DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H02-0714-22**	**Applicant:**	**Mr S Jaffer**
Proposal:	Construction of new detached chalet bungalow & single garage		
Location:	Hereward Way Crowland		
Terminal Date:	9th 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
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
17	Providing a Mix of Housing
28	The Natural Environment
29	The Historic 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

National Planning Policy Framework (NPPF, 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

Planning Practice Guidance

Representations:

	Object	Support	No Obj.	Comments

PARISH COUNCIL	0	0	0	1
WARD MEMBER	0	0	0	0
PLANNING LIAISON OFFICER - FLOOD RISK ASSESSMENT	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

CASE OFFICER ASSESSMENT

Proposal

This application is for the erection of a detached chalet bungalow and a single garage on land west of Hereward Way, Crowland. The proposed dwelling would be of a hipped roof design with gable dormers on the front and rear roof slopes, would be constructed of buff facing brick and concrete pantile roof tiles. The proposed garage would also be of a hipped roof design and constructed of matching materials.

This application is a resubmission of H02-1292-21 and seeks to increase the size of the dwelling, amend the design of the dwelling and reduce the scale of the detached garage .

Site Description

The site is inside Crowland Settlement Limit as defined in the South East Lincolnshire Local Plan (SELLP), 2019. The site also adjoins Crowland Conservation Area. The site is accessed from Hereward Way, which is a single track, kerb less, tarmac-surfaced lane.

The site of the new building is currently overgrown with vegetation, has an outworn timber summerhouse and an unused greenhouse, both of which are to be removed.

There is currently a ditch at the boundary of the site, which it is proposed to pipe as has been carried out along the rest of Hereward Way, to both sides of the plot.

History

H02-1292-21 - Erection of detached chalet bungalow and three bay garage - Approved 3rd March 2022.

Consultation Responses

Crowland Parish Council
Whilst CPC have no objections to this plan Hereward Way now has quite a few developments about

to take place with no consideration to the state of this adopted road. There is no designated pedestrian access and the road surface itself is in an appalling state. There should be a maintenance programme by Highways to resurface the road at least.

Environment Agency
Advised the application does not warrant consultation with the Environment Agency.

Lincolnshire County Council Highway Authority and Lead Local Flood Authority
No objections.

Lincolnshire County Council Historic Environment Officer
No objections.

North Level District Internal Drainage Board
No comments.

No third party representations have been made.

Planning Considerations

Principle

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.

It is also worth noting the site benefits from an extant planning permission for one dwelling - H02-1292-21.

Scale, Design and Layout

The application site lies adjacent to the Crowland Conservation Area. The proposal is for a two bedroom chalet bungalow, which in design terms makes reference to the form of development elsewhere in Hereward Way, being a detached bungalow. The form of the dwelling is dictated by the width of the site. The dwelling will also be set back from the road by approx. 3.7 metres at its nearest point and would have a rear garden of between 12.5m and 13.7m. The proposed changes to the design from the previously approved scheme are considered to be acceptable and overall it is not considered that a dwelling of the scale and design proposed on the application site would be unduly cramped or have a material adverse impact on the wider street scene or views to and from the Crowland Conservation Area, particularly taking into account the variety of buildings that front on to Hereward Way. There will be a requirement to raise finished floor levels by around 750mm above ground level due to flood risk, but this will not materially impact the appearance of the development; sections have been submitted to illustrate this.

Taking the above into account, it is concluded that the layout, scale and design of the scheme accords with Policies 2, 3 and 29 of the Local Plan. Policy 2 of the Local Plan requires development proposals to take into account sustainable development considerations such as: quality of design; size, scale, layout, density, impact on character and appearance of the area; the relationship to existing development; and impact on historical buildings and heritage assets. Policy 3 requires development proposals to respect the density, scale and massing of neighbouring buildings; the landscape character of the location; and a sense of place by complementing the historic environment. Policy 29 requires that proposals within a Conservation Area should preserve features that contribution positively to the area's character, appearance and setting.

Flood Risk and Drainage

The National Planning Policy Framework (2021) 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) (SFRA) 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 Environment Agency Flood Zone 1. Therefore, the proposed dwelling would appeared to be situated in a low flood risk area on the face of it. However, as defined by the Environment Agency's Flood Map the site is in a "Danger for Most" hazard area on the 1% 2115 South Holland Strategic Flood Risk Mapping, with a peak flood depth of 0.5m to 1m.

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 towards housing supply, and other benefits including generating employment during the construction period and its proximity to a range of services and facilities. Providing that finished floor levels are set no lower than 500mm above existing ground level, the development should be safe for its lifetime.

The proposed first level of protection against possible flooding of the site and therefore the ground floor of the chalet bungalow is to set the finished floor level at 750mm above ground level, i.e., FFL of 3.800m, GL of 3.050m. This floor level is arrived at by grading the proposed drive 150mm up from the adjacent surface of Hereward Way, then a step up of 150mm to the house floor level at the adjacent external door.

In terms of surface water drainage, the proposal is for this to be discharged via soakaway. There are no known ground permeability issues in this area that would preclude the effective use of soakaways on site. For foul water, connection would be made to the existing Anglian Water network. Anglian Water 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, however as works to the frontage open ditch area are likely to be required, full details are requested via condition.

Impact on Neighbouring Amenity

Given the form of the development and the positioning of the dwelling within the plot, it is not considered that the proposed development would have a material adverse impact on residential amenity in terms of being overbearing or creating an overlooking or loss of light impact.

The separation distances to adjoining dwellings and the form of development propose living and

neighbour separation distances that are not out of keeping with this part of Crowland.

In light of the above, the proposal is considered to accord with Policies 2 and 3 of the Local Plan in respect of their provisions on residential amenity.

Highway Safety

The proposal seeks permission for the erection of a three bedroom dwelling off Hereward Way. Policy 36 and Appendix 6 of the adopted South East Lincolnshire Local Plan (SELLP, 2019) states that two off-street car parking spaces are required to be provided within the curtilage of the dwellinghouse. As shown on drawing number 003, this can be achieved via the area of hardsurfacing directly north of the dwellinghouse.

With regards to the proposed access, Lincolnshire County Council Highway Authority have raised no objections on highway safety grounds. The proposal is therefore considered to be in accordance with Policy 2 of the Local Plan which requires it to be demonstrated that access arrangements, including for emergency vehicles and vehicle levels will be acceptable.

Other Matters

Leylandii along the Hereward Way boundary are proposed to be removed. These trees are not of amenity worth, and their retention is not sought. Conditions and informatives are proposed regarding works to remove the trees in the interests of wildlife conservation.

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 would not materially harm the character or appearance of the locality, or amenity of nearby residents, and provides adequate parking for the scale and form of development. Taking into consideration these factors, the proposal is considered to comply with Policies 1, 2, 3, 4, 10, 11, 17, 28, 29, 30 and 36 and Appendix 6 of the South East Lincolnshire Local Plan (SELLP), 2019, plus advice within the National Planning Policy Framework (NPFF), 2021.

The are no significant factors in this case that indicate against the proposal and outweigh factors in favour of the proposal and the policies referred to above.

Conclusion

Approve.

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.