

## DECISION DELEGATED TO HEAD OF PLANNING

**Application No:** H02-0285-24      **Applicant:** Miss J Blackbird

**Proposal:** Proposed 2-storey 3-bedroom detached chalet bungalow with associated double garage, parking and private amenity space

**Location:** Rear Of 12 Peterborough Road Crowland Peterborough

**Terminal Date:** 28th May 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                |
| 10         | Meeting Assessed Housing Requirements |
| 11         | Distribution of New Housing           |
| 17         | Providing a Mix of Housing            |
| 28         | The Natural Environment               |
| 36         | Vehicle and Cycle Parking             |
| APPENDIX 6 | Parking Standards                     |

#### National Guidance

#### National Planning Policy Framework 2023

- 5 - Delivering a sufficient supply of homes
- 12 - Achieving well-designed and beautiful places
- 14 - Meeting the challenge of climate change, flooding and coastal change
- 15 - Conserving and enhancing the natural environment

### Representations:

|                                                        | Object | Support | No Obj. | Comments |
|--------------------------------------------------------|--------|---------|---------|----------|
| PARISH COUNCIL                                         | 0      | 0       | 0       | 1        |
| WARD MEMBER                                            | 0      | 0       | 0       | 0        |
| PLANNING LIAISON<br>OFFICER - FLOOD RISK<br>ASSESSMENT | 0      | 0       | 0       | 1        |
| HIGHWAYS & SUDS                                        | 0      | 0       | 0       | 1        |

|                                                 |   |   |   |   |
|-------------------------------------------------|---|---|---|---|
| SUPPORT                                         |   |   |   |   |
| 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 | 1 | 0 |

## **CASE OFFICER ASSESSMENT**

### **PROPOSAL**

This is a full planning application for a proposed two storey 3 bedroom detached chalet bungalow with associated detached double garage, parking and private amenity space. The proposal seeks to provide a lounge, hallway, cupboard, utility, combined kitchen / dining area, a bedroom and an en-suite at ground floor level. At first levels two bedrooms, two en-suites, a landing, two cupboards and a dressing room are to be provided at first floor level. A detached double garage is to be sited forward of the chalet bungalow, adjacent to the boundary with the bungalow at 12 Peterborough Road. The submitted Flood Risk Assessment document proposes siting the dwelling 500mm above ground level on the building frontage sloping downwards to approximately 900mm above ground level.

Proposed materials of construction are Ibstock Ivanhoe Westminster brick for the walls and Spanish Slate Roof covering for the roof. Windows and doors are to be Cream UPVC with black rainwater goods.

A site visit was conducted on Wednesday the 3rd of April 2024.

### **SITE DESCRIPTION**

The site is situated on garden land to the rear of 12 Peterborough Road. The surrounding area is characterised by dwellings of varying ages and designs. The site is bordered by close boarded fencing on all sides at a minimum of 1.8 metres in height. The site is located in Environment Agency Flood Zone 2 and is in a "Danger for Some" hazard area, with a maximum predicted flood depth of 1 metre on the 2115 South Holland Strategic Flood Risk Mapping.

### **RELEVANT HISTORY**

None

### **CONSULTATION RESPONSES**

Initial Responses Received (Consultation period between 3rd April 2024 and 24th April 2024)

Environment Agency - 5th April 2024

*"This proposal comes under cell D8 of the local flood risk standing advice and does not appear to fit any other criteria on our consultation checklist, 'When to consult the Environment Agency'. It was therefore not necessary to consult us; please consider the proposals against the guidance of the standing advice. We do not need to be consulted further on this application."*

#### Internal Drainage Board - 12th April 2024

No objections - *"The Board has noted that surface water is to discharge to the existing Anglian Water surface water sewer in Peterborough Road which ultimately discharges into my Boards Riddingtons Drain. A development levy in accordance with the enclosed will be payable to my Board for dealing with this additional run-off."*

#### Lincolnshire County Council - Historic Environment Officer - 22nd April 2024

*"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."*

#### South Holland District Council - Environmental Protection Officer - 22nd April 2024

No comments.

#### Crowland Parish Council - 23rd April 2024

No objection - *"CPC are pleased to see the proposal for a quality building on unused wasteland."*

#### Lincolnshire County Council - Highways & SUDS Officer - 26th April 2024

*"In principle, the proposed development would seem acceptable, as there is sufficient parking and turning within the site to allow vehicles to enter and leave in a forward gear. However, the current width of the existing access is not acceptable to accommodate the two-way movements of vehicles for the proposed dwellings and the host dwelling, where vehicles are waiting on Peterborough Road to undertake this manoeuvre, if another vehicle is exiting the site."*

*"Therefore, in order to mitigate concern for highway safety, we would ask the applicant to show the width of the access for the first 10.0 metres to be 4.1 metres as a minimum to provide suitable access arrangements. We would also ask that the applicant to show what parking arrangements can be accommodated for the host dwelling."*

### **KEY PLANNING CONSIDERATIONS**

The main issues and considerations in this case are (but are not limited to):

Principle of Development and Sustainability  
Layout, Design and Consideration of the Character and Appearance of the Area  
Impact on Residential Amenity/Land Users  
Highway Safety and Parking  
Flooding Considerations / Drainage  
Biodiversity and landscaping

### **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 (updated 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.

### Presumption in Favour

Paragraph 10 of the National Planning Policy Framework details that "so that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development (paragraph 11)".

Paragraph 11 expresses that for decision-taking this means: "c) approving development proposals that accord with an up-to-date development plan without delay; or d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

However, paragraph 12 of the National Planning Policy Framework reiterates that "The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making".

### Principle of Development and Sustainability

To support the Government's objective of significantly boosting the supply of homes, paragraph 60 of the National Planning Policy Framework (2023) details that "it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay".

In identifying land for homes, paragraph 70 of the National Planning Policy Framework also emphasises the importance that the contribution of small to medium sized sites can make in meeting the housing requirements, detailing that "Small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built-out relatively quickly".

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 to 2036. Policy 1 (Spatial Strategy) expresses this 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 in terms of sustainability.

Crowland is designated as a Main Service Centre in the settlement hierarchy. The relevant assessment criteria 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."

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

The dwelling would help support Crowland's role as a service centre and sustain the existing facilities of the settlement. The proposal is for residential development on residential land with residential uses in all directions of the proposal site.

As such, the proposal is considered to be in accordance with the requirements of Policy 1 of the

South East Lincolnshire Local Plan when viewed in principle. This is subject to the assessment against site specific criteria; including (but are not limited to) the impact of the proposal on the character or appearance of the area, impact on the amenities of neighbouring buildings, and parking provision which are discussed in turn as follows.

### Layout, Design and Consideration of the Character and Appearance of the Area

Section 12 of the National Planning Policy Framework (December 2023) specifically relates to 'Achieving well-designed places' and details that "The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve" and as such, it is generally accepted that good design plays a key role towards sustainable development.

Paragraph 135, contained within Section 12 of the National Planning Policy Framework (December 2023), states that new development should function well and add to the overall quality of the area (including beyond the short term) and should be visually attractive as a result of good architecture and appropriate landscaping. This goes on to establish that it is important that new development should be of the highest quality to enhance and reinforce good design characteristics, and that decisions must have regard towards the impact that the proposed development would have on local character and history, including the surrounding built environment and landscape setting such as topography, street patterns, building lines, boundary treatment and through scale and massing.

Development proposals should also ensure that developments 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 South East Lincolnshire Local Plan outlines sustainable development considerations for development proposals, providing a framework for an operational policy to be used in assessing the sustainable development attributes of all development proposals. Furthermore, Policy 3 accords with the provisions of Section 12 of the National Planning Policy Framework, in that it requires development to comprise good design; identifying issues that should be considered when preparing schemes so that development sits comfortably with, and adds positively to, its historically-designated or undesignated townscape or landscape surroundings. These policies accord with the provisions of the National Planning Policy Framework and require 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.

Proposals for new development would therefore require the aforementioned considerations to be adequately assessed and designed, including the siting, design and scale to be respectful of surrounding development and ensure that the character of the area is not compromised.

The design of the chalet bungalow is broadly in keeping with the surrounding residential development. Proposed materials of construction are Ibstock Ivanhoe Westminster brick for the walls and Spanish Slate Roof covering for the roof. Windows and doors are to be Cream UPVC with black rainwater goods. Materials of construction are considered to be in keeping with this type of dwelling, and the construction materials of nearby dwellings.

The need to raise finished floor levels 1 metre above ground level means that the chalet bungalow will materially higher in height than 12 Peterborough Road to the west of the site frontage. The submitted plans show the proposed streetscene with the proposed dwelling creating an imposing impact on the parent dwelling leading. This is considered to constitute an incongruous development that materially impacts the character of the surrounding area.

Taking account of the design, scale and nature of the development, as detailed above, the proposal is not considered to be acceptable. The proposal would cause an adverse impact to the character and appearance of the area due to the need to materially raise finished floor levels. This application would therefore not be in accordance with policies 2 and 3 of the South East Lincolnshire Local Plan and Section 12 of the National Planning Policy Framework (December 2023).

### Impact on Residential Amenity/Land Users

Paragraph 135 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.

Policies 2 and 3 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.

The proposal is not considered to constitute overdevelopment. The footprint of the dwelling and the amenity area provided is considered to be comparable in size to other dwellings and amenity areas in the surrounding area. There is not considered to be a material loss of light when right to light lines are drawn from the roof slopes of the proposed dwelling. However there will be a non-material loss of light from the garage building to the front driveway and loss of light to the rear garden of 10b Peterborough Road later in the day.

There is considered to be a material overlooking impact from the proposal. The rooflights on the northern elevation roof slope serve a master bedroom and are located 1.6 metres above ground level. Therefore, it is considered that the majority of adults would be able to overlook the rear garden of 10b Peterborough Road. It also considered that there will be an overlooking impact to 14 Peterborough Road to the south of the site. This is due to the need to raise finished floor levels 1 metre above ground level. As a result, the bi-fold doors serving the ground floor dining area would be able to overlook the dwelling and rear garden of 14 Peterborough Road above the existing 1.8 metre high fence. An overlooking impact would also be generated from the patio that is adjacent to the dining room doors.

Additionally, an overlooking impact will impact the rear garden of 12 Peterborough Road and 14a Peterborough Road from the west facing first floor en-suite and bedroom windows. Furthermore, there is considered to be a material overlooking impact to the frontage of 10 Blackbird Close, to the east beyond the rear boundary.

As detailed above, the scale and design of the proposal is considered to be such that there would be significant or unacceptable impact on the residential amenities of the occupiers of adjacent properties or land users from an overlooking impact. As such, the proposal is not considered to accord with the provisions of the Section 12 of the National Planning Policy Framework (December 2023), and Policies 2 and 3 of the Local Plan.

### Highway Safety and Parking

Section 9 of the National Planning Policy Framework (December 2023) specifically relates to 'Promoting sustainable transport'. Paragraph 115 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".

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.

Furthermore, Policy 36, to be read in conjunction with Appendix 6 of the South East Lincolnshire Local Plan, sets out minimum vehicle parking standards and requires at least two spaces for dwellings of up to three bedrooms and three spaces for dwellings with four or more bedrooms.

The proposal seeks to utilise the existing driveway along the southern boundary to access the proposed dwelling. The proposal site can accommodate 2 off road parking spaces which is the minimum required for dwellings with three bedrooms or fewer under Appendix 6 of the SELLP.

The County Highways & SUDS Officer objects to the submitted details and states:

*"In principle, the proposed development would seem acceptable, as there is sufficient parking and turning within the site to allow vehicles to enter and leave in a forward gear. However, the current width of the existing access is not acceptable to accommodate the two-way movements of vehicles for the proposed dwellings and the host dwelling, where vehicles are waiting on Peterborough Road*

*to undertake this manoeuvre, if another vehicle is exiting the site."*

*"Therefore, in order to mitigate concern for highway safety, we would ask the applicant to show the width of the access for the first 10.0 metres to be 4.1 metres as a minimum to provide suitable access arrangements. We would also ask that the applicant to show what parking arrangements can be accommodated for the host dwelling."*

It is considered that the applicant can overcome the concerns of the County Highways & SUDS Officer if they were to submit amended plans to address access width, parking provision and manoeuvrability concerns.

The proposal in its present form would therefore not be acceptable and would have an unacceptable adverse impact on highway safety. Therefore the present design is not in accordance with Local Plan Policies 2, 3 and 36, and Section 9 of the National Planning Policy Framework (December 2023).

#### Flooding Considerations / Drainage

Section 14 of the National Planning policy Framework (December 2023) requires development plans to "apply a sequential, risk-based approach to the location of development - taking into account all sources of flood risk and the current and future impacts of climate change - so as to avoid, where possible, flood risk to people and property. They should do this, and manage any residual risk, by: a) applying the sequential test and then, if necessary, the exception test as set out below".

Paragraph 168 details "The aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding", with the sequential approach being required in areas known to be at risk now or in the future from any form of flooding, with the flood risk assessment being the tool to demonstrate this.

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 lies within Flood Zone 2 of the Environment Agency's Flood Maps. These have been created as a tool to raise awareness of flood risk with the public and partner organisations, such as Local Authorities, Emergency Services and Drainage Authorities. The Maps do not take into account any flood defences.

The South East Lincolnshire Strategic Flood Risk Assessment (SFRA) provides an overview of how flood risk has been considered in shaping the proposals of the Local Plan; including the spatial strategy and the assessment of housing and employment sites. Policy 4 of the South East Lincolnshire Local Plan is clear in that "Development proposed within an area at risk of flooding (Flood Zones 2 and 3 of the Environment Agency's flood map or at risk during a breach or overtopping scenario as shown on the flood hazard and depths maps in the Strategic Flood Risk Assessment) will be permitted" in instances where specific criteria is met.

It is worth noting that large parts of the district of South Holland lie within Flood Zone 3. It is therefore necessary to use the refined flood risk information (Hazard and Depth maps) within the South East Lincolnshire Strategic Flood Risk Assessment (2017) as a basis to apply the sequential test.

The site is located in Environment Agency Flood Zone 2 and is in a "Danger for Some" hazard area, with a maximum predicted flood depth of 1 metre on the 2115 South Holland Strategic Flood Risk Mapping. When consulted the Environment Agency stated *"This proposal comes under cell D8 of the local flood risk standing advice and does not appear to fit any other criteria on our consultation checklist, 'When to consult the Environment Agency'. It was therefore not necessary to consult us; please consider the proposals against the guidance of the standing advice. We do not need to be consulted further on this application."*

The proposal finished floor level is to be set at 2.50m AOD, and the finished floor level of the existing bungalow is set at 2.05m AOD. It is considered that raising finished floor levels to this height will lead to a material character and amenity impact on the surrounding area and dwellings.

Overall, when considering the development on balance, it is considered that the proposal does not accord with Policies 2, 3 and 4 of the South East Lincolnshire Local Plan and the intentions of the National Planning Policy Framework (December 2023).

### Biodiversity and landscaping

In respect of the climate emergency, section 14 of the National Planning Policy Framework (December 2023) states that new development should be planned for in ways that: 'avoid increased vulnerability to the range of impacts arising from climate change' with care taken to manage and adapt where development is brought forward in areas which are vulnerable; and that 'can help to reduce greenhouse gas emissions, such as through its location, orientation and design'.

Policy 28 of the South East Lincolnshire Local Plan (2019) outlines that a high quality, comprehensive ecological network of interconnected designated sites, sites of nature conservation importance and wildlife-friendly greenspace will be achieved by protecting, enhancing and managing natural assets. This policy details a need to address gaps in the ecological network by ensuring that all development proposals shall provide an overall net gain in biodiversity.

As the proposal is a minor application there is a requirement to demonstrate a biodiversity net gain of 10% from the 2nd of April 2024. However, because the requirement to demonstrate a biodiversity net gain for minor applications commences for applications submitted on or after the 2nd of April 2024 this is not a requirement for this application. This is due to the application being accepted on the 28th of March 2024. Landscaping and biodiversity does still remain of importance in local and national policy when assessing this application, with the proposal still expected to demonstrate a biodiversity uplift.

Whilst the need to demonstrate a minimum of a 10% biodiversity net gain is not a requirement for the application, it is considered that the application would need to demonstrate a satisfactory landscaping and biodiversity uplift layout that would constitute a betterment for the site. This can be achieved via a number of measures such as ponds, and hedge / tree planting.

A landscaping condition can be added to the decision notice to ensure that the site can satisfactorily demonstrate a material biodiversity uplift in accordance with Policy 28 of the SELLP.

### Outstanding matters from representation

None

## **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 is considered to represent inappropriate development within the defined settlement boundary. The development hereby proposed materially harms the character and amenity of the locality, and therefore is not conforming with the South East Lincolnshire Local Plan and the provisions of the National Planning policy Framework.

It is not considered that there are any measures that the applicant can bring forward that will address the material character and amenity concerns that this proposal generates.

In this instance, there are material considerations that weigh against the proposal and as such, the planning balance is not in favour of the development.

## **CONCLUSION**

Taking into consideration these factors, the proposal is not considered to comply with Policies 1, 2, 3, 4, 10, 11, 17, 28, 36 and Appendix 6 of the South East Lincolnshire Local Plan (SELLP), 2019; in addition to the Sections 5, 12, 14 and 15 contained within the National Planning Policy Framework (NPPF) (December 2023). There are significant factors in this case that would outweigh the benefits of the proposal; therefore, in considering all the matters raised above the planning balance is not in

favour of the proposal and the policies referred to above.

## **RECOMMENDATION**

Based on the assessment detailed above, it is recommended that the proposal should be refused under Delegated Authority.

### **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.