

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H02-0297-23 **Applicant:** Mr G Luparia
Proposal: Erection of three bedroom dwelling
Location: Land Adj 77 Peterborough Road Crowland Peterborough
Terminal Date: 9th June 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
17	Providing a Mix of Housing
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2021

5 - Delivering a sufficient supply of homes
 12 - Achieving well-designed places
 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
PLANNING LIAISON OFFICER - FLOOD RISK ASSESSMENT	0	0	0	1
HIGHWAYS & SUDS SUPPORT	0	0	0	1
IAN MARSHMAN,	0	0	0	1

HISTORIC ENVIRONMENT OFFICER				
NORTH LEVEL INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	1	0
RESIDENTS	1	0	0	0

CASE OFFICER ASSESSMENT

PROPOSAL

This is an outline application with some matters reserved for the erection of a three bedroom dwelling on residential garden land adjacent 77 Peterborough Road, Crowland. The matter which is to be addressed at outline stage is the proposed access location. The access is located off Peterborough Road and forms part of an existing in/out access crescent serving the host property. Foul water will be addressed via the mains sewer with the surface water directed to the existing drain in the driveway.

SITE DESCRIPTION

The site is within the defined settlement limits of Crowland and the surrounding area is characterised by residential development of varying ages and designs. The site is in Environment Agency Flood Zone 3, and in a 'Danger for Some' hazard area with a 'Danger for All' hazard area in the north-west corner of the site, as well as a predicted flood depth of 1 metre on the 2115 South Holland Strategic Flood Risk Mapping. A 1.8 metre high boundary fence with 10 metre high trees beyond is located on the northern side boundary. Trees and an existing dropped kerb access is located on the eastern frontage boundary. 77 Peterborough Road, a gravel driveway and a rear garden are located along the southern side boundary, with a 1.8 metre high boundary fence and the detached garage of 1a Harvester Way at the southern rear boundary.

RELEVANT HISTORY

None

CONSULTATION RESPONSES

Lincolnshire County Council - Highways & SUDS Officer

No objections. Requests an utility informative.

"The host dwelling, number 77 Peterborough Road, has two vehicle access crossings. This Application proposes that the southern of those two accesses be retained for the use of residents of the host dwelling and that the northern access be utilised to provide access for the proposed new dwelling. Both accesses have been in use for some time and there is therefore no cause to considered that either access is unsafe. Both the existing dwelling and the proposed new dwelling are shown to have car parking and manoeuvring space within their curtilages."

"In view of the above and having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed

development would not be expected to have an unacceptable impact upon highway safety and therefore does not wish to object to this planning application."

Lincolnshire County Council - Historic Environment Officer

"No archaeological impact."

South Holland District Council - Environmental Protection

"No Comments."

Environment Agency

"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."

North Level District Internal Drainage Board

"My Board has no objection in principle to the above application, however I would request further details in respect of the surface water disposal."

Crowland Parish Council

"The PC has no objection to the indicative new house design, but notes the additional access required off Peterborough Road close to a busy junction."

This statement is incorrect as no new access is being proposed. The Local Planning Authority responded to the Parish Council stating *"I am the assigned Planning Officer for this application. I have conducted a site visit and can confirm that the access for the proposed property is already in place as 77 Peterborough Road has an entry access and an exit access. Do you wish to amend your comments on this application?"*

The Parish Council finally responded to state *"I have taken photos, sent and asked the planning committee but they would still like to keep the comment please as it is very close to the junction and will generate more traffic."*

Member of the public - 1 - objection

Loss of light.

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."

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

The proposal is within for residential development on residential land within the defined settlement limits of Crowland which is a Main Service Centre. A new dwelling in this location will help sustain existing facilities within Crowland.

This application accords with SELLP Policy 1.

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 relevant criteria the following can be observed:

1. The size, scale and layout of the dwelling would be assessed at the reserved matters stage. However, the plot size is comparable to others in the vicinity so an acceptable sized dwelling can be achieved on this site.
2. Matters related to design and orientation would be assessed at the reserved matters stage. However, given the plot size it is expected that the dwelling frontage will face eastwards toward Peterborough Road.
3. Proposed materials would be assessed at the reserved matters stage.
4. The access is already in place. There is ample space for two parking spaces which is the minimum amount of off road parking spaces required for a dwelling with three bedrooms or fewer under Appendix 6 of the SELLP. There is not considered to be a material increase in traffic as a result of this proposal.
5. The capacity of existing community services and infrastructure will not be impacted by a single dwelling on this site.
6. There is not expected to be a noise, odour or disturbance impact from a dwelling in this predominately residential area. With regard to visual intrusion the following can be observed at the outline stage of this application:

Overdevelopment - The plot is of ample size to accommodate a three storey dwelling and is comparable to other plot sizes in the vicinity of the site.

Overshadowing - There is not considered to be a likely overshadowing impact on neighbouring properties. The sun traverses the sky east to west on a southerly trajectory so there is not considered to be a likely loss of light to 1a Harvester Way to the south west of the proposal site. Provided the dwelling is not sited forward of the line of development along Peterborough Road, then there is not likely to be a loss of light to 77 Peterborough Road which is sited immediately to the south. 62 Peterborough Road is located 45 metres to the east of the proposal so when right to light lines would be drawn there would not be a material loss of light at any time of the day. The dwellings to the north of the plot at 2 and 4 Harvester Way are approximately 2 metres away at the nearest point so there is not considered to be a material loss of light whether a single or two storey dwelling is constructed.

Overlooking - Matters related to overlooking would largely be assessed at the reserved matters stage when detailed plans are submitted. Provided fenestration is appropriately sited there should not be a material overlooking impact to neighbouring properties. Any first floor rear elevation windows would face the detached garage and frontage driveway of 1a Harvester Way and be expected to be approximately 35 metres at the nearest point from 17, 19 and 21 Harvester Way. The frontage windows would approximately 45 metres to 62 Peterborough Road in the east which is bordered by frontage leylandii hedging approximately 3 metres in height. It is considered that a design could be brought forward with obscure glazed first floor side elevation windows that would reduce the potential for any overlooking impact to 77 Peterborough Road.

7. The site is in Environment Agency Flood Zone 3, and in a 'Danger for Some' hazard area with a

'Danger for All' hazard area in the north-west corner of the site, as well as a predicted flood depth of 1 metre on the 2115 South Holland Strategic Flood Risk Mapping. Any design brought forward would have to have finished floor levels a minimum of 1 metre above ground level to successfully address predicted 2115 maximum flood depth. The County Highways & SUDS Officer has no objections to the submitted details.

8. This criterion is not materially relevant to this application.

9. This criterion is not materially relevant to this application.

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 relevant criteria the following can be observed:

1. The size, scale and layout of the dwelling would be assessed at the reserved matters stage. However, the plot size is comparable to others in the vicinity so an acceptable sized dwelling can be achieved on this site. A sense of place is not likely to be impacted by this proposal provided an appropriately designed dwelling can be brought forward at the reserved matters stage.
2. This criterion is not materially relevant to this application.
3. This criterion is not materially relevant to this application.
4. The site is well served by public transport and a public footpath at the site frontage.
5. There is ample space on the site for bicycle and bin storage. The access is already in place. There is ample space for two parking spaces which is the minimum amount of off road parking spaces required for a dwelling with three bedrooms or fewer under Appendix 6 of the SELLP. There is not considered to be a material increase in traffic as a result of this proposal. The County

Highways & SUDS Officer has no objections to the submitted details.

6. This criterion is not materially relevant to this application.

7. This criterion is not materially relevant to this application.

8. This criterion is not materially relevant to this application.

9. This criterion is not materially relevant to this application.

10. This criterion is not materially relevant to this application.

11. There is not expected to be a noise, odour or disturbance impact from a dwelling in this predominately residential area. With regard to visual intrusion the following can be observed at the outline stage of this application:

Overdevelopment - The plot is of ample size to accommodate a three storey dwelling and is comparable to other plot sizes in the vicinity of the site.

Overshadowing - There is not considered to be a likely overshadowing impact on neighbouring properties. The sun traverses the sky east to west on a southerly trajectory so there is not considered to be a likely loss of light to 1a Harvester Way to the south west of the proposal site. Provided the dwelling is not sited forward of the line of development along Peterborough Road, then there is not likely to be a loss of light to 77 Peterborough Road which is sited immediately to the south. 62 Peterborough Road is located 45 metres to the east of the proposal so when right to light lines would be drawn there would not be a material loss of light at any time of the day. The dwellings to the north of the plot at 2 and 4 Harvester Way are approximately 2 metres away at the nearest point so there is not considered to be a material loss of light whether a single or two storey dwelling is constructed.

Overlooking - Matters related to overlooking would largely be assessed at the reserved matters stage when detailed plans are submitted. Provided fenestration is appropriately sited there should not be a material overlooking impact to neighbouring properties. Any first floor rear elevation windows would face the detached garage and frontage driveway of 1a Harvester Way and be expected to be approximately 35 metres at the nearest point from 17, 19 and 21 Harvester Way. The frontage windows would be approximately 45 metres to 62 Peterborough Road in the east which is bordered by frontage leylandii hedging approximately 3 metres in height. It is considered that a design could be brought forward with obscure glazed first floor side elevation windows that would reduce the potential for any overlooking impact to 77 Peterborough Road.

12. The site is in Environment Agency Flood Zone 3, and in a 'Danger for Some' hazard area with a 'Danger for All' hazard area in the north-west corner of the site, as well as a predicted flood depth of 1 metre on the 2115 South Holland Strategic Flood Risk Mapping. Any design brought forward would have to have finished floor levels a minimum of 1 metre above ground level to successfully address predicted 2115 maximum flood depth. The County Highways & SUDS Officer has no objections to the submitted details.

13. This criterion is not materially relevant to this application.

14. This criterion is not materially relevant to this application.

15. This criterion is not materially relevant to this application.

This application is considered to accord with SELLP Policy 3.

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 area 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 3, and the South East Lincolnshire Strategic Flood Risk Assessment (March 2017) (SFRA) shows that the site falls within "Danger for Most" and "Danger for All" hazard zones, with predicted flood depths of 1 metre.

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 (albeit small) towards housing supply, and other benefits including generating employment during the construction period and its proximity to a range of services and facilities.

The submitted flood risk assessment recommends that finished floor levels of the proposed house should be at a minimum level of 1 metre above ground level, with a further 300mm of flood resilient construction. Taking into account the predicted flood depths previously identified, this should ensure that the development is safe for its lifetime.

In terms of drainage, the proposal is for surface water to be disposed of via an existing frontage drain and for connection to be made to the existing Anglian Water network for foul water disposal. Notwithstanding concerns raised during the consultation process, there are no known ground permeability issues in this area that would preclude the use of soakaways and Anglian Water are obliged to accept foul water flows from new developments if proposed.

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

The principle of development on this site is considered to be acceptable. Whilst the need to raise finished floor levels 1 metre above ground level presents challenges for the final design. It is considered that an appropriate design can be brought forward at the reserved matters stage.

CONCLUSION

This application 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, 2021.

RECOMMENDATION

This application is recommended 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.