

Planning, Design & Access Statement

To support a retrospective application for the demolition of an existing garage and the erection of a new dwelling- revised scheme following appeal

26 West Bank, Crowland, Lincolnshire

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1.0 Introduction

This Planning, Design and Access Statement has been prepared to support a full application for the demolition of an existing garage and erection of a new dwelling. The application is submitted retrospectively following the refusal and subsequent appeal of application H02-0671-22.

It describes the site, the planning history and the proposal before setting out the key planning issues, assessing these against both local and national planning policy.

The application is supported by the following technical reports:

- Flood risk assessment prepared by RM Associates

2.0 Site Description

The site is within the settlement of Crowland which is located between Spalding and Peterborough.

The application site comprises a parcel of land which originally formed part of the curtilage of No 26 West Bank which lies to the west of it as shown in Figure 1.

The appeal site is accessed from The Willows, a residential development with a number of large, detached houses. The surrounding area is also residential in character, comprising a mix of houses of varying ages, sizes, styles and appearance.

The appeal site does not lie within nor is it in close proximity to the Crowland Conservation Area. Neither is it close to any Listed Buildings.

The Environment Agency's flood maps show the site as being within Flood Zone 1. However, the South East Lincolnshire Strategic Flood Risk Assessment (March 2017) identifies it as lying within an area which is at increased risk of flooding in the future should the existing flood defence fail.

Figure 1- Site Location Plan



3.0 Relevant Planning History

Planning permission for a dwelling on the site was originally granted under application reference **H02-0009-12**. This permission was for a detached bungalow, but it was not implemented. Consent was sought again under application **H02-0671-20** for a slightly modified detached bungalow. This application was refused on flood risk grounds. A further application for a chalet bungalow, to address the reason for refusal, was submitted and approved under application **H02-0574-21**. This was granted subject to conditions, including Condition 7 relating to flood risk.

Planning permission was sought retrospectively under application **H02-0671-22** for the demolition of the existing garage and erection of a new dwelling -re-submission of H02-0574-21.

This application was refused by Planning Committee on 6 October 2022. The two reasons were given can be summarised as follows:

- The dwelling falls within an area identified in the South East Lincolnshire Strategic Flood Risk Assessment (March 2017) as being at increased flood risk in the future. The dwelling has been built below the levels set out in Standing Advice Matrix and therefore it cannot be guaranteed that it would be safe for its lifetime. The Exceptions Test cannot therefore be passed.
- The dwelling as built is visually out of keeping with the other properties on The Willows by reason of its brick type and windows/doors.

This decision was subsequently appealed (appeal reference **A2525/W/22/3308445**). The Inspector concluded that subject to conditions to require the submission of full details of the flood doors along with compliance with the measures set out in the Flood Risk Assessment that the development was, on balance, acceptable with regard to flood risk.

In terms of the 'as built' materials the Inspector concluded that the use of grey windows and doors could not be resisted but that the bricks resulted in harm to the character and appearance of the area. He therefore dismissed the appeal.

4.0 The Proposal

Following the appeal decision, this application seeks retrospective planning permission for the demolition of an existing garage and the erection of a two bedroomed, two storey house. The application site previously formed part of the rear garden of No 26 West Bank.

Access to the property is from The Willows cul-de-sac.

The property 'as built' is finished with Bradstone Rustic Walling in buff and grey windows and doors. It is proposed under this application to remove the existing facing material in its entirety, in sections, and to replace this with Aggregate Industries Stonemaster Architectural Facing Masonry 'Rough Dressed Buff' bricks, coursed to match nearby dwellings. This is shown in Figure 2 and addresses the Inspector's concerns regarding the appearance of the dwelling. This material matches that of existing dwellings in the immediate locality and a sample has been made available on site for inspection.

A new external treatment is technically achievable given the blockwork construction of the dwelling. The works will be carried out in accordance with a Site Specific Risk Assessment prepared by the building contractor to ensure that it can be done safely and to minimise any impact upon surrounding neighbours. Measures to be put in place will include the use of appropriate site fencing, personal protective equipment and waste storage/removal.

Figure 2- Proposed Elevations



5.0 Planning policy and key planning issues

Given the planning history of the site and the Inspector's decision in relation to appeal reference **A2525/W/22/3308445**, the only planning matter for consideration is whether the proposed new brick is acceptable and would be in keeping with the character of the other adjacent properties within The Willows. All other technical matters have been satisfied but are referenced below for completeness namely:

- The principle of development
- Layout and design
- Flood risk and drainage
- Other matters- impact upon resident amenity and access and parking

Planning Policy Context

National planning policy is established primarily through the **National Planning Policy Framework (NPPF)**. This sets out Government's clear presumption in favour of sustainable development.

Local Plan policy is set out in the **South East Lincolnshire Local Plan (2011-2036)** adopted in March 2019.

Minerals and Waste policy within the county is determined by Lincolnshire County Council and set out in the **Minerals and Waste Core Strategy and Development Management Policies Plan** adopted in June 2016. Alongside policies for assessing the suitability of new minerals and waste development the

plan also designates mineral safeguarding areas to protect future mineral use. The site is not within a safeguarding area.

The principle of development

Paragraph 119 of the NPPF requires that decisions should promote an effective use of land in meeting the need for homes.

Policy 1 Spatial Strategy sets out the overall spatial strategy for development in the area. It defines Crowland as a **Main service Centre** and states that:

‘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.’

The application site is located within a main service centre where new housing development will be supported in principle. Furthermore, the principle of a dwelling on the site has been established via the previous grants on planning permission.

Design and layout

Paragraph 126 of the NPPF states that *‘The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.’*

Local Plan Policy 2 Development Management reiterates national planning policy and sets out that proposals requiring planning permission will be permitted provided that sustainable development considerations are met. These include density, quality of design, access and traffic generation, impact on neighbours, and sustainable drainage and flood risk.

Local Plan Policy 3 Design of New Development requires that new development creates distinctive places through the use of high quality and inclusive design and layout and, where appropriate, makes innovative use of local traditional styles and materials.

In refusing the previous application the Council considered that the ‘as built’ bricks namely Bradstone Rustic Walling in buff along with the grey windows and doors were inappropriate materials, out of keeping with other properties located on The Willows, all of which are constructed of similar materials with similar architectural features.

In considering the appeal the Inspector noted that the bricks - which are all of the same size - along with their colouring do not closely match that of the other properties on The Willows. Given the appeal dwelling’s location at the entrance to the cul-de-sac, he concluded that this resulted a discordant and unsympathetic appearance. Regarding the windows and doors, the Inspector identified windows and doors of differing colours close by and concluded that the grey colour used could not reasonably be resisted. He therefore dismissed the appeal solely on the grounds of the walling material.

This resubmission retains the grey finish to the windows and doors considered acceptable by the Inspector but proposes to remove the existing external facing bricks and to replace these with Aggregate Industries Stonemaster Architectural Facing Masonry ‘Rough Dressed Buff’ of varying sizes to more closely match the appearance of the other dwellings within The Willows in terms of colour and coursing. It is considered that this will result in a suitable finish thereby overcoming the only

matter upon which the appeal was dismissed. Photographs of the sample material are show below in Figure 3 below and samples are available on site for inspection.

Figure 3 – Proposed facing material





It should be noted that the colour of the reconstituted stone walling of the existing houses in The Willows has faded through weathering.

The proposal is therefore considered to be acceptable within the context of the NPPF and Local Plan Policies 2 and 3. A condition requiring the work to be undertaken within 3 months of the date of the planning permission would be appropriate and acceptable to the applicant.

Flood risk

Section 12 of the NPPF, **Paragraph 159** sets out that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. Where development is necessary in such an area it should be make safe for its lifetime without increasing flood risk elsewhere. **Paragraph 167** sets out the requirements for the sequential and exceptions test whilst **paragraph 168** advises that applications for some minor development (including changes of use) should not be subject to the sequential or exceptions test but should still meet the requirements for site-specific flood risk assessments.

Local Plan Policy 4 Approach to Flood Risk sets out that new development will be acceptable within Flood Zones 2 and 3 or where there is a risk during a breach or overtopping scenario as shown on the flood hazard and depth maps in the Strategic Flood Risk Assessment subject to a sequential test, and subject to a Site Specific Flood Risk Assessment which demonstrates that the vulnerability of the proposed use is compatible with the flood zone, and includes mitigation measures to demonstrate how the occupants will be kept safe, with flood resistance and resilience measures, flood warnings

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and evacuation procedures, the use of sustainable drainage systems, that it does not increase flood risk elsewhere, includes appropriate foul drainage water treatment, and safeguards water resources.

The **South East Lincolnshire Level 1 and Level 2 Strategic Flood Risk Assessment (SFRA)** was prepared in June 2017. The Joint Lincolnshire Flood Risk and Drainage Management Strategy has been prepared by Lincolnshire County Council as the Lead Local Flood Authority. The purpose of the Strategy is to increase the safety of people across Lincolnshire by reducing the number of people at risk of flooding, increasing the resilience of local communities, and reducing the impact of flooding.

The application is supported by a Flood Risk Assessment prepared by RM Associates.

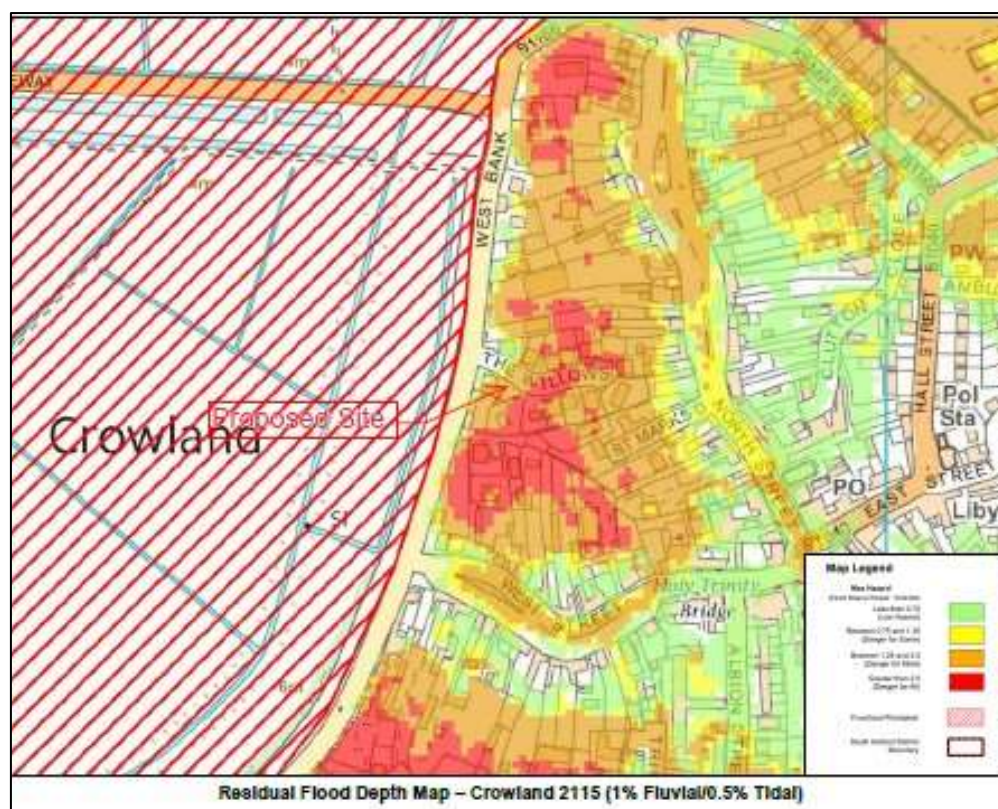
As indicated above, the application site is located within Flood Zone 1 as shown on the Environment Agency Flood Maps, Figure 4 refers.

Figure 4 – Environment Agency Flood Map extract



However, the South East Lincolnshire SFRA identifies it as being within an area at increased flood risk in the future, in the event of a breach in the tidal flood defences. The SFRA mapping shows the appeal site, along with the surrounding area, as lying within a 'danger for most' hazard zone, with potential flood depths of up to 1 metre. Figure 5 refers.

Figure 5 - Extract from the South East Lincolnshire SFRA



The residual flood risk map identifies the flood depths as being between 0.5 metres and 1 metre. The standing advice associated with the SFRA indicates that the finished floor levels for 'more vulnerable' non-major residential development should be set 1 metre above ground level along with flood resilient construction to a height of 300mm above the predicted flood depth.

There are variations in existing ground levels around the application site. The finished floor level is 4.14 ODN some 540mm above the existing average ground level and higher than that of the neighbouring properties on The Willows.

In order to meet the requirements of Condition 7 of planning permission H02-0574-21 and the recommendations of the Environment Agency and the South East Lincolnshire Standing Advice Matrix a FFL of 4.60mODN is required.

In order to provide a protection up to this level the previous application outlined a proposal to install flood doors. These would be tested against the standard set of tests as defined in PAS 1188-1:2014 which represent typical conditions that might be experienced during a flood in the UK. This includes testing the flood door for leakage under static water levels of 600mm above aperture threshold level, waves of up to 0.1 m high and parallel currents up to 1.0 m/sec. This would then protect the dwelling up to a flood level of 4.70mODN.

This approach was not considered to be acceptable to the Council or the Environment Agency and the previous application was refused on the basis of that it could not be guaranteed that the dwelling would be safe for its lifetime as built and the retention of a dwelling with lower floor levels than required would go against the principle of ensuring an appropriate level of safety. As such the Council concluded that the Exceptions Test could not be passed.

At the appeal RM Associates argued that the given the relevant velocity forecast map the flood waters would not move at such a speed as to discount the use of flood gates as a justifiable option.

The Inspector in considering this matter acknowledged, in line with the Planning Practice Guidance, that resistance measures are unlikely to be acceptable as the only mitigation measure, and that the success of the flood doors would in part be dependent upon periodic maintenance to ensure full functionality. However, he noted the fact the property is a two-storey dwelling with an upper floor safe haven along with the fact that the property has been built with ground levels above existing. He also considered a breach was unlikely to occur without warning and the potential to receive Environment Agency flood warnings offers further assurance that an unacceptable risk to life would not ensue should the dwelling become occupied, not least due to the degree of physical separation between the dwelling and the river.

The Inspector therefore concluded that subject to a planning condition to secure full details of the intended flood doors along with their subsequent implementation and retention, together with full compliance with the measures set out the flood risk assessment that, on balance, the development was acceptable having regard to flood risks in accordance with Policy 4 of the South East Lincolnshire Local Plan and the NPPF.

The updated Flood Risk Assessment has been submitted with this new application. There has been no change to the dwelling or to planning policy since the appeal was considered. Therefore, subject to the condition recommended by the Inspector and compliance with the measures in the Flood Risk Assessment the application is considered to acceptable in terms of flood risk and this application cannot reasonably be resisted on this basis. A planning condition requiring submission and approval of the flood doors and their installation prior to occupation would be acceptable to the applicant.

Other Matters

Impact on residential amenity

In addition to **Local Plan Policy 3**, the **NPPF** at **paragraph 180** seeks to ensure that development is appropriate for its location and that health and living conditions are protected where necessary by mitigation.

The scheme has been designed to ensure an appropriate standard of amenity for future residents and to avoid any adverse impact on existing residents. No concerns in this regard were raised by the Council when it considered the previous application.

The works will be carried out in accordance with a Site Specific Risk Assessment prepared by the building contractor in order to ensure they can be done safely and to minimise the impact upon surrounding residents.

Access and parking

The **NPPF** identifies transport related criteria which should be taken into account when deciding planning applications including the promotion of sustainable transport, safe and suitable access and

sets out that development should only be refused on highway grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe.

No concerns were raised by the Council in relation to the previous application and sufficient car parking can be provided on site.

6.0 Conclusion

Crowland is designated as a Main Service Centre and is therefore an appropriate location for new development. Further, the principle of a new dwelling on the site has been previously established.

Whilst the previous appeal was dismissed, the only ground for this dismissal was the appearance of the facing brickwork. The Inspector concluded that the appeal proposal was acceptable in terms of flood risk subject to suitable planning conditions and that the use of grey windows and doors could not be resisted.

This revised submission proposes to change the existing facing bricks to Rough Dressed Buff bricks, with coursing to match nearby dwellings in The Willows. This overcomes the only reason upon which the appeal was dismissed.

As such it is considered that this revised application should be supported and planning permission granted.

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