DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H02-0608-22**	**Applicant:**	**Mr P Milward**
Proposal:	Proposed barn style dwelling		
Location:	Land To Rear Of 29/31 North Street Crowland		
Terminal Date:	5th October 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
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 2021

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	1	0	0	0
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	1	0	0	2

CASE OFFICER ASSESSMENT

PROPOSAL

This is a full application for a proposed barn style dwelling on land to the rear of 29/31 North Street, Crowland. The proposal seeks to provide a two storey dwelling that is 13.04 metres in length, 4.49 metres in depth, an eaves height of 5.56 metres and a ridge height of 6.7 metres. At ground floor a lounge, kitchen, wc and utility will be provided. At first floor there will be two bedrooms, an en-suite and a bathroom. Proposed materials of construction will be black and timber cladding, with black tiles and dark grey UPVC windows and doors. The exact details of materials would need to be addressed by condition. Surface water will be addressed by soakaway with foul water addressed by mains drainage.

SITE DESCRIPTION

The site is inside the defined settlement limits of Crowland. The surrounding area is immediately adjacent Crowland Conservation Area to the west along North Street, with the gardens and curtilage buildings of North Street to the north and the south, with the gardens and dwellings of Hall Street beyond Clutton's Close to the east. The site is in Environment Agency Flood Zone 1, and is subject to "Low Hazard" and a maximum predicted flood depth of 0.25 metres.

RELEVANT HISTORY

H02-0736-12

Outline - Demolition of existing garages and erection of dwelling - Refused - 15 November 2012.

Reason for refusal:

"In the opinion of the Local Planning Authority the application site is not wide enough to satisfactorily accommodate a new dwelling that would not appear cramped on the plot, to the detriment of the character of the locality. Furthermore, development on this site would degrade the surviving pattern of medieval burgage plots which strongly characterises Crowland's core and the conservation area to which the application site is adjacent. The proposal is, therefore, contrary to Policies SG14, and SG19 of the South Holland Local Plan 2006, which accord with national guidance set out in Sections 7 and 12 to the National Planning Policy Framework, 2012, and to the extant Planning Practice Guide to PPS5: Planning for the Historic Environment."

"Clutton's Close is unsuitable in terms of its width, alignment, character and junction geometry to accommodate the additional traffic movements that would be generated by the proposed development. The carriageway of Clutton's Close is generally single track with little facility for on-coming vehicles to pass one another and no footways. There is also no facility for vehicles to turn around at the end of the road. Consequently, the increase in vehicular activity that would result from the proposed development would increase the incidence of vehicles meeting on the road and having to over-run the carriageway edges and highway verges in order to pass. The increase in both vehicular and pedestrian movements resulting from the development would increase unacceptably the risk of conflicts on the highway between vehicles and pedestrians sharing the

same roadspace. The absence of a turning facility at the end of the road means that drivers have to reverse their vehicles along the road to a position where it is possible to turn around. Whilst residents of the proposed development may be able to utilise the the proposed parking spaces to turn around, visitors and delivery vehicles would have to reverse back along the road in order to turn around thereby increasing unacceptably the risk of conflict with pedestrians and other road users. The visibility to the right for drivers emerging from Clutton's Close into Kemp Street is significantly below the required standards due to the horizontal alignment of Kemp Street and its proximity to the junction with Hall Street and drivers emerging from Clutton's Close are therefore at risk of conflict with other vehicles. The proposed development would result in an increase in vehicular activity at this junction and approval of this application would, therefore, result in the exacerbation of an existing highway safety problem. There are a number of properties having secondary access to Clutton's Close and approval of this application would be likely to make similar applications in future difficult to resist. The proposal is, therefore, contrary to Policy SG15 of the South Holland Local Plan 2006, which accords with national guidance set out in Section 7 to the National Planning Policy Framework, 2012."

CONSULTATION RESPONSES

Lincolnshire County Council - Highways & SUDS Officer - Objections

"Clutton's Close (from which access to the proposed dwelling is proposed to be taken) is a single track public highway with narrow verges and few opportunities for on-coming vehicles to pass one another. There are no footways along Clutton's Close and there is no turning area at its end. Furthermore, drivers' visibility to the right at the junction of Clutton's Close with Kemp Street is significantly below the prescribed standards due to the horizontal alignment of Kemp Street and the close proximity of a property boundary hedge to the carriageway edge. The increase in vehicle and pedestrian use of Clutton's Close that would result from the habitation of the proposed dwelling would increase the incidence of vehicles and pedestrians meeting other vehicle and pedestrians on this highway and of drivers having to undertake unsafe and unreasonable reversing manoeuvres in order to pass one another. Drivers, and in particular delivery drivers, also have to reverse a considerable distance back along Clutton's Close in order to turn around, which is to the detriment of the safety of other road users. The increased vehicular use of Clutton's Close resulting from the habitation of the proposed dwelling would also increase the risk of conflict between vehicle leaving Clutton's Close and vehicle passing the Kemp Street junction due to drivers' severely restricted visibility to the right when emerging from Clutton's Close. It is therefore considered that the construction and habitation of the proposed dwelling would have an unacceptable impact upon highway safety and would be contrary to the guidance provided within the National Planning Policy Framework document for acceptable new development."

The applicant has offered a joint site visit with the Planning Officer and the Highways Officer but it is has been communicated that a site visit will not remove the objection of the Highways Officer.

Lincolnshire County Council - Historic Environment Officer

"This office has commented on earlier proposals for this site and we would like to reiterate our previous advice.
This part of Crowland still retains the original medieval burgage plot layout, subdividing this land erodes this historic land pattern, it. This plot also lies close to what is the purported line of a Bronze Age barrow cemetery and close to where reports of finds of prehistoric tools have been made.

If planning permission on this site if forthcoming, it is recommended that the developer should be required to commission a Scheme of Archaeological Works (on the lines of 4.8.1 in the Lincolnshire Archaeological Handbook). This should be secured by South Holland District Councils Standard Conditions AR01, 02 and 03. 'They should .... require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part), in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible' National Planning Policy Framework Section 16, paragraph 205. I envisage that this would involve monitoring of all groundwork's, with the ability to stop and fully record archaeological features. Please ask the developer to contact this office and we will prepare a brief for the works."

South Holland District Council - Conservation Officer

"As the overall curtilage of the property is only partially within the conservation area, and the

proposed structure would not be constructed within the segment of land within that area, I wish to raise no objections to this proposal. The design is such that it should not materially harm the appreciation of the nearby conservation area from any public realm views. Therefore, the officer should continue to consider this application in accordance with Policy 29 of the SELLP and S16 of the NPPF, as well as all other relevant Policy, guidance and considerations."

South Holland District Council - Environmental Protection Officer

No comments or objections.

North Level Internal Drainage Board

No comment.

Crowland Parish Council - Objection

"Access along Clutton's Close, a single gravel road leading onto a very busy junction/road Kemp Street."

Members of the public - Objections - 3

Pedestrian access added without consultation / permission - This is a matter which does not carry material planning weight.

Request height of new and existing trees restricted to 1.8m from FFL to maintain views of Crowland Abbey - This is a matter which does not carry material planning weight.

Loss of view of Crowland Abbey - This is a matter which does not carry material planning weight.

Noise and disturbance during construction - This is a matter which does not carry material planning weight.

"Clutton's Close is completely unsuitable to become a fully accessible road and is unequipped to deal with the additional traffic movements that will be generated by the proposed development. The reasons given regarding a similar proposal (H02-1069-05) are still completely valid."

Overlooking

Overshadowing

PLANNING CONSIDERATIONS

Assessment against SELLP Policy 1 - Spatial Strategy

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

The proposal is within the settlement boundary of Crowland. This dwelling would help support the role of Crowland as a service centre and would help sustain existing facilities.

Assessment against SELLP Policy 2 - Development Management

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

1. The size and scale is slightly larger than that of other garden curtilage buildings in the area and the layout does not respect the medieval burgage plots of North Street. No trees will be removed to facilitate this proposal. By virtue of the siting and scale of the dwelling there will be a material impact on the character and appearance of the area.

2. The design is to compliment existing curtilage buildings in the vicinity and the orientation is not in keeping with existing dwellings in the vicinity of the site.

3. Proposed materials of construction will be black and timber cladding, with black tiles and dark grey UPVC windows and doors. The exact details of materials would need to be addressed by condition.

4. Vehicular access and off road parking for two cars is provided off Clutton's Close. This level of off road parking provision accords with Appendix 6 of the SELLP which requests a minimum of two off road parking spaces for dwellings with three bedrooms or fewer. A pedestrian access to North Street is shown on the plans. This access is currently blocked by established locked fencing. The County Highways & SUDS Officer objects to the submitted details. They have concerns with regard to the narrow nature of Clutton's Close, poor visibility and lack of passing places.

5. The capacity of existing community services and infrastructure is not materially impacted by the proposed dwelling.

6. There is not considered to be a noise, odour or disturbance impact from the proposal. With regard to to visual intrusion the following can be observed:

Overdevelopment - The proposal will lead to a material loss of garden space and will lead to an alien and incongruous development that does not respect the historical layout of residential development.

Overshadowing - There is considered to be a material overshadowing impact on neighbouring gardens to the north and west. However, when right to light lines are drawn, the windows of neighbouring properties will not be subject to a material loss of light.

Overlooking - The first floor side elevation windows will be obscure glazed with the front and rear bedroom windows not obscure glazed. These windows are more than 21 metres from the rear elevation windows of the dwellings on North Street and Hall Street therefore there is not considered to be a material overlooking aspect to the nearby dwellings. However, the first floor bedroom windows, especially those of west facing Bedroom 1 will be able to overlook a number of rear gardens of the dwellings on North Street. As North Street is a tightly terraced street overlooking of gardens is not a new phenomenon.

7. The site is in Environment Agency Flood Zone 1, and is subject to "Low Hazard" and a maximum predicted flood depth of 0.25 metres. Surface water will be addressed by soakaway with foul water addressed by mains drainage.

This application does not accord with SELLP Policy 2.

Assessment against SELLP Policy 3 - Design of New Development

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

1. The size and scale is slightly larger than that of other garden curtilage buildings in the area and the layout does not respect the medieval burgage plots of North Street. No trees will be removed to facilitate this proposal. By virtue of the siting and scale of the dwelling there will be a material impact on the character and appearance of the area. A sense of place is materially affected by this proposal.

2. A pedestrian footpath is proposed to connect to the dwelling to North Street. There are disputing claims as to ownership and a lack of boundary treatment around the proposed dwelling does not easy differentiate public and private space.

5. The site has adequate space for bin and cycle storage. Vehicular access and off road parking for two cars is provided off Clutton's Close. This level of off road parking provision accords with Appendix 6 of the SELLP which requests a minimum of two off road parking spaces for dwellings with three bedrooms or fewer. A pedestrian access to North Street is shown on the plans. This access is currently blocked by established locked fencing. The County Highways & SUDS Officer objects to the submitted details. They have concerns with regard to the narrow nature of Clutton's Close, poor visibility and lack of passing places.

8. A proposed pedestrian footpath and lack of boundary treatment is considered to increased permeability of the rear garden space of existing properties thereby decreasing community safety and negatively impact crime prevention.

11. There is not considered to be a noise, odour or disturbance impact from the proposal. With regard to to visual intrusion the following can be observed:

Overdevelopment - The proposal will lead to a material loss of garden space and will lead to an alien and incongruous development that does not respect the historical layout of residential development.

Overshadowing - There is considered to be a material overshadowing impact on neighbouring gardens to the north and west. However, when right to light lines are drawn, the windows of neighbouring properties will not be subject to a material loss of light.

Overlooking - The first floor side elevation windows will be obscure glazed with the front and rear bedroom windows not obscure glazed. These windows are more than 21 metres from the rear elevation windows of the dwellings on North Street and Hall Street therefore there is not considered to be a material overlooking aspect to the nearby dwellings. However, the first floor bedroom windows, especially those of west facing Bedroom 1 will be able to overlook a number of rear gardens of the dwellings on North Street. As North Street is a tightly terraced street overlooking of gardens is not a new phenomenon.

12. The site is in Environment Agency Flood Zone 1, and is subject to "Low Hazard" and a maximum predicted flood depth of 0.25 metres. Surface water will be addressed by soakaway with foul water addressed by mains drainage.

This application does not accord with SELLP Policy 3.

Assessment against SELLP Policy 29 - The Historic Environment - Conservation Areas

B. Conservation Areas
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.

The western extent of the proposal site is within Crowland Conservation Area. Therefore, Policy 29 of the SELLP is considered relevant.

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

1. The proposal does not respect existing street patterns or historic building lines.

4. The proposal broadly seeks retain local distinctiveness with regard to height, massing, scale and form. However these dimensions relate to curtilage buildings and not existing dwellings.

5. The proposal is considered to have a material impact on the townscape, roofscape and skyline.

6. No trees are impacted by the proposal.

This application does not accord with SELLP Policy 29.

PLANNING BALANCE

This application has failed to satisfactorily address the previous reasons for refusal under application reference H02-0736-12. By virtue of the cramped and incongruous location, the proposed dwelling is considered to have a material impact on the character and amenity of the surrounding area. Therefore, the application is not 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, 14 and 16 of the National Planning Policy Framework, 2021.

CONCLUSION

This application is recommended for refusal.

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.