Application No:	**H02-0638-23**	**Applicant:**	**Mr L Johnson**
Proposal:	Erection of detached dwelling - re-submission of H02-0264-22		
Location:	Land Adj. 22 Albion Street Crowland Spalding		
Terminal Date:	19th September 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
28	The Natural Environment
30	Pollution
31	Climate Change and Renewable and Low Carbon Energy
32	Community, Health and Well-being
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2021

Section 2: Achieving sustainable development
Section 4: Decision-making
Section 5: Delivering a sufficient supply of homes
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

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	1	0	0	0
WARD MEMBER	0	0	0	1
HIGHWAYS & SUDS	0	0	0	1

SUPPORT				
NORTH LEVEL INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	1	0
OTHER STATUTORY BODIES	0	0	0	1
RESIDENTS	4	0	0	0

CASE OFFICER ASSESSMENT

Proposal

This is a full application seeking permission for the erection of a detached dwelling on land adjacent to 22 Albion Street, Crowland. The property will be a two bed dwelling and will be 5100mm by 15610mm on the ground floor and 5100mm by 13110mm on the first floor.

Site Description

The site lies within the settlement boundaries of Crowland as outlined within the South East Lincolnshire Local Plan, 2019 (SELLP). The plots is narrow and measures at 5995mm by 25748mm and is slightly wider at the rear coming in at 6618mm. It is currently overgrown with a small boundary fence at the front. There are two dwellings either side of the plot with a set of houses at the rear. The plots currently appears overgrown and unkept, there is a small boundary fence at the front of the property with an existing fence surrounding the site.

History

H02-0264-22 - Erection of detached dwelling - Refused

Consultation Responses

Crowland Parish Council

The Parish Council strongly object as we feel it is over development of the site, with its size, scale, layout, density and impact on the amenity. The application form states a three bedroom but plans show it as a two bedroom. New properties should have disabled access, but the plan's access looks too narrow to accommodate this. Concerns of construction traffic's access to the building site as this is on a main road into the town via Albion Street i.e. the damage that may occur to the main road, blocking of the road, which is also a bus route.

Councillor A Harrison

The application states that this is a 3-bed property, whereas the floor plans clearly show 2 bedrooms, which would be more fitting with the limited size of the plot. There is a similar styled property a few doors down from this site, therefore it would be difficult to argue that it is overdevelopment of the plot, providing it is limited to the 2 bedrooms. Parking could be an issue as there is a yellow line and no footpath to the front of this site.

Lincolnshire County Council Highways

No objection -

The proposed development includes two off-street car parking spaces at the front of the dwelling house, where vehicles would be parked perpendicular to the highway. This part of Albion Street is unusual in so far as there is no footway between the Application Site and the carriageway edge. The frontages of the properties on either side of the Application Site are however generally 'open plan' and this arrangement would be to the mutual benefit of the residents of all three dwellings in respect of drivers being able to enter the highway safely. There is no manoeuvring space within the proposed dwelling to be able to turn around but this is also true of other existing properties along Albion Street where the absence of turning does not seem to cause any issues. The vehicle access crossing into the proposed dwelling will need to be constructed to he current highway authority specification.

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.

Informatives:

Highway Informative 03 -
The permitted development requires the formation of a new vehicular access. These works will require approval from the Highway Authority in accordance with Section 184 of the Highways Act. Any traffic management required to undertake works within the highway will be subject to agreement. The access must be constructed in accordance with a current specification issued by the Highway Authority. Any requirement to relocate existing apparatus, underground services, or street furniture because of the installation of an access will be the responsibility, and cost, of the applicant and must be agreed prior to a vehicle access application. The application form, costs and guidance documentation can be found on the Highway Authority's website, accessible via the following link:

https://www.lincolnshire.gov.uk/licences-permits/apply-dropped-kerb.

South Holland District Council Environmental Protection

No comments.

North Level Internal Drainage Board

No observations.

Historic Places Team

The application site lies within the historic core of the settlement of Crowland. Crowland is the site of a monastic house founded the early eighth century which was the oldest monastic house in Lincolnshire at the time of the Norman Conquest. Various pieces of archaeological work around the town have recorded archaeological deposits from the Late Saxon period onwards. Due to waterlogged conditions preservation of archaeological remains is often very good. An extensive prehistoric barrow cemetery also extended across the area to the northwest of the site. 'Local planning authorities 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.' NPPF 2021 para 205. Therefore, it is recommended that a Scheme of Archaeological Works (on the lines of 4.8.1 in the Lincolnshire Archaeological Handbook). This should be secured using South Holland District Council's standard conditions AR1, AR2 and AR3. Initially I envisage that this would involve the monitoring of all groundwork's, with the ability to stop and fully record archaeological features. This work should be undertaken by a qualified archaeological contractor to a specification submitted to and approved by the local authority. A suitable report should be prepared for submission to the local authority, the Historic Environment Record and a suitable receiving museum.

Resident Comments

Four residents have objected to this application and their comments have been summarised as follows -

- The proposed building is now in line with No. 24 but still slightly in front of the houses north of No. 22
- The new plans still overlook No. 24 to the rear of the building
- Still looks cramped and the size, density and layout will adversely impact on the character and appearance of
  Albion Street
- Building a dwelling on this plot will cause issues and block sunlight into mine and my neighbours gardens.
- Work happening near by will significantly disrupt my working day.
- Will only be yards away from my property and block light to all windows
- Hardly have any natural light coming into our houses and another property will further limit this

Planning Considerations

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 site is located within the settlement boundary for Crowland, as set out in the South East Lincolnshire Local Plan (SELLP), 2019. Policy 1 (Spatial Strategy) of the SELLP indicates that within Main Service Centres, such as Crowland, 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.

Layout, Design, Size and Scale

Paragraph 130 of the National Planning Policy Framework (NPPF), 2021 establishes that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area, that they are visually attractive, as a result of good architecture, and are sympathetic to local character. Likewise, Policy 2 of the SELLP, states that 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.

The site measures at 5995mm at the front by a total length of 32841mm and the width at the rear is 6618mm. The proposed dwelling itself would measure at 5100mm by 15610mm on the ground floor and 5100mm by 13110mm on the first floor with the total height being 5406mm. The approximate height of the ground floor eaves will be around 2m due to it being slightly higher than the proposed boundary fence. It can be considered that due to the small and narrow sized plot the sheer size of the proposed dwelling will appear to be a cramped form of development in comparison to other existing plots. Therefore, the proposal does not appear to be in accordance with policies 2 & 3 of the SELLP and Paragraph 130 of the SELLP in regards to the size, mass and bulk.

The materials of the house are mostly yet to be agreed. The walls will be fair faced bricks and the roof will be roof tiles. The windows will be uPVC with the colour yet to be decided. The doors and frames of the property will be composite with the colour also yet to be decided. Finally, the proposed boundary treatment will be 1.8m in height and will be closed boarded. It can be considered that as the materials are yet to be decided in terms of the design of them it could be too early to tell if they will be in keeping with the locality. However, as long as the colour mostly matches with the area, the materials selected should be ok.

The design of the of the development incorporates a hipped roof on the rear of the first floor which is something that has been changed following on from the previous application being refused for a variety of reasons. By using the hipped roof design it allows it be more suited to the area and street scene, both direct neighbours (No. 22 & No. 24) include this roof style. It can be considered however as the gable roof is still situated forward of both neighbouring properties and the hipped roof is at the rear it is therefore not visible from the highway, the proposed dwelling would be seen as a visually over dominating feature within the street scene and thus effecting the area.

The floor plan of the development on the ground floor includes a small lobby area on the north side

of the dwelling with access via the front door, within this lobby there will be a WC and stairs to access the first floor. On the east side there will be a kitchen/dining/lounge with a total floor space of 32m squared, there is a set of bi-fold doors within this room to provide direct access into the rear garden. On the opposite side (west) there will be a living room with a total floor space of 24m squared. On the first floor there are two bedrooms on opposite ends with the master bedroom being the same size of the downstairs living area (24m squared) and the other bedroom will be 14m squared.

It can be considered that the proposed erection of dwelling due to the size, design and layout does not accord with Policies 2 & 3 of the SELLP and Paragraph 130 of the NPPF and impacts the street scene and appearance of the locality. It therefore should be refused on these grounds.

Impacts Upon Resident Amenity

Paragraph 130 of the NPPF amongst other matters, seeks places with a high standard of amenity for existing and future users. Policies 2 and 3 of the SELLP set out residential amenity and relationship to existing development and land uses as main considerations when making planning decisions.

There will be no overlooking concerns that would arise as a result of this development taking place, there will be a total of four roof lights within the south and north roof with a total of four windows going on the principle elevation. At the rear there will be a large glass door within the kitchen/dining/lounge area to provide access into the garden and on the first floor in this direction there will be a small window to allow for light within one of the bedrooms. There are no windows on the north and south elevations that will provide the proposed residents to have a view into any neighbours garden and therefore this would not result in any overlooking impacts.

However, it can be considered that there will be detrimental impacts regarding the potential for overshadowing and loss of light. At the front there is a distance of 927mm to the north boundary and 1213mm at the rear. Following a site visit it was determined that on the southern elevation of No. 22 there are multiple windows along the southern elevation of this property, these windows provide natural light into the rooms of the residents with the main bulk of the windows being in the conservatory at the rear. Due to the proximity between No. 22 and the proposed dwelling it will result in a significant amount of loss of light and would be overbearing especially because of this proximity.

It can therefore be considered that this design conflicts with Policies 2 & 3 of the SELLP and Paragraph 130 of the NPPF in regards to impacts upon resident amenity mainly about the potential for overshadowing onto the direct neighbours and being overbearing within the street scene.

Flood Risk

The site is within Flood Zone 1 and is identified on the South East Lincolnshire Strategic Flood Risk Assessment as an area that is 'Low Hazard'. Policy 4 states that 'Development proposed within an area at risk of flooding (Flood Zones 2 and 3 of the Environment Agency's flood map at risk during breach or overtopping scenario as shown on the flood hazard and depths maps in the Strategic Flood Risk Assessment) will be permitted where applicable. It is therefore considered that the proposal for the erection of a detached dwelling is not considered to effect the area in terms of an increase in flood risk. As outlined within the application it states that any potential surface water will be disposed of through soakaways.

It is considered that the ways they would deal with the application in terms of drainage and flood risk the proposal is acceptable and in accordance with Policy 4 of the SELLP and Section 14 of the NPPF.

Other Matters

Policy 36 (Appendix 6) sets out the minimum required parking spaces for dwellings, as the property has two proposed bedrooms there is no set requirement as per the Local Plan. However, as shown on the plans there is two off street parking spaces and therefore this can be considered as an adequate amount for the residents at the property.
The proposal is therefore in accordance with Policy 36 (Appendix 6) of the South East Lincolnshire Local Plan.

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.

Overall, the proposed dwelling, by virtue of its size, scale, layout, density would result in significantly detrimental impacts to the character and appearance of the street scene, the surrounding area and the amenities of neighbouring properties. Accordingly, the proposal would be contrary to Policies 2, 3 and 30 of the adopted South East Lincolnshire Local Plan (SELLP, 2019) and should therefore be refused in line with paragraph 134 of the National Planning Policy Framework (NPPF, 2021).

Conclusion

The recommendation is therefore for a delegated 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.