

## DECISION DELEGATED TO HEAD OF PLANNING

**Application No:** H02-0881-22      **Applicant:** Mr P Wortley  
**Proposal:** Proposed detached 2/3 bedroom dwelling  
**Location:** Land Off Hereward Way Crowland Peterborough  
**Terminal Date:** 16th November 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                             |
| 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 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  
Section 16 - Conserving and enhancing the historic environment

### Representations:

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

|                                           |   |   |   |   |
|-------------------------------------------|---|---|---|---|
| SUPPORT                                   |   |   |   |   |
| NORTH LEVEL<br>INTERNAL DRAINAGE<br>BOARD | 0 | 0 | 0 | 1 |
| RESIDENTS                                 | 1 | 0 | 0 | 0 |

## **CASE OFFICER ASSESSMENT**

### **Proposal**

This is a full application seeking permission for the erection of a detached 2/3 bedroom dwelling on land off Hereward Way, Crowland.

### **Site Description**

The application site lies on the western side of Hereward Way and is sited to rear of dwellings fronting Reform Street. The land is presently an unused farm/commercial yard, containing an building of no architectural/visual merit. The site lies on the edge of the Crowland Conservation Area. On the whole there is a mixture of development on either side of Hereward Way and there is no distinct pattern.

### **History**

Site adjacent H02-0111-22- FULL- Approved on 29-03-22- Proposed Residential Dwelling.

Site adjacent H02-0572-22- CONDITION COMPLIANCE- Approved on 28-07-22- Details of scheme of construction management, landscaping, boundary treatments, means of foul & surface water disposal, external materials, doors, windows & roof lights, meter boxes, gas flues & soil vent pipes and swift bricks (Conditions 3, 5, 6, 7, 8, 9, 10, 11, 12 & 15 of H02-0111-22).

Site adjacent H02-0787-22- SEC 73 MODIFICATION- Approved on 28-09-22- Proposed Residential Dwelling - approved under H02-0111-22. Modification of Condition 2 to allow amendments to previously approved plans.

### **Consultation Responses**

#### **Crowland Parish Council**

No objections but would like to highlight that the road of Hereward Way is in a poor state.

#### **North Level IDB**

No comments.

#### **Local Highway and Lead Local Flood Authority**

Hereward Way is a Public Highway. Its limited carriageway width, lack of footways and lack of a formal surface water drainage system have previously been sufficient cause to withhold the grant of Planning Consent. However, with the change of emphasis within the NPPF document, to restrict new development only where highway safety would be unacceptably impacted, recent planning Applications, for similar development, have been granted Consent and this has effectively let the Genie out of the bottle in terms of new residential development served from Hereward Way. The saving graces here are that the proposed dwelling would appear to replace commercial activity on the site and that the site is

a relatively short distance away from the Broadway junction. Therefore, 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 subject to compliance with the Condition above, 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.

Requests that any permission given by the Local Planning Authority shall include a Construction Management Plan condition.

#### 1 no. public objection, summarised

- The outbuilding is of an asbestos construction, with a tree growing through it. Concerns over this being properly removed and the health and environmental implications it may have.
- The property is too close to the boundary fence, meaning the future owner will be unable to maintain this.
- Fence to the front is too low.
- Extremely poor maintained road already without additional damaged caused from extra traffic. Dangerous junction.
- Construction will cause restriction of the road.
- The property will obscure light to the rear of neighbouring garden.

### **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.

#### Layout, scale and design

The application site lies just outside of the Crowland Conservation Area. The proposal is for a 1.5 storey, 2/3 bed dwelling, which in design terms makes reference to the form of development elsewhere in Hereward Way, being a detached chalet bungalow. Whilst the dwelling would be close to the side boundaries, overall it is not considered that a dwelling of the scale and design proposed on the application site would be unduly cramped in the context of the land immediately to the north being largely undeveloped, 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.

Taking the above into account, it is concluded that the layout, scale and design of the scheme accords 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; 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.

#### 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 appear to be situated in a low flood risk area on the face of it.

However, the South East Lincolnshire Strategic Flood Risk Assessment (March 2017) shows that the site falls within a combination of "No Hazard", "Low Hazard" and "Danger for Some " hazard zones, with potential flood depths of up to 0.25m (based on the 1% Fluvial/0.5% Tidal scenario).

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 300mm above existing ground level, the development should be safe for its lifetime.

In terms of surface water drainage, the proposal is to be discharged via a soakaway system. For foul water disposal, it will be discharged via the mains sewer. This is an acceptable arrangement.

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.

### 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.

The proposed dwelling will have no side facing windows on northern elevation and the southern elevation would only have a kitchen window, which would only have views of the fence and blank first floor wall to the dwelling approved by H02-0787-22. The neighbouring rear elevation to the west is over 20m away from the rooflights from the ground floor eating area and first floor bathroom windows and landing of the proposed dwelling. Therefore, there would not be a material overlooking aspect in that direction due to the separation distance being sufficient in planning terms. Finished floor levels would need to be raised by approximately 300mm as a mitigation measure, but with the use of 2m close board fencing as the boundary treatments, there would not be an adverse amenity impact.

A public comment had raised concerns of a neighbouring summer house being overshadowed. It is not considered that the proposed dwelling would result in unacceptable overshadowing of this structure taking into account the path of the sun, the overall height and scale of the proposed

dwelling (1.5 storey) and the fact that it would be set at an angle from the summerhouse, rather than directly adjacent to.

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 and parking

Access would be taken from Hereward Way to the south. Despite the concerns of the road being poorly maintained and of its narrowness, the road is an adopted highway and the Highway Authority have been consulted as part of the application process, raising no objection on highway 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 and vehicle levels will be acceptable.

Appendix 6 of the SELLP sets out minimum vehicle parking standards for residential developments and requires that at least 2 parking spaces are provided within the curtilage for dwellings with up to 3 bedrooms. 2 parking spaces are indicated on the block plan for the new dwelling.

### 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 application site lies within the settlement boundary for Crowland and the principle of residential development in this location is acceptable. It is not considered that the proposal would materially harm the character or appearance of the locality or nearby Conservation Area, nor the amenity of residents. There is no objection from the Highway Authority and parking arrangements are acceptable. Flood risk matters are considered to have been appropriately addressed and full drainage details can be conditioned.

Taking the above into account, the planning balance is considered to be in favour of the proposal.

### **Additional Considerations**

- Asbestos concerns- This is not considered to be a planning matter, rather one of Environmental Health, and carries no weight within the determination process for this planning application.

### **Conclusion**

In light of the above considerations, the proposal is considered to be in accordance with Policies 1, 2, 3, 4, 29 and 36 (incl. Appendix 6) of the South East Lincolnshire Local Plan (2019), as well as Sections 12, 14 and 16 of the National Planning Policy Framework (2021).

The recommendation is for a delegated approval.

### 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.