation area appropriate, and the 1 1/2 storey scale would not negatively or significantly impact upon the wider setting or the character of any nearby properties.

I note that some material details are left vague within the details of the application, I recommend that, should the officer seek to approve this application, either full details should be provided prior to this, or a full materials schedule condition (MD01) should be applied for later discharge, with the applicant reminded that all materials should be conservation area appropriate. To further reinforce this, I would also suggest adding conditions MD12, MD13, MD14, MD21 and MD22 to any approval.

LCC Historic Environment Officer

No archaeological input required.

SHDC, Environmental Protection Officer

Request that the standard land contamination conditions be applied at this location.

Local Highway and Lead Local Flood Authority

Does not wish to restrict the grant of permission.

Resident Comments (3)

- Will tidy up the land
- Query what fencing is to be installed on northern boundary and to what height will be installed to ensure privacy
- It appears that Plot 1 and Plot 3 (including its garage) are too close to the Anglian Water sewer which runs along the north boundary of the site
- Impact on an established gate which would appear to now lead into a garden on proposed plot 1 that had previously been used for access to 85 South Street
- Concern re removal of trees from behind 85 South Street and potential security issues
- Overlooking
- Devaluation of property
- Hereward Road is a dead end, poorly maintained road with a very poor entrance on to Broadway. Limited visibility and there have been numerous accidents because of this over the years. The road surface itself is in exceptionally bad condition and further traffic will only speed up the degradation.
- The road is easily blocked by servicing vehicles such as refuse collection.
- The traffic authority has already, historically objected to planning on the basis of the junction so I do not see why these plans should be approved.

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 in this location is considered acceptable.

Layout, scale and design

The application site lies within the Crowland Conservation Area. The proposal is for 4 1.5 storey dwellings, with plot 1 and 2 to be barn type dwellings and plot 3 and 4 depicts a cottage style of dwelling, which in design terms makes reference to the agricultural and barn-style development history of the immediate setting by virtue of its footprint and brick construction.

Plot 3 is set back from the road by approx. 8.7m and Plot 4 approx. 3.8m taking into account the position of the garage. Both dwellings have a similar sized garden, measuring approx. 11.4m in

length. Plot 1 is approx. 37m away from the entrance to the driveway and Plot 2 is approx. 29m away. Both Plot 1 and 2 have a large garden measuring a length of over approx. 18m from the boundaries to the east. Overall it is not considered that the dwellings 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 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, although SHDC's Conservation Officer has expressed a desire for materials that are sympathetic to the setting and conservation area appropriate.

There will be a requirement to raise finished floor levels by around 500mm due to flood risk, but this will not materially impact the appearance of the development.

Taking the above into account, it is concluded that the layout, scale and design of the scheme accords with Policies 2, 3 and 29 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. Policy 29 requires that proposal within a Conservation Area should preserve features that contribute positively to the area's character, appearance and setting.

Private drives

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.

1. It is firmly recommended that new developments should seek to minimise private drives when preparing and submitting planning applications. Access roadways to all residential properties should normally be constructed to an adoptable standard under an agreement with Lincolnshire County Council so that they will become public highways to enable refuse/recycling collections to be carried out from outside individual properties without the need for communal waste collection points at the point where private driveways adjoin public highways. This is the preferred solution of the Council as waste collection authority from an operational perspective. Furthermore, it avoids the potential impacts of unmanaged depositing of waste, which can lead to unacceptable impacts upon the visual and residential amenity of communities.

2. Where private drives are unavoidable, the Council would expect to see no more than 6 properties from any one private drive and a carrying distance of less than 30m. In order to judge the suitability of proposals to be served from private drives, the Council will apply a carrying distance of no greater than 30m measured from the nearest point of the plot adjacent to the private drive. This is reflective of Building Regulations Guidance on carrying distances for waste from households. Developers are advised to contact the waste collection service to determine the proposed collection point.

3. Should the proposal include a joint storage area for waste, this will serve no more than 6 properties and should be sited on land owned by a proprietor of the private drive. Storage areas should still allow for collection of the waste by the Council from the public highway. An area of 800mm x 800mm should be provided for each property using the collection point. Design and siting will be expected to take account of impact upon both visual and residential amenity and demonstrate how these impacts have been minimised. Definitive information on the on-going

maintenance and responsibility for waste collection points will be required to protect against unmanaged depositing of refuse. The Council may take appropriate enforcement action if the waste collection point is not reasonably maintained.

4. Where private drives are included in a development proposal and the above criteria cannot be met then it may be possible to provide for a private waste collection from individual properties. This would avoid the impacts arising from unmanaged depositing of waste. This may necessitate the developer entering into a section 106 agreement to ensure future delivery of the service.

5. If a private waste collection is not deliverable it is expected that private drives will be minimised through the design or re-design of the scheme to avoid the above concerns.

The Council will apply the above hierarchical approach to waste collection solutions on new developments. It will achieve this via negotiation at pre-application stage, during consideration of planning applications and the discharge of planning conditions. Standard conditions will be applied in relation to roads being constructed to adoptable standard and, on outline planning applications, securing details of waste collection. Full and reserved matters applications will be expected to include full details of the waste collection solution to be secured up-front.

Where all of the above measures have been reasonably exhausted, the Council may agree to collect waste from private drives in exceptional circumstances."

Plots 1 and 2 are served by a private drive. The edge of the curtilage of Plot 2 sits at 30m from the collection point, however Plot 1 is in excess of the specified 30m. The applicant has therefore agreed to private waste collection for the latter and this will be conditioned as such. The collection point provides the requisite 800mm x 800mm area for Plot 2. Plots 3 and 4 front the adopted highway and refuse/recycling sacks can be deposited kerbside. With regard to amenity, the collection point is located on the opposite side of the private drive to the closest dwelling and would therefore not have a material amenity impact. The on-going management and maintenance/cleaning responsibility of the collection point will be attributed equally to the plot using it.

On this basis, officers are of the view that the proposed private drive and waste collection arrangements satisfactorily comply with the hierarchy and considerations outlined above.

Highway matters and parking

Access would be taken from Hereward Way to the west. The two objections received both raise concerns regarding further development off this road and the impact additional vehicles will have on its condition. 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 and 3 parking spaces are provided within the curtilage for dwellings with 4 or more bedrooms. 3 parking spaces are indicated on the block plan for the new dwellings, two spaces within the curtilage and one space within the garages.

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 dwellings 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", "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).

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 500mm 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 soakaway. There are no known ground permeability issues in this area that would preclude the effective use of soakaways on site. For foul water, connection would be made to the existing Anglian Water network. Anglian Water are obliged to accept foul water flows from new developments if proposed.

An Anglian Water sewer has been located to the north of the site. The foul sewage pipeline sits a minimum of approx. 2.2m and a maximum of approx. 3.7m from the site boundary. **** The North Level IDB have made no further comment for concerns of this and is therefore acceptable. ****

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 north east elevations of Plot 1 include no windows to the second floor. Plot 2 rear elevation windows include a bedroom velux window and a landing window. The rear windows on Plot 2 have a separation distance of more than 21m from the neighbouring rear elevation to the east. This is sufficient to prevent a material overlooking impact.

Plots 1 and 3 include rooflights on the north-western roof slopes, although those to the latter are at ground floor and would not face toward any building in existence or proposed. A condition will be added to prohibit the installation of the rooflight to bedroom three on the north-western roof slope of Plot 1 to prevent a material overlooking impact to the neighbour to the north. The remaining roof lights on the roof slope facing that direction are either to a landing (non-habitable space) or dining area at ground floor (not overlooking any dwelling)

There have been queries from residents in regard to boundary treatment and privacy, as well as an existing gate access to the rear of no.85 South Street in terms of potential security issues and

access. If a right of access does exist over the land, this is a civil matter rather than planning. A boundary treatment condition will be added to confirm details to ensure adequate privacy.

There would be a kitchen/diner window to the proposed dwelling to the north that comes around 5m from the north-western elevation of Plot 1. This is an acceptable separation distance in the context of there being another window to that space on another elevation and Plot 1 is located south-east of the new dwelling, therefore it will still experience daylight/sunlight for a reasonable proportion of the day.

Separation distances to all other dwellings are acceptable when considered against the suitable standard of a minimum of 12m where a dwelling has more than one storey.

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.

Other Considerations

A comment was made in terms of the devaluation of a neighbouring property. Whilst this is a consideration, it is not one which carries material weight in the overall planning balance.

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 Conservation Area, nor the amenity of residents. There is no objection from the Highway Authority and parking arrangements are acceptable. Flood risk and drainage matters are considered to have been appropriately addressed.

Taking the above into account, 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, 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).

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.