

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H02-0574-21 **Applicant:** Mr L Johnson
Proposal: Demolition of existing garage and construction of new dwelling - re-submission of H02-0671-20
Location: 26 West Bank Crowland Spalding
Terminal Date: 6th August 2021

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 2019

NPPF 2021

Section 5 - Delivering a sufficient supply of homes
 Section 11 - Making effective use of land
 Section 12 - Achieving well designed places
 Section 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
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
RESIDENTS	1	0	0	2

CASE OFFICER ASSESSMENT

Proposal

This is a full planning application for the demolition of the existing detached double garage and the construction of a new dwelling at 26 West Bank, Crowland.

This is a re-submission of H02-0671-20 which was refused for the following reason:
 "The application site is situated in Flood Zone 1 according to the GOV Flood Map for Planning. Therefore, the proposed bungalow would appear to be situated in a low flood risk area in the context of this. However, the South East Lincolnshire Strategic Flooding Risk Assessment (March, 2017), which was published after the previous approval for a bungalow on the site, shows that the sites falls within a "Danger for All" hazard zone, with potential flood depths of 1-2m. In situations such as this, the Standing Advice Matrix requires that properties be a minimum of 2 storeys, and if the depth would be over 1.6m no ground floor habitable accommodation is permitted. A bungalow would be contrary to these requirements.
 The proposal is therefore considered to be contrary to Policies 2, 3 and 4 of the Local Plan which require flood risk to be taken into account."

Site Description

The site forms part of the residential curtilage of no. 26 West Bank (approx. 0.10ha), which sits to the west, and currently accommodates a detached garage. The site is accessed from The Willows, which is a residential cul-de-sac, where the dwellings consist of mostly large detached two storey dwellings of a similar age and design. There are also properties to the south and east. Ground levels fall away from West Bank.

History

H02-0009-12- Approved- 08-03-12- Proposed Detached 2 bed Bungalow.

H02-0671-20- Refusal 19-10-20- Demolition of existing garage and construction of a bungalow.

Consultation Responses

Crowland Parish Council- Considers that this application is over development of the site and impacts negatively on the local area.

Environment Agency- The Environment Agency does not wish to make any comments on this application. It does not appear to meet any of the criteria listed on our External Consultation Checklist and it was therefore not necessary to consult us.

North Level District Internal Drainage Board- No comments.

Ian Marshman, Historic Environment Officer - The developer should be required to commission an Archaeological Scheme of Works. This would involve the monitoring of all groundwork's, with the

ability to stop and fully record archaeological features.

Local Highway and Lead Local Flood Authority- Does not wish to restrict the grant of permission.

Public objections (5 no. summarised)-

- Concern over parking arrangements and highway safety; 26 West Bank has an excessive number of vehicles with a number of them using the application site for parking as well as the road; Potential for impact on refuse collection days and on emergency vehicle access.
- Does not respect local context and street pattern or the scale and proportions of the surrounding buildings and would be entirely out of the character of the area, to the detriment of the local environment
- Concern over impact on privacy and quiet enjoyment
- Concerns over the impact development would have on stability of neighbouring property as the area is steeply graded.

Other public representations (1 no. comment summarised) - Recommendation for a planning condition requiring the installation of a minimum of 4 swift nest bricks to provide enhancement for biodiversity.

Planning Considerations

Principle

The site is situated within Crowland's settlement boundary according to inset map no. 3 in the South East Lincolnshire Local Plan (SELLP, 2019).

Crowland is considered to be a Main Service Centre according to Policy 1, Spatial Strategy in the SELLP, 2019. It is therefore a settlement where 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.

Flood Risk and Drainage

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 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) 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 Flood Zone 1 according to the GOV Flood Map for Planning. Therefore, the proposed dwelling would appear to be situated in a low flood risk area on the face of it.

However, the South East Lincolnshire Strategic Flooding Risk Assessment (March, 2017) shows that the site falls within a "Danger for Most" hazard zone, with potential flood depths of up to 1m (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 (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.

In terms of ensuring safety for its lifetime, in situations such as this, the Standing Advice Matrix requires that properties Finished Floor Levels must be set 1m above ground level, with flood resilient construction to a height of 300mm above the predicted flood depth. A condition can be added to ensure that this is achieved if permission were to be granted.

The proposed means of foul water drainage would be via mains sewer and surface water drainage via soakaway. This is considered acceptable. Anglian Water are obliged to accept foul water flows from new development and there are no known permeability issues in the area that would preclude the use of soakaways.

The proposal is therefore considered to comply with Policies 2, 3 and 4 of the Local Plan which require flood risk to be taken into account.

Layout, Design, Size and Scale

The footprint and position of the proposed dwelling within the site has changed slightly compared to that of the previously approved proposed via the 2012 application. The proposed dwelling will be a maximum depth of approx. 6.02m and a maximum width of 10.06m, and the dwelling would be 1.3m higher than previously approved. It would be approximately 3m from the adjoining boundary with no. 26, which is the closest property, and even further from the facing elevation. Such distance is considered acceptable.

It would be approx. 2.3m from the boundary with the property diagonally to the rear (no. 2 The Willows), which is the shortest distance to a boundary. This is still sufficient to enable access between the property and the boundary. The height of the dwelling would be in keeping with surrounding development. Given that the site is lower than the carriageway and a chalet bungalow, it is not considered that the requirement to raise floor levels by 1m would have a material adverse visual impact on the appearance of the area. Overall, the scale and positioning of the dwelling is considered to remain acceptable.

The proposed dwelling would comprise of a large hallway and entrance accessed from the proposed front elevation, with an open plan kitchen and dining area to the east of the property and a living room to the west. A proposed patio door would come off from the kitchen area, with a proposed patio area partly built over the existing garage floor. To the first floor, there are two bedrooms proposed with a family bathroom.

The rear garden appears to be a sufficient size in comparison to the size of the dwelling. There will also be a small garden area to the east of the proposed dwelling, with a minimum distance of 1.3m away from the boundary.

It is indicated that the dwelling would be constructed of stone facing bricks and concrete tiles to match other properties on The Willows. Exact details can be secured by condition if permission were to be forthcoming, as can details regarding boundary treatment and landscaping. It is not considered that the visual appearance of the dwelling would be materially different to other dwellings on The Willows if materials are to match as closely as possible and there are other examples of dwellings with dormer windows along the street.

A reduction in height to the existing blank boundary fence to 1m along the front and partly to the side of the boundary would improve the character and appearance of the street scene.

Taking the above into account, the proposed dwelling is considered to be compliant with Policies 2

and 3 in the SELLP, 2019 and in accordance with Section 12 in the NPPF, 2021 in terms of layout, design, size and scale.

Impact upon Residential Amenity

The front elevation windows of the proposed dwelling sit approx. 20m from the front elevation of no.3 The Willows, which is not considered to have unacceptable impact upon overlooking or loss of privacy. It is tantamount to a normal front to front relationship. Furthermore, there are no side facing windows proposed and the properties to the rear are at an angle from the proposed dwelling so there should be no issues of overlooking in these directions either.

Although levels details are to be conditioned, it is not considered that the requirement to raise floor levels by 1m is likely to have a material adverse impact on residential amenity given that properties to the rear are set at an angle and are separated by a public footway/driveway/garden screened by trees. If any stability issues were to arise as a result of the development it would be a civil matter between landowners.

Taking the above into account, the proposed dwelling is considered to be compliant with Policies 2 and 3 in the SELLP, 2019 and in accordance with Section 12 in the NPPF, 2021 in terms of residential amenity.

Parking provision

There have been concerns raised by the public about the existing dwelling (no. 26) having an excessive number of vehicles parked between the curtilage of that dwelling, on the application site and on the carriageway/footway. It has also been highlighted that a possible car business is being run from the dwelling. In terms of the latter, a homeowner is permitted to sell vehicles from a property provided that it remains ancillary to the residential use.

With regard to vehicle parking, in connection with Policy 36 of SELLP 2019, Appendix 6 sets out the minimum requirements for car parking provision. 2 no. car spaces must be provided within the curtilage for dwellings up to 3 no. bedrooms and 3 no. spaces should be provided for dwellings with 4 or more bedrooms. 2 spaces are specifically indicated on the submitted block plan for the proposed dwelling and 26 West Bank, but a third vehicle could also technically be accommodated within the curtilage of each of these dwellings. This is the maximum number of spaces required by the parking standards in the Local Plan.

The Local Highways Authority have no objections to the proposal and it is therefore considered acceptable in terms of highway safety.

If vehicles are being parked in a hazardous manner, it may be a matter for the Police.

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 proposal represents infill development within the settlement boundary of Crowland. It is not considered that the revised proposal would materially harm the character or appearance of the locality or amenity of residents. There are no material highway issues and parking levels are in accordance with the Local Plan requirements. 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.

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

A delegated approval is considered to be appropriate.