DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H02-0443-20**	**Applicant:**	**Mr L Johnson**
Proposal:	Erection of Dwelling		
Location:	Land To Rear Of 21 South Street Crowland Peterborough		
Terminal Date:	1st October 2020		

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
29	The Historic Environment
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2019

Sections 5, 12, 14 and 16 of the National Planning Policy Framework (2019)

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

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	1	0	0	0
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
IAN MARSHMAN,	0	0	0	1

HISTORIC ENVIRONMENT OFFICER				
SHDC INTERNAL	0	0	0	1
OTHER STATUTORY BODIES	0	0	0	1
RESIDENTS	5	0	0	0

CASE OFFICER ASSESSMENT

PROPOSAL

This is an application for the erection of a dwelling on garden land to the rear of 21 South Street, Crowland. The proposal seeks to provide a detached dwelling and garage that would both be accessed from Hereward Way to the south of the site. The proposal seeks to provide a bedroom, bathroom and combined kitchen / living area at ground floor level, with two bedrooms and an en-suite at first floor level. Bedroom 3 will have a south facing side elevation window with two other east facing windows on the front elevation. Further detailed drawings have been provided which provided bricked up fenestration design on the north and western elevations. There are to be a first and ground floor aperture on the north elevation, with a single bricked up door aperture on the western ground floor elevation and three window apertures above. Additional window detailing provides a brick arch soldier course with stone quoins on the corners of each elevation. The barn doors on the front elevation will be painted black and fixed to the wall. Proposed materials are to be a slate roof with the walls constructed from reclaimed style tumbled brick.

SITE DESCRIPTION

The proposal is within defined settlement limits and the surrounding area is characterised by dwellings of varying ages and design. The proposal is within Crowland Conservation Area. The site is in Environment Agency Flood Zone 3 and subject to low flood hazard and a maximum predicted flood depth of 0.25 metres on the 2115 South Holland Strategic Flood Risk Mapping.

RELEVANT PLANNING HISTORY

H02-0212-05

Outline - Residential development - one detached bungalow - Refused - 26 April 2005.

H02-0699-09

Full - Proposed single-storey dwelling - Refused - 04 January 2010.

H02-0499-10

Full - Proposed single-storey dwelling - Approved - 05 August 2010.

H02-0100-13 - Land to rear of 75 South Street

Full - Erection of chalet bungalow and double garage and demolition of existing buildings on site - Dismissed at appeal on highway grounds - 13 February 2014.

REPRESENTATIONS

Crowland Parish Council - Objection

Overdevelopment.

SHDC - Environmental Protection Officer

No objections.

LCC - Historic Environment Officer

Requests full scheme of archaeological works condition.

LCC - County Highways & SUDS Officer

No objections.

Public

Objections received reasons summarised as follows:
Overdevelopment
Overlooking
Height of building
Setting a precedent
Prominence of building
Poor quality of access road at Hereward Way
Highway Safety / Traffic
Disturbance during construction

PLANNING CONSIDERATIONS

Principle of development

This application is assessed against SELLP Policy 2, which is 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; and
9. impact on the potential loss of sand and gravel mineral resources."

When assessed against the above criteria, the following is observed:

1.The density of development is comparable to others in the vicinity though admittedly not that of the properties in this section of South Street. The orientation of the property is to minimise any overlooking impact into neighbouring properties. There is not considered to be a new material overlooking impact on the gardens of South Street as they are already overlooked by the existing properties. There is not considered to be any material overshadowing or overlooking on neighbouring properties due to the separation distances involved, 15 metres to 21 South Street to the north, where there are bricked-up apertures on the northern elevation of the proposed dwelling. The separation distance is 17.5 metres to Dennell on Hereward Way to the south, however the windows do not directly face Dennell and there is not considered to be material direct overlooking.

2. The orientation of the property is to minimise any overlooking impact into neighbouring properties with sole rooflight at first floor level on the rear elevation. The proposal seeks to recreate a barn style development and be more in keeping with historic development in the vicinity and the Historic

Environment Officer has no objections to the proposed design.

3. Materials of construction are to be agreed. The Local Planning Authority will be seeking high quality materials of construction that are in keeping with the character of the surrounding area.

4. Access is down Hereward Way which is in need of repair. Under Appendix 6 parking provision for dwellings with a maximum of 3 bedrooms is a minimum of two off road parking spaces. This proposal is in accordance with Appendix 6.

5. The proposal is within the defined settlement limits of one of the largest settlement limits in the district which affords a level of services and infrastructure that are adequate for the area it serves.

6. There is not considered to be an impact on neighbouring land uses from noise, odour, disturbance or visual intrusion.

7. The site is not considered to be impacted by flood risk with surface water drainage matters to be addressed by condition.

8. Whilst the proposal is sited within the conservation area, there is not considered to be any impact on natural habitats, historical buildings or heritage assets.

9. The proposal will not impact sand and gravel mineral resources.

The dwelling is considered to accord with Policy 2 of the SELLP.

Policy 29 of the SELLP is the Historic Environment and will be used to assess this application as the site is within the conservation area of Crowland. Section B of Policy 29 is specific to conservation areas and states:

"Proposals within, affecting the setting of, or affecting views into or out of, a Conservation Area should preserve (and enhance or reinforce, as appropriate) features that contribute positively to the area's character, appearance and setting. Proposals should:
1. Retain buildings/groups of buildings, existing street patterns, historic building lines and ground surfaces;
2. Retain architectural details that contribute to the character and appearance of the area;
3. Where relevant and practical, remove features which are incompatible with the Conservation Area;
4. Retain and reinforce local distinctiveness with reference to height, massing, scale, form, materials and plot widths of the existing built environment;
5. Assess, and mitigate against, any negative impact the proposal might have on the townscape, roofscape, skyline and landscape;
6. Aim to protect trees, or where losses are proposed, demonstrate how such losses are appropriately mitigated against."

When assessed against the above criteria the following is observed:

1. The proposal does respect existing street patterns in that development is already sited to the rear of Hereward Way with Dennell sited nearby.
2. The proposal seeks to provide a building that respects the historic built character of the surrounding area.
3. The proposal is for a new building so this criterion is not considered relevant to the application at hand.
4. The proposal is considered to be of comparable height to that of existing buildings on South Street to the north, is of a similar massing and scale, the form is more in keeping than that of the nearby dwelling Dennell which made no attempt to respect the historic built design and character of the conservation area.
5. The proposal is to the rear of South Street and is not considered to have an impact on the townscape, roofscape, skyline and landscape, by virtue of its siting and design.
6. The proposal does not affect any trees on site.

The dwelling is considered to accord with Policy 29 of the SELLP.

Impact on conservation area

The proposal seeks to recreate a barn style development and be more in keeping with historic development in the vicinity and the Historic Environment Officer has no objections to the proposed design. The proposal is considered to enhance the conservation area by referencing historic agricultural barns.

Overdevelopment

The proposal is not considered to constitute overdevelopment. The footprint of the dwelling is in keeping with properties to the south and west on Hereward Way and Reform Street.

Overlooking

There is not considered to be any material overshadowing or overlooking on neighbouring properties due to the separation distances involved, 15 metres to 21 South Street to the north, where there are bricked-up apertures on the northern elevation of the proposed dwelling. The separation distance is 17.5 metres to Dennell on Hereward Way to the south, however the windows do not directly face Dennell and there is not considered to be material direct overlooking.

Setting a precedent

Each application is judged on its own merits. Whether or not an application sets a precedent it must be assessed against local and national policy and the built character of the land on which it is proposed to sit.

Height of building

There is not considered to be any material overshadowing on neighbouring properties due to the separation distances involved, 15 metres to the host property to the north and 17.5 metres to Dennell on Hereward Way to the south.

Visual prominence

Whilst the building may be visually prominent to Dennell on Hereward Way and other properties on South Street it is a significant distance from these properties and designed to be in keeping with the historic built character of the surrounding area.

Poor built quality of Hereward Way

This is a matter to be addressed by the County Highways team and they have no objections to the siting of a dwelling accessed from Hereward Way.

Highway safety / traffic

There is not considered to be an impact on highway safety from the proposal. The levels of traffic on Hereward Way are minimal.

Disturbance during construction

Although a consideration, this is a matter which does not carry material planning weight.

Where the applicant can connect service lines

Although a consideration, this is a matter which does not carry material planning weight.

Conclusion

The proposed dwelling accords with Policy 2 of the South East Lincolnshire Local Plan, 2019 , is designed to be in keeping with the built character of the surrounding area and does not materially impact neighbour amenity.

The proposal is in accordance with Policies 1, 2, 3, 4, 10, 11, 17, 29, 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.

This application was reported to Chairman's Panel, where members advised that they were content for the decision to be delegated to officers.

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.

RECOMMENDATION

Recommendation is for delegated approval.