DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H02-0564-22**	**Applicant:**	**Lion Investment Group**
Proposal:	Residential Development of 3 dwellings		
Location:	Adj. 17 Barbers Drove North Crowland Peterborough		
Terminal Date:	30th September 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
06	Developer Contributions
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
17	Providing a Mix of Housing
18	Affordable Housing
28	The Natural Environment
29	The Historic Environment
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2021

Section 5 - Delivering a sufficient supply of homes
Section 8 - Promoting healthy and safe communities
Section 9 - Promoting sustainable transport
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

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	1	1
RESIDENTS	17	0	0	0

CASE OFFICER ASSESSMENT

Proposal

This is an outline planning application for residential development of 3 dwellings on land adjacent to 17 Barbers Drove North, Crowland.

The site forms part of a housing allocation in the South East Lincolnshire Local Plan (2019) (ref. Cro011). The site itself combined with the land extending to the rear as far as the dwellings on Thorney Road benefits from full planning permission for 41 dwellings, granted under application ref. H02-0064-21.

The intention behind this application is to enable a quicker start on site as less infrastructure is required at the outset for a smaller scheme such as this. It also seeks to retain no. 17 Barbers Drove North, rather than demolish it as per the previous application. As a result, the scheme for the remainder of the area of the land is likely to be amended slightly.

The indicative block plan submitted in support of the application shows 3 x detached dwellings served by Barbers Drove North. The pedestrian link to the land to the rear as proposed in H02-0064-21 is to be retained.

Site Description

The site is an undeveloped parcel of land that fronts Barbers Drove North, sitting between no. 15 Barbers Drove North and James Road. There are a mixture of bungalows and two storey dwellings along this road and of varied designs. The land to the rear of the site is grassed / paddock.

History

H02-0064-21 - Full - Demolition of existing dwelling and erection of 41 dwellings (approved February 2022)

Consultation Responses

Crowland Parish Council

Original planning had two properties for this area and no traffic leading onto Barbers Drove, with this development it raises highways concerns regarding the extremely poor condition of the road - this development with increase the traffic with three large dwellings and vehicles and no footpath.

SHDC Strategic Housing

This application for 3 dwellings is immediately adjacent to the permitted scheme of 41 dwellings by the same applicant, planning reference H02-0064-21. Therefore, as per the Developers Contribution policy within the SELLP, the developers contributions should be sought on the total scheme of 44 dwellings. For the affordable housing contribution the 25% equates to 11 dwellings. The applicant should amend the plans to include 1 additional affordable dwelling as part of the rented mix, preferably either another 1 bed dwelling or a 4 bed dwelling. As per Policy 6: Developer Contributions it would be preferable for the affordable housing to be secured through a s106 agreement.

SHDC Environmental Protection

No comments or objections.

North Level IDB

No objection in principle.

LCC Highways / SUDS

No objection subject to standard highways conditions.

The fact that much of Barbers Drove North is single-track carriageway only is noted. However, this road does appear to have been providing safe vehicular and pedestrian access to the existing residential properties along its length for many years. It may therefore be difficult to demonstrate that an additional three dwellings, on the last remaining parcel of frontage land, as proposed in this Application, could not be similarly accessed and occupied without necessarily compromising highway safety.

Therefore, 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 subject to compliance with the Condition above, the proposed development would not be expected to have an unacceptable impact upon highway safety and does not wish to object to this planning application.

LCC Historic Environment Officer

No archaeological input required.

Public - 17 objections received (summarised)

- Road in poor condition; will become a busy road; potential for blockages, road will deteriorate further with more dwellings
- Road not suitable for construction vehicles
- Residents would not welcome decision for more dwellings
- The proposed planning application appears to contradict H02-0064-21
- Houses (as opposed to bungalows) will be out of character with the area.
- Concern re amenity impact
- The proposed 41 property development (H02-0064-21) intends to allow a public access (through a 3m wide pathway) on to Barbers Drove North; this presents a safety issue due to lack of footway on Barbers Drove North
- Concern re potential for loss of trees next to James Road
- Noise and disturbance from construction
- Visual impact from raising floor levels due to flood risk
- Raising floor levels could impact properties off site by virtue of surface water run off
- Potential for detrimental impact on holiday letting business

N.B. A significant proportion of the objections received raised the condition of Barbers Drove North as a concern.

Planning Considerations

Principle

The site is located within the settlement boundary for Crowland as set out in South East Lincolnshire Local Plan (2019) and is an allocated housing site (ref. Cro11). The principle of residential development on the application site has therefore already been established.

Layout, Scale and Appearance

The exact layout, visual appearance and scale of the proposed dwellings, as well as landscaping details, cannot be fully assessed at this stage as these are reserved matters.

However, the indicative block plan submitted in support of the application does show 3 x detached dwellings served by Barbers Drove North and this demonstrates that this number of dwellings could be satisfactorily accommodated on site. Whilst the concern regarding further dwellings being served by this road is understood, in visual terms, it is more preferable for dwellings to front rather than back on to the road. There are both bungalows and houses on Barbers Drove North, therefore either would be considered to be appropriate for the site.

The submitted flood risk assessment recommends that finished floor levels are set at 2.3m OD, which is around 1m higher than the middle of each plot. Full details of existing and proposed floor and ground levels can be secured by condition, but it is not anticipated that the raising of levels by this extent would have a material visual impact on the wider street scene given the separation distances between properties.

The remainder of the area of land which comprises the allocation will likely be subject to a further application(s) to amend the scheme in the future.

In light of the above, the proposal is considered to satisfactorily comply with the aims and objectives of Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 as far as can be assessed at outline stage.

Highway safety, access and parking

Concern has been raised regarding the suitability of Barbers Drove North to serve a further three dwellings and highway safety. The Highway Authority have been consulted and have not objected to the principle of the proposal, commenting as follows:

"The fact that much of Barbers Drove North is single-track carriageway only is noted. However, this road does appear to have been providing safe vehicular and pedestrian access to the existing residential properties along its length for many years. It may therefore be difficult to demonstrate that an additional three dwellings, on the last remaining parcel of frontage land, as proposed in this Application, could not be similarly accessed and occupied without necessarily compromising highway safety.

Therefore, 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 subject to compliance with the Condition above, the proposed development would not be expected to have an unacceptable impact upon highway safety and does not wish to object to this planning application."

On the basis of the above and the lack of objection from the Highway Authority, it would be unreasonable for the Local Planning Authority to refuse the proposal on highways grounds.

Appendix 6 of the SELLP sets out minimum vehicle parking standards for residential developments and requires that at least 2 parking spaces are provided for dwellings with up to 3 bedrooms and that 3 parking spaces are provided for dwellings with 4 or more bedrooms. Given the size of the site this should be achievable.

Flood risk and drainage

The site is a housing allocation in the Local Plan and is therefore a sequentially preferable site in flood risk terms.

The submitted Flood Risk Assessment identifies that finished floor levels of dwellings should be set

no lower than 2.3 metres OD as a flood mitigation measure, which is around 1m higher than the middle of each plot. Full details of existing and proposed floor and ground levels can be secured by condition, but it is not anticipated that the raising of levels by this extent would have a material visual impact on the wider street scene or residential amenity given the separation distances between properties and potential for boundary treatments.

In terms of drainage, the proposal is for surface water to be discharged via a soakaway/SUDS design. Full details of surface water drainage will be conditioned. Foul water would be discharged to the existing Anglian Water network, whom 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.

Residential amenity

Although the specific details of design and layout would be dealt with at reserved matters stage, it is considered that an acceptable standard of residential amenity is capable of being provided.

If the dwellings are to front on to Barbers Drove North as the indicative block plan shows, this would be tantamount to a normal frontage relationship with those opposite. No. 15 to the north is likely to be at least 11m from any dwelling which would be sufficient to avoid a material overbearing or overshadowing impact.

Windows can be orientated in such a way that there should not be a material overlooking impact.

The proposal therefore complies with Policy 3 of the Local Plan in this regard.

Developer contributions

This site forms part of a wider allocation for residential development that would attract a requirement for developer contributions given the no. of dwellings concerned. Policy 6 of the Local Plan states that: "The Local Planning Authorities will not accept any proposals that artificially reduce capacity or floorspace to circumvent the proper operation of this policy." The supporting text (para 3.7.5) goes on to say: "Where it is proposed to phase developments, sub-divide sites or where recent subdivision has taken place, or where there is a reasonable prospect of adjoining land being developed in tandem, the whole site will be considered for the purpose of determining whether the scheme meets the site and/or floorspace thresholds identified by Policy 6."

As these 3 dwellings effectively form part of a wider development, the applicant has entered into a s106 agreement which requires the delivery of 25% affordable housing on the adjoining site taking into the 3 no. dwellings, plus £660 per dwelling NHS contribution for this site.

Other considerations

A condition requiring the submission of a Construction Management Plan (to contain details of how noise etc. will be managed and construction vehicles will access the site) as well as one to ensure the retention of trees can be imposed.

Whilst the potential for a detrimental impact on the holiday letting business nearby is a consideration, it is one which carries only very limited 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 is part of a site allocated for housing in the Local Plan. Therefore 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 amenity of residents. Whilst concern has been raised regarding highway safety and the condition of Barbers Drove North, the Highway Authority have not objected to the application. Parking levels in accordance with the Local Plan requirements are capable of

being achieved. Flood risk and drainage matters are considered to have been appropriately addressed. The applicant has entered into a s106 agreement to secure appropriate developer contributions.

Taking the above into account, the planning balance is considered to be in favour of the proposal.

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.

Conclusion

In light of the above considerations, the proposal is considered to be in general accordance with Policies 1, 2, 3, 4, 6, 10, 11, 18 and 32 of the South East Lincolnshire Local Plan (2019), as well as guidance in the National Planning Policy Framework (2021).

The recommendation is therefore for a delegated approval.