

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	H02-0901-18	Applicant:	Blackjack Estates Ltd
Proposal:	Proposed erection of 5 dwellings and garaging		
Location:	35 Peterborough Road Crowland Peterborough		
Terminal Date:	30th April 2020		

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 2019

Section 5 - Delivering a sufficient supply of homes
 Section 12 - Achieving well-designed places
 Section 11 - Making effective use of land
 Section 14 - Meeting the challenge of climate change, flooding and coastal change
 Section 15 - Conserving and enhancing the natural environment

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	1
WARD MEMBER	0	0	0	1
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
SHDC INTERNAL	0	0	0	1
OTHER STATUTORY BODIES	0	0	0	1
RESIDENTS	0	1	0	0

CASE OFFICER ASSESSMENT

Proposal

This is a full planning application for the erection of 5 dwellings and garaging adjacent to 35 Peterborough Road, Crowland.

The proposal is for 5 detached dwellings off a private drive. The proposed mix of dwellings is 4 x 4 bed houses and 1 x 3 bed chalet bungalow.

Site Description

The site is located within in an established residential area, which is characterised by a mix of bungalows and houses of different ages and design. The site itself is a rectangular parcel of brownfield land - The site was historically used as a chemical storage facility and dry cleaning factory.

The site previously had outline planning permission (H02-0004-14) for residential development, which lapsed in March 2017.

Representations

Crowland Parish Council - Welcome this development as it brings the site back into use, providing the contamination is dealt with.

LCC Highways/SUDS - Does not wish to restrict the grant of permission.

LCC Historic Environment Officer - No archaeological input required. This is following confirmation during previous applications relating to this site that extensive contaminated land remediation has destroyed any surviving archaeology on this site.

Environment Agency - No objection subject to conditions regarding pollution and raising finished floor levels and incorporating flood resilient construction.

SHDC Environmental Protection - Content with extent of remediation works and monitoring agreed.

North Level District IDB - No objection in principle to the application.

Former Cllr Harrison - Expressed concerns that this is overdevelopment of the site. Plots 1 & 2 :

Vehicles can drive in but would find it difficult to turn around and leave in a forward gear. Plot 3 : Could drive past, then reverse back into their garage/driveway, (provided there were no other vehicle movements on the main access drive). Plots 4 & 5 : Would need to reverse onto each others' driveways in order to turn around and leave in a forward gear. Where would visitors park? How would delivery vehicles manoeuvre around the site.

Public (1 comment received) -

- Concerns expressed regarding overlooking

Planning Considerations

- Principle
- Contamination
- Flood risk
- Residential amenity
- Impact upon character and appearance
- Highways and Parking

Principle

The site is located within the settlement boundary for Crowland as set out in the South East Lincolnshire Local Plan (2019) (SELLP).

Policy 1 of the Local Plan (Spatial Strategy) identifies Crowland as a Main Service Centre, within the boundaries of which 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. The occupiers of the proposed dwellings would likely use facilities within the settlement, thereby helping sustain these.

Given the above, residential development of the site would, in principle, be acceptable.

Contamination

The historical use of the site (storage/use of dry cleaning fluid) left the site contaminated. Some remediation work has been done to date, however further remediation still needs to be completed to bring the concentration of pollutants down to acceptable levels for residential development. In conjunction with SHDC Environmental Protection and the Environment Agency, specific conditions have been formulated for the site to achieve this. Furthermore, the developer has signed a Unilateral Undertaking, committing to undertake the remediation of off-site contamination (on land adjacent to the site).

This is in accordance with Policy 30 of the Local Plan which states that proposals on contaminated land will not be considered favourable unless the land is, or can be made, suitable for the proposed use.

Flood risk

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 South East Lincolnshire Strategic Flood Risk Assessment (March 2017) 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.

The site is located within Environment Agency Flood Zones 2 and 3a and the South East Lincolnshire Strategic Flood Risk Assessment (March 2017) (SFRA) identifies that the site falls within a combination of hazard zones, with the greatest being 'danger for most', with flood depths of

up to 1 metre.

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.

It is accepted that the development would provide some wider sustainability benefits to the community through its ability to help meet the housing need, and other benefits including generating employment during the construction period and its proximity to a range of services and facilities. It would also assist in the completion of remediation of contamination on the site, as well as on adjacent land.

The Environment Agency originally objected to the submitted Flood Risk Assessment given that it did not refer to the South East Lincolnshire Strategic Flood Risk Assessment (March 2017) mapping. A revised flood risk assessment has since been submitted and the EA are prepared to withdraw their objection subject to finished floor levels being set at a minimum of 1m above existing ground level and flood resilient construction a minimum of 300mm above predicted flood depth. This should ensure that the development is safe for its lifetime.

The proposal is therefore considered to be in accordance with Policies 2, 3 and 4 of the Local Plan with regard to their provisions on flood risk.

Residential amenity

The key issue to be considered in terms of residential amenity is the suitability of boundary treatments given the requirement to raise finished floor levels by 1m. No's. 31c and 35 Peterborough Road to the north both have windows on the southern facing elevations and both Plots 2, 3 and 5 adjacent have north facing windows. Given that exact proposed site levels are not known at this stage, it is considered that it would be prudent to include a condition requiring these details to be submitted prior to commencement of development to ascertain the height fencing would reach. Notwithstanding the fact that details of boundary treatments have been submitted with the application, a condition will be added requiring the submission of such details to allow consideration of this alongside site levels.

Bedroom windows on the first floor of Plot 3 would face towards the rear garden of no. 35, however the overlooking would be no more detrimental than that from the rear of no. 33 the other side.

In terms of separation distances, there is an approx. 11m distance between Plot 4 and 6 Penwald Close and approx. 19m between Plot 1 and 37 Peterborough Road. Between Plot 2 and 35 Peterborough Road would be approx. 7m and 3m between Plot 5 and 31c Peterborough Road. Although there is a relatively small separation distance between the latter, Plot 5 would be a chalet bungalow and so it should not have a detrimental overbearing effect on no. 31c. The separation distances are therefore considered to be satisfactory.

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

Impact upon character and appearance of the area

Existing development in the area is varied in terms of design, type and size. Given this, the proposed design of the dwellings is considered to be acceptable.

The floor levels of the proposed dwellings would have to be raised by 1m in order to mitigate flood risk, however it is not considered that this would harm the streetscene to such an extent that it would warrant refusal of the application. The roof lines of the 2 storey dwellings would only be around 0.5m higher than the properties to the south on Peterborough Road and these would be approx. 20m apart meaning that any difference would be far less noticeable. There would be a greater difference between Plots 1 and 2 and no. 35 Peterborough Road, but it is not considered that it would result in harm that is so detrimental that the application should be refused.

Although the dwellings at the rear of the site would be close together, they would not be so cramped as to have a material adverse impact on residential amenity, nor would it have a particularly harmful impact on the character and appearance of the area given that they are at the rear.

Materials details are to be conditioned.

Taking the above into account, it is concluded that the layout, scale and external appearance of the proposed 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; 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.

Highways and Parking

Concern has been raised that there is not sufficient parking for residents within the site and that turning may be difficult. However, the Highways Authority have not objected on highways grounds and so it would not be reasonable to refuse the application on this basis.

All plots have two vehicle parking spaces within the curtilage plus a garage(s). This is in accordance with Appendix 6 of the Local Plan which requires a minimum of 3 parking spaces for dwellings for 4 or more bedrooms.

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

Taking into consideration the above, the proposed development is considered to be in accordance with Policies 1, 2, 3, 4, 30 and 36 (and Appendix 6) of the South East Lincolnshire Local Plan (2019) as well as Sections 11, 12 and 14 of the National Planning Policy Framework (2019).

The recommendation is therefore for a delegated approval.