

**DECISION DELEGATED TO HEAD OF PLANNING**

**Application No:** H02-0753-21      **Applicant:** PEM Developments  
**Proposal:** Proposed new dwelling with off street parking  
**Location:** 44 South Street Crowland Peterborough  
**Terminal Date:** 26th October 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           |
| 36         | Vehicle and Cycle Parking             |
| APPENDIX 6 | Parking Standards                     |

**National Guidance****National Planning Policy Framework 2021**

Section 5 - Delivering a sufficient supply of homes  
Section 12 - Achieving well-designed places  
Section 14 - Meeting the challenge of climate change, flooding and coastal change

**Representations:**

|                                                  | <b>Object</b> | <b>Support</b> | <b>No Obj.</b> | <b>Comments</b> |
|--------------------------------------------------|---------------|----------------|----------------|-----------------|
| PARISH COUNCIL                                   | 0             | 0              | 0              | 1               |
| WARD MEMBER                                      | 0             | 0              | 0              | 0               |
| HIGHWAYS & SUDS<br>SUPPORT                       | 0             | 0              | 0              | 1               |
| IAN MARSHMAN,<br>HISTORIC<br>ENVIRONMENT OFFICER | 0             | 0              | 0              | 1               |
| NORTH LEVEL<br>INTERNAL DRAINAGE<br>BOARD        | 0             | 0              | 0              | 1               |

|               |   |   |   |   |
|---------------|---|---|---|---|
| SHDC INTERNAL | 0 | 0 | 1 | 0 |
| RESIDENTS     | 2 | 0 | 0 | 1 |

## **CASE OFFICER ASSESSMENT**

### **Proposal**

This is a full planning application for a proposed new dwelling with off street parking at 44 South Street, Crowland.

The proposal is for a two-storey, two-bed dwelling, fronting Thorney Road, with access to the rear off South Street.

### **Site Description**

The application site sits between frontage residential development on both Thorney Road and South Street, and extends the full length between the two. There are existing vehicular accesses on both sides. The Snowden Playing Field is on the opposite side of Thorney Road. Existing dwellings in the vicinity are varied in terms of age and design, with a mixture of single-storey and two-storey dwellings in the locality.

### **History**

No recent history.

### **Consultation Responses**

Crowland Parish Council - The Parish Council has no objections to this application.

LCC Historic Environment Officer - No archaeological impact.

LCC Highways/SUDS - No objection subject to a condition requiring the Thorney Road access to be permanently closed and reinstated back to a full height kerb footway.

SHDC Environmental Protection (contaminated land) - No comments or objections.

North Level District IDB - No comment.

Public (2 objections/comments received, summarised) -

- Loss of natural light
- Impact on privacy; application does not show the windows of neighbouring properties on the plans
- Overdevelopment
- Impact on outlook
- Only building on Thorney Road which looks like this, contrary to page 5 of Design and Access Statement
- It is understood that there is a restriction preventing two storey houses being built in this area
- Concern re foul drainage capacity; Applicant has not shown the foul sewage drain which runs from 44 South Street to Thorney Road, which is 2.5m adjacent to 9 Thorney Road's north facing wall; No comment regarding the main culvert drain which runs through 7a Thorney Road, garden area of the proposed new build, into Thorney Road and into Crawford House; Application form shows sewage to connect to the private drain of 44 South Street but applicant has omitted that foul sewage also comes from 9 Thorney Road, so would question the ability of the current pipes to cope with 3 households foul sewage.
- Increased parking issues
- Impact accessibility for existing residents

- Recommend the installation of 4 swift nest bricks

## **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 development in this location is considered acceptable.

### Layout, Scale and Appearance

The proposal is for a two-storey, two-bed dwelling, fronting Thorney Road, with access to the rear off South Street. The property would sit forward of no. 7a but its front elevation would only project as far as the front elevation of no. 9 adjacent. There would be an approx. 3m separation distance to the side elevation of no. 7a and minimum of approx. 2m to no. 9 Thorney Road. Although this is less of a gap than between other properties fronting Thorney Road, it is not anticipated that it would have a material impact on the street scene taking into account how the proposed dwelling sits between existing development on the submitted block plan.

The visual appearance of existing dwellings in the vicinity is varied, therefore it is not considered that the proposed design would materially impact the character and appearance of the area. In fact, the proposed dwelling incorporates more interesting architectural features than some existing properties nearby (e.g. quoins, eaves detailing, brick arch lintel). The proposed materials and scale would be in keeping with surrounding development. Details of the proposed landscaping and boundary treatment can be secured by condition.

Finished floor levels would only need to be raised by 300mm as flood risk mitigation, which would have a minimal impact on design/appearance.

Taking the above into account, the external appearance, layout and scale of the proposed dwelling is considered to be acceptable and the proposal in accordance with Policies 2 and 3 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; and size, scale, layout, density, impact on character and appearance of the area and the relationship to existing development. Policy 3 requires development proposals to respect the density, scale and massing of neighbouring buildings and the landscape character of the location.

### Highway Safety and Parking

Vehicle access to the dwelling would be from South Street, with the existing access from Thorney Road no longer being used. The Highway Authority have been consulted and have no objections to the proposal subject to a condition requiring the Thorney Road access to be permanently closed and reinstated back to a full height kerb footway. 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 and vehicle levels will be acceptable.

Appendix 6 to the Local Plan sets out minimum vehicle parking standards and requires at least 2 spaces for dwellings of up to 3 bedrooms. Two vehicle parking spaces are proposed, with access off South Street. The proposal therefore complies with Appendix 6 in this regard.

### Residential Amenity

It is not considered that the proposed development will have a material adverse impact on residential amenity in terms of being overbearing, or creating an overlooking or loss of light impact.

Facing windows of no. 9 Thorney Road to the south are to the dining/family/sitting space at ground

floor and a w/c and landing at first floor. The latter two are non-habitable spaces in planning terms and any impact on these rooms would not be material. There will clearly be an impact on views from the ground floor window, but given that the room is dual aspect and the larger of the two windows is on the other, south facing elevation, it is not considered that there would be a material loss of light or overbearing impact that would justify refusing the application.

The neighbouring dwelling to the north (no. 7a Thorney Road) is a bungalow and has two facing windows. The window on the left hand side of that elevation would fall behind the rear elevation of the proposed dwelling and would still experience sunlight in the afternoon and early evening (time of year dependent). At the eastern end of the bungalow is another window, which would be impacted by the proposed dwelling but, again, similar to no. 9, that room is served by two windows which makes refusal difficult to justify.

The only side facing windows to the proposed dwelling would be obscured glazed (bathroom/wc's) or to a landing, which again are non-habitable spaces.

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.

### 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 site is located within Environment Agency Flood Zone 1 and is therefore in a sequentially preferable location in flood risk terms.

The South East Lincolnshire Strategic Flood Risk Assessment (March 2017) (SFRA) indicates no hazard and no depth for the site. In this instance, finished floor levels of 300mm above existing ground level would be sufficient as a precautionary flooding mitigation measure. Raising floor levels by this extent would not have a detrimental impact on the appearance of the property or adversely affect residential amenity.

In terms of drainage, the proposal is for surface water to be disposed of via soakaways and for foul water to be connected into the private drainage of 44 South Street. There are no known permeability issues in this area that would preclude the use of soakaways.

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.

### **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 therefore in accordance with Policy 1 of the Local Plan in this regard. It is not considered that the 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.

Overall, 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**

In light of the above considerations, the proposal is considered to be in accordance with Policies 1, 2, 3, 4 and 36 (incl. Appendix 6) of the South East Lincolnshire Local Plan (2019), as well as Sections 5, 12 and 14 of the National Planning Policy Framework (2021).

The recommendation is therefore for a delegated approval.