DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H02-0926-21**	**Applicant:**	**Dove Partners LLP**
Proposal:	Residential Development of up to 10 dwellings including new access		
Location:	Crowland Car Wash, Unit 4 64 Peterborough Road Crowland		
Terminal Date:	27th November 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
28	The Natural Environment
30	Pollution
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
Section 15 - Conserving and enhancing the natural environment

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	1	0	0	0
WARD MEMBER	0	0	0	1
PLANNING LIAISON OFFICER - FLOOD RISK ASSESSMENT	0	0	0	1
HIGHWAYS & SUDS	0	0	0	1

SUPPORT				
NORTH LEVEL INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	0	2
OTHER STATUTORY BODIES	0	0	0	2
RESIDENTS	5	1	0	2

CASE OFFICER ASSESSMENT

Proposal

Outline application (with all matters reserved except for access) for residential development of up to 10 dwellings including new access at Crowland Car Wash, Unit 4, 64 Peterborough Road, Crowland.

There is an existing residential dwelling within the site boundary that would be demolished as a result of the proposal, therefore there would be a maximum of 9 dwellings net. Consequently, the application cannot be considered a major development.

The existing access on the corner of Peterborough Road (opposite Goldcrest Road) would no longer be used, with the proposal for a new access to be created further north on that road.

The indicative block plan submitted in support of the application shows 8 x detached dwellings and a pair of semi-detached dwellings being served by a shared drive. Parking is located to the rear with dwellings appearing to front Peterborough Road.

Site Description

The site sits on the junction with Peterborough Road and James Road and opposite Goldcrest Road, which is a relatively new residential development. The site currently accommodates a hand car wash, a single residential dwelling (identified as no. 64 Peterborough Road on the Council's mapping system) and the workshop and yard of Steve Gilbert Building Services. To the north/west is frontage residential development extending along Peterborough Road on either side. To the east is James Road with an expanse of trees and agricultural land, followed by the A16, beyond. To the south is Peterborough Road with treed grassed area beyond.

History

No recent or relevant planning history.

Consultation Responses

Cllr Alcock - Residential development would result in the loss of an employment site when employment opportunities are needed within a rapidly expanding town. Taking a recent decision into consideration at Weston the proposed type of development is out of character and does not reflect the style of development on Peterborough Road particularly as it is a focal point at the entry to the town. The indicative style of development does not adequately cater for off road parking to ensure parking would not occur on a part of Peterborough Road known to be heavily used at peak

commuting hours exacerbating an existing problem. Any housing fronting Peterborough Road should have an over generous parking provision to accommodate all vehicles associated with the house and visitors. An example of under provision can already been seen as a result of development in Albion Street.

Crowland Parish Council - Whilst Crowland Parish Council welcomes re-development of this 'grot spot', we believe that 10 dwellings would be over-development of the site. We believe that parking would also be an issue and would prefer to see a smaller and more aesthetically pleasing development on this 'gateway to Crowland' site.

LCC Education - The County Council has no comments on this consultation in relation to education as there is sufficient capacity in the locality for the children generated by this scheme.

LCC Highways/SUDS - I understand that this is an Outline Planning Application for the erection of 10 number dwellings with all matters reserved for later approval with the exception of means of access to be considered at this time, as shown on drawing number: 17008/PL04, dated August 2021, albeit indicative only. In principle, the proposed access arrangements would seem to be acceptable and in order to support any further applications of reserved matters, we would ask the applicant to confirm if the proposed access road is to remain private or to be adopted by the Highway Authority. Currently, the proposal of 10 dwellings with an access road that may exceed 100 yards, will be subject to an Advanced Payment Code (APC). Therefore, the roads will have to be constructed to standards in accordance with the County Councils Specification. The design parameters for developments serving more than 5 dwellings and over 100 yards are as follows:- A 5.0 metre wide carriageway with a 2.0 metre wide footway, or A 5.5 metre wide carriageway with a 1.8 metre wide grassed service margin.
If the proposed access road is to remain private, then we would ask that consideration of a bin storage area is provide close to the existing highway in order to allow for kerb side collection as refuse trucks will not enter a private road. The development will also require the existing frontage accesses that will no longer be in use and part footway to be reconstructed to a full height kerb footway to the extent of the sites boundary lines along Peterborough Road, with a suitable pedestrian crossing point for the safe facility of pedestrian movements. Additionally, we would ask the applicant to make consideration of sufficient parking provision is provided where 2 parking spaces for dwellings with three or less bedrooms and 3 spaces for dwellings with four or more bedrooms are proposed.
As the proposed number of dwellings (10), that the applicant has indicated reaches the qualifying criteria for 'Major Developments' (10 or more), there would be a requirement to utilise sustainable drainage principles (SuDS) to manage the surface water run-off from the development. In order to fully assess and consider the potential cumulative impact of this development and surrounding properties and land, we would ask for the provision of a drainage strategy with layout plans, full structural, hydraulic and ground calculations and a ground investigation report (infiltration) detailed development layout, landscaping details, discharge agreement and a development management and construction plan.

Requests standard highways informatives.

North Level IDB - Originally objected on the grounds that it was unclear as to what the exact method of surface water disposal would be for the site. The applicant has since submitted additional drainage information but the IDB have advised that the condition and levels in the riparian drain would need to be ascertained prior to formal Land Drainage Consent being granted.

Environment Agency - Originally objected due to the mitigation measures proposed in the submitted flood risk assessment not according with the standard advice matrix but, additional supporting information has since been provided and the Environment Agency has withdrawn their objection.

NHS - Evidence backed financial contribution request of £6,600 towards the expansion in capacity through remodelling/changes to layout or extension to existing facility in Crowland.

SHDC Environmental Protection (noise and odour) - No objection.

SHDC Environmental Protection (contaminated land) - I have reviewed the Ground Engineering reports 'C14873 Phase 1 Desk Study AT WORKSHOP AND PREMISES Nos.64 & 66 PETERBOROUGH ROAD CROWLAND
PETERBOROUGH' dated September 2019 & 'Report on a ground investigation for a site at 64 Peterborough Road, Crowland' ref C12256 dated November 2010 and am in general agreement

with the findings. Historic site investigation data suggests near surface contamination by petroleum hydrocarbons and poly aromatic hydrocarbons, as well as some metals above levels which are generally considered suitable for retention in a residential development. A detailed and comprehensive site investigation is required at this location to inform a remediation strategy such that a safe development can be achieved. A site investigation, written method statement and full closure report is therefore requested.

Public (5 objections received, summarised) -
- Too many houses being constructed; Overdevelopment of site
- Lack of facilities
- Concern re highway safety; impact on congestion; parking provision
- Concern re contamination (on-site and off-site)
- Impact on noise and air quality due to demolition/construction and increase in no. of vehicles
- Concern re access to properties opposite being blocked by construction vehicles and equipment
- Positioning and relationship with neighbouring properties is not in keeping with surrounding area

Public (1 comment in support received, summarised) -
- Support the building of these houses and removal of old petrol station

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, density, scale and design

The exact layout, visual appearance and scale of the proposed dwellings, as well as landscaping details, cannot be assessed at this stage as these are reserved matters.

In terms of density, the site is approximately 0.26ha in size, therefore 10 dwellings would result in a density of 38/ha. Whilst this is higher than schemes approved in Crowland in recent times, the application site is brownfield in nature and therefore a higher density can be expected than those greenfield sites due to generally being more costly to develop.

Based on the indicative site plan submitted, it is considered that a suitable scheme is capable of being provided at that density, without materially harming the character and appearance of the area. Dwellings to the west of the site can be orientated so as to face Peterborough Road, thereby continuing the pattern of frontage development from the north and opposite. Careful consideration will need to be had as to orientation and design of those dwellings at the south of the site given that they would be adjacent to a prominent junction at one of the primary entrances to Crowland.

In light of the above, the proposal is considered to satisfactorily comply with the aims and objectives of Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 as far as can be assessed at outline stage.

Highway safety, access and parking

Concern has been raised regarding highway safety (in terms of the positioning of the access) and congestion. The Highway Authority have been consulted and have not objected to the principle of the proposal and proposed relocation of the access. With regard to congestion, it is not considered that the development of up to 9 dwellings (net) would have a material adverse impact on highway capacity. It would therefore be difficult to resist the proposal on highways grounds.

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 for dwellings with 3 or more bedrooms and that 3 parking spaces are provided for dwellings with 4 or more bedrooms. Given the size of the site this should be achievable, although consideration will need to be had as to how the parking spaces relate to the dwelling that they are intended to serve to ensure that they are positioned practically.

Flood risk and drainage

The National Planning Policy Framework (2021) at Section 14 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.

The site is located within Environment Agency Flood Zone 3 and the South East Lincolnshire Strategic Flood Risk Assessment (March 2017) identifies the site as sitting within a combination of hazard zones - 'Low Hazard', 'Danger for Some', but predominantly 'Danger for Most', with potential flood depths of up to 1.0m.

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 the opportunity to remediate contaminated land, provide a more attractive form of development than existing, generating employment during the construction period and its proximity to a range of services and facilities.

The submitted flood risk assessment recommends that finished floor levels of the proposed houses should be at a minimum level of 2.25m AOD. The Environment Agency originally objected on the basis that the finished floor levels proposed in that flood risk assessment did not accord with the standard advice matrix. However, the authority of the assessment has since provided additional supporting information regarding ground levels and predicated flood depths and the Environment Agency have subsequently withdrawn their objection.

In terms of drainage, the proposal is for surface water to be discharged to an existing riparian drain on the north-eastern boundary. This approach would be in accordance with the drainage hierarchy as the first option of infiltration is likely unviable due to ground conditions. Full details of surface water drainage will be conditioned and, as per North Level IDB's comments, the condition and levels of the riparian drain are expected to be ascertained as part of this. A ground investigation report will also be required.

Foul water would be discharged to the existing Anglian Water network, whom are obliged to accept foul water flows from new developments if proposed.

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

Although the specific details of design and layout would be dealt with at reserved matters stage, it is considered that an acceptable standard of residential amenity is capable of being provided.

Any dwellings fronting on to Peterborough Road would be tantamount to a normal frontage relationship with those opposite. There is a dwelling to the north/north-east of the application site (no. 62 Peterborough Road) but this is largely screened by mature hedging/trees and this can be supplemented where required to address privacy issues given that levels must be raised due to flood risk and there are windows close to and/or facing into the site and its rear garden adjoins the site boundary.

Windows can be orientated and dwellings sited in such a way that there should not be a material overlooking, overshadowing or overbearing impact.

The proposal therefore complies with Policy 3 of the Local Plan in this regard.

Land contamination

Given the former use of the site (petrol station), there are land contamination issues to be resolved prior to and during the course of any development of the site. Historic site investigation data suggests near surface contamination by petroleum hydrocarbons and poly aromatic hydrocarbons, as well as some metals above levels which are generally considered suitable for retention in a residential development. The Council's Environmental Protection Officer has advised that a detailed and comprehensive site investigation is required at this location to inform a remediation strategy such that a safe development can be achieved. The Environment Agency have also requested a condition relating to unexpected contamination.

This shall ensure satisfactory compliance with Policy 30 of the Local Plan in respect of land and ground water quality and condition, and public health.

Developer Contributions

The proposal is not classed as major development given the size of the site and number of net dwellings proposed. Developer contributions can therefore not be sought under Policy 6 of Local Plan.

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 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. Residential development of the site should be possible subject to land contamination matters being satisfactorily resolved.

Taking the above into account, 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).

The recommendation is therefore for a delegated approval.