DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H02-0716-21**	**Applicant:**	**Miss E Blackbird & Mr L Stewart**
Proposal:	Proposed dwelling and garage - re-submission of H02-0292-21		
Location:	Land Adj. 11 Blackbird Close Crowland		
Terminal Date:	26th 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 2021

Sections 5, 12 and 14 of the National Planning Policy Framework (2019)

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
NORTH LEVEL INTERNAL DRAINAGE BOARD	0	0	0	1

CASE OFFICER ASSESSMENT

PROPOSAL

This is a full planning application for a proposed new dwelling and garage on land adjacent 11 Blackbird Close, Crowland. The proposal seeks to provide a study, hall, lounge, wc, utility and a combined / kitchen diner area at ground floor level. Four bedrooms, a dressing room, en-suite, bathroom and landing will be provided at first floor level. Proposed brick is BEA Old Henley Red Multi brickwork with Marley Edgemere Interlocking Slate. Windows and doors will be beige UPVC.

A detached double garage will contain a garden tool storage area to the rear will a personal gym room in the roof space above that will be accessed via an external staircase. Proposed brick is BEA Old Henley Red Multi brickwork with Marley Edgemere Interlocking Slate. Windows and doors will be beige UPVC. The difference to the previous proposal submitted under H02-0292-21 is that the eaves project a little wider from the side elevation of the building due to a fascia and barge board overhang, and three swift bricks has been added. No other alterations are proposed.

SITE DESCRIPTION

The proposal site is within defined settlement limits and the surrounding area is characterised by dwellings of varying ages and designs. A newly constructed dwelling approved under H02-0775-18 is sited immediately to the south of plot. Part of the site is Environment Agency Flood Zone 3, therefore a Flood Risk Assessment is required. The site is in a "Danger for Most" hazard area, with a maximum predicted flood depth of 1 metre on the 2115 South Holland Strategic Flood Risk Mapping to the northern most extent of the application site.

HISTORY

H02-1082-15

Full - Residential development 41 dwellings with associated parking and garages - Approved - 21 August 2017.

H02-0775-18

Full - Erection of detached dwelling with detached garage block with annexe over, including private drive access - Approved - 12 October 2018.

H02-1084-19

Condition Compliance - Details of external materials, boundary treatment and landscaping and tree planting (Conditions 4, 5 & 6 of H02-0775-18) - Approved - 11 December 2019.

H02-0292-21

Full - Proposed New Dwelling & Garage - Approved - 22 June 2021.

CONSULTATION RESPONSES

LCC - County Highways & SUDS Officer

No objections. Requests a standard private road informative.

North Level Internal Drainage Board

No comment.

Crowland Parish Council

No objections.

PLANNING CONSIDERATIONS

Assessment against SELLP Policy 1 - Spatial Strategy

This proposal is assessed against SELLP Policy 1 titled - Spatial Strategy. The relevant section in this policy is titled Main Service Centres. This section of the policy states:

"Within the settlement boundaries of the Main Service Centres (as shown on the Inset Maps) development will be permitted that supports their role as a service centre for the settlement itself, helps sustain existing facilities or helps meet the service needs of other local communities."

It is considered that the proposal will help support the role of Crowland as a service centre and help sustain existing facilities due to it's fairly central location within defined settlement limits.

The proposal accords with SELLP Policy 1.

Assessment against SELLP Policy 2 - Development Management

This proposal is assessed against SELLP Policy 2 titled - Development Management. This policy states:

"Proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to:
1. size, scale, layout, density and impact on the amenity, trees, character and appearance of the area and the relationship to existing development and land uses;
2. quality of design and orientation;
3. maximising the use of sustainable materials and resources;
4. access and vehicle generation levels;
5. the capacity of existing community services and infrastructure;
6. impact upon neighbouring land uses by reason of noise, odour, disturbance or visual intrusion;
7. sustainable drainage and flood risk;
8. impact or enhancement for areas of natural habitats and historical buildings and heritage assets;
9. impact on the potential loss of sand and gravel mineral resources."

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

1. The size, scale and layout is considered to be appropriate for the site, with the only alterations being made to the eaves. The dwelling is appropriately spaced from the adjacent boundaries and neighbouring properties. The character and appearance of the area is not considered to have been materially impacted by the proposal.

2. The design is considered to remain appropriate for the site and the orientation is in keeping with that of 11 Blackbird Close to the south of the site.

3. The proposed materials of construction are in keeping with character of adjacent buildings and this is considered to benefit the application.

4. The proposal will utilise the existing access and spur off to the application site via a gravel driveway. The proposal site can easily accommodate three off road parking spaces which is the minimum requested for a four bedroom dwelling under Appendix 6 of the SELLP.

5. The proposal is not considered to materially impact on community services and infrastructure.

6. There is not considered to be a noise, odour and disturbance impact from the proposal. There is not considered to be a material visual intrusion arising from overbearing, overshadowing or overlooking. The side elevation windows of the master bedroom are 40cm in width, and are 15 metres away from the north facing, single storey side projection of 11 Blackbird Close, with a window that serves a gym. As this room is not considered to be a habitable room, there is not a material overlooking impact. The master bedroom windows are 25 metres away from bedroom 3 of 11 Blackbird Close. This is not considered to constitute an overlooking impact. As the proposed dwelling is to the north of 11 Blackbird Close there is not considered to be an overshadowing aspect from the proposal.

7. Part of the site is Environment Agency Flood Zone 3, therefore a Flood Risk Assessment is required. The site is in a "Danger for Most" hazard area, with a maximum predicted flood depth of 1 metre on the 2115 South Holland Strategic Flood Risk Mapping to the northern most extent of the application site. The proposed finished floor level will be set at 600mm above ground level. No part of the dwelling will be sited in the higher flood depth area. The Environment Agency has no objections to the submitted FRA.

The proposal accords with SELLP Policy 2.

Assessment against SELLP Policy 3 - Design of New Development

This proposal is assessed against SELLP Policy 3 titled - Design of New Development. This policy states:

All development will create distinctive places through the use of high quality and inclusive design and layout and, where appropriate, make innovative use of local traditional styles and materials. 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.
Development proposals will demonstrate how the following issues, where they are relevant to the proposal, will be secured:
1. creating a sense of place by complementing and enhancing designated and non designated heritage assets; historic street patterns; respecting the density, scale, visual closure, landmarks, views, massing of neighbouring buildings and the surrounding area;
2. distinguishing between private and public space;
3. the landscape character of the location;
4. accessibility by a choice of travel modes including the provision of public transport, public rights of way and cycle ways;
5. the provision of facilities for the storage of refuse/recycling bins, storage and/or parking of bicycles and layout of car parking;
6. the lighting of public places;
7. ensuring public spaces are accessible to all;
8. crime prevention and community safety;
9. the orientation of buildings on the site to enable the best use of decentralised and renewable low-carbon energy technologies for the lifetime of the development;
10. the appropriate treatment of facades to public places, including shop frontages to avoid visual intrusion by advertising, other signage, security shutters, meter boxes and other service and communication infrastructure;
11. residential amenity;
12. the mitigation of flood risk through flood-resistant and flood-resilient design and sustainable drainage systems (SuDS);
13. the use of locally sourced building materials, minimising the use of water and minimising land take, to protect best and most versatile soils;
14. the incorporation of existing hedgerows and trees and the provision of appropriate new landscaping to enhance biodiversity, green infrastructure, flood risk mitigation and urban cooling;
15. the appropriate use or reuse of historic buildings.

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

1. A sense of place is not considered to be impacted by this proposal. There is not a defined built character to the surrounding area. The size, scale and layout is considered to be appropriate for the site. The dwelling is appropriately spaced from the adjacent boundaries and neighbouring properties. The character and appearance of the area is not considered to have been materially impacted by the proposal.

5. The site can comfortably accommodate bin and cycle storage. The proposal will utilise the existing access and spur off to the application site via a gravel driveway. The proposal site can easily accommodate three off road parking spaces which is the minimum requested for a four bedroom dwelling under Appendix 6 of the SELLP.

11. There is not considered to be a noise, odour and disturbance impact from the proposal. There is not considered to be a material visual intrusion arising from overbearing, overshadowing or overlooking. The side elevation windows of the master bedroom are 40cm in width, and are 15 metres away from the north facing, single storey side projection of 11 Blackbird Close, with a

window that serves a gym. As this room is not considered to be a habitable room, there is not a material overlooking impact. The master bedroom windows are 25 metres away from bedroom 3 of 11 Blackbird Close. This is not considered to constitute an overlooking impact. As the proposed dwelling is to the north of 11 Blackbird Close there is not considered to be an overshadowing aspect from the proposal.

12. Part of the site is Environment Agency Flood Zone 3, therefore a Flood Risk Assessment is required. The site is in a "Danger for Most" hazard area, with a maximum predicted flood depth of 1 metre on the 2115 South Holland Strategic Flood Risk Mapping to the northern most extent of the application site. The proposed finished floor level will be set at 600mm above ground level. No part of the dwelling will be sited in the higher flood depth area. The Environment Agency has no objections to the submitted FRA.

The proposal accords with SELLP Policy 3.

Flooding - Sequential test

In terms of flood risk, the site is located within Flood Zone 3 of the Environment Agency's Flood Maps. A sequential test therefore needs to be undertaken. The Sequential Test is a decision making tool designed to ensure that areas at little or no risk of flooding are developed in preference to areas of higher risk. Paragraph 158 of the National Planning Policy Framework advises that: "The aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding." For development to pass the sequential test it has to be demonstrated that there are no reasonably available alternative sites appropriate for the proposed development located in areas with a lower risk of flooding.

The site, as situated, is located within Flood Zone 3 of the Environment Agency's Flood Map for Planning. The latest Agency Flood Maps have been created as a tool to raise awareness of flood risk with the public and partner organisations, such as Local Authorities, Emergency Services and Drainage Authorities. The Maps do not take into account any flood defences.

The South Holland Strategic Flood Risk Assessment (2017) is therefore used as a basis to apply the sequential test. In this respect, the site is located within an area identified as "Danger for Most". However, it is not possible, consistent with wider sustainability objectives, for all new housing within the district to be delivered within an area of no risk and this is a less severe category. It is considered that there are no reasonably available alternative sites appropriate for the proposed development located in areas with a lower risk of flooding. In this respect, the Authority views reasonably available sites as those that are deliverable and developable (as defined by the NPPF) for the use proposed within the area, can accommodate the general requirements of the development and are, in principle, in conformity with the objectives and advice within the National Planning Policy Framework and its associated National Planning Practice Guidance relating to sustainable development and flood risk.

If it is not possible to locate the development within an area of lower flood risk, the exceptions test should be applied. The NPPF and the PPG set out two elements to the Exceptions Test. First, proposed development is required to show that it will provide wider sustainability benefits to the community that outweigh flood risk, and second, that it will be safe for its lifetime without increasing flood risk elsewhere and, where possible, will reduce flood risk overall. This is aimed at allowing necessary development to go ahead in situations where suitable sites at lower risk of flooding are not available whilst helping ensure that flood risk to people and property will be managed satisfactorily.

In terms of the first element, the proposal will provide wider sustainability benefits to the community that outweigh flood risk; that is, the provision of additional housing a sustainable location within the district. In terms of the latter, the Environment Agency has recommended that the property be two-storey and that finished floor levels (FFLs) be set at least 600mm above existing ground level.

PLANNING BALANCE

It is considered that the proposed dwelling can be accommodated on site without materially impacting the character and amenity of the surrounding area. The proposal accords with Policies 1, 2, 3, 4, 10, 11, 17, 36 and Appendix 6 of the South East Lincolnshire Local Plan, 2019, as well as Sections 5, 12 and 14 of the National Planning Policy Framework, 2019.

CONCLUSION

The application is recommended for approval.

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.