DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H02-0946-21**	**Applicant:**	**Seagate Homes (UK) Ltd.**
Proposal:	Erection of 5 dwellings		
Location:	Land Off Harrington Drive Crowland Peterborough		
Terminal Date:	15th January 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
05	Meeting Physical Infrastructure and Service Needs
06	Developer Contributions
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	0	1	0	0
WARD MEMBER	0	0	0	0
PLANNING LIAISON OFFICER - FLOOD RISK	0	0	0	1

ASSESSMENT				
HIGHWAYS & SUDS SUPPORT	0	0	0	1
NORTH LEVEL INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	0	1
RESIDENTS	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

Full application for the erection of 5 dwellings on land off Harrington Drive, Crowland.

Site Description

The site is greenfield in nature and sits between the south-eastern end of Harrington Drive and James Road, forming part of a wider field that extends south-west. Harrington Drive is part of a residential development that was constructed in around the 1980s and comprises of bungalows and two storey houses of similar appearance. The north-eastern boundary adjoins the garden of 20 Barbers Drove North.

Recent History

H02-1006-21 - Full - Erection of 47 dwellings with associated parking, garages, roads and sewers (undecided)

H02-0990-21 - Full - Proposed development of 6 houses & demolition of existing house (No.38) (undecided)

H02-0739-21 - Outline - Residential Development (withdrawn July 2021)

Consultation Responses

Crowland Parish Council - The Parish Council welcomes this quality development on a key site within the Local Plan.

North Level IDB - No objection in principle but require more details regarding the method of surface water disposal. The flood risk assessment states surface water to soakaways, while the planning application form states a combination of sustainable drainage system and the existing watercourse.

LCC Highways/SUDS - No objection subject to standard highways informatives.

Environment Agency - No objections subject to condition that the development is carried out in accordance with the recommendations of the submitted flood risk assessment.

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

Public (1 comment received, summarised) -

- Installation of 3 swift nest bricks per dwelling is recommended

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 proposal is for 4 x 4 bed and 1 x 5 bed two storey dwellings served by a private drive from the end of Harrington Drive. 3 house types are proposed and the design, although different to the existing dwellings, is not wholly out of keeping and would arguably be more attractive by virtue of the additional design details such as brick arches above windows and decorative brickwork to the eaves. The scale of the proposed dwellings is in keeping with existing properties in the vicinity as there are other two storey dwellings on Harrington Drive and the adjoining roads, and they can be satisfactorily accommodated within each plot.

Finished floor levels would need to be raised by between 1.45m and 0.9m depending on which part of the site. Those closest existing dwellings would need to be raised by the least as the site slopes away. It is not considered that this would materially impact the character and appearance of the area.

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 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 matters and parking

Access would be taken from the end of Harrington Drive, with each dwelling being served by a private drive. The Highway Authority have been consulted and have no objections to the proposal. 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 for dwellings with 3 or more bedrooms and that 3 parking spaces are provided for dwellings with 4 or more bedrooms. At least 3 parking spaces are provided within the curtilage of each dwelling (including garages).

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.

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 the 'Danger for Most' hazard zone, with potential flood depths of up between 1.0m and 2.0m for the majority of the site.

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.

The submitted flood risk assessment recommends that finished floor levels of the proposed houses should be at a minimum level of 2.15m ODN, which is between 1.45m and 0.9m above existing levels away from the site boundaries. The Environment Agency have no objection to floor levels being set at this height.

In terms of surface water drainage, the proposal is for a combination of permeable paving and discharge to watercourse. Full details of this could be conditioned if permission were to be forthcoming. For foul water, connection would be made to the existing Anglian Water network. Anglian Water 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

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.

Plots 1 and 5 adjoin existing residential properties. There are no first floor side facing windows to Plot 1 and the only one to Plot 5 is for an en-suite which would therefore be obscure glazed. Only Plot 5 has a ground floor side facing window and this would be to a kitchen and facing directly towards the adjacent garage. Due to flood risk, the finished floor levels of the proposed dwellings need to be raised to a minimum of 2.15m ODN. As identified above, this would be between 1.45m and 0.9m above existing levels away from the site boundaries. Based on the site levels indicated in the submitted flood risk assessment, Plots 1 and 5 would be raised by around 1.0m. Careful consideration will need to be had as to suitable boundary treatments along this north-western side once external site levels are known, as well as to the north-eastern boundary given the present lack of screening. These details can be conditioned.

Given that Plots 1 and 5 are sited to the south-east of existing dwellings, it is not considered that they would result in a material loss of sunlight or create unacceptable overshadowing of facing rooms.

There would be an approx. 3.75m separation distance between Plot 1 and no. 14 Harrington Drive. It would appear that the latter has a kitchen window on the facing elevation, but this would be

marginally offset from the side elevation of Plot 1. No. 7 Harrington Drive has two side facing windows. It is unknown what rooms these windows serve but they are already in very close proximity to an approx. 1.8m high fence and therefore the existing outlook would be minimal. On that basis, it is not considered that there would be a material overbearing impact on existing dwellings.

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.

Developer contributions / comprehensive development

Policy 6 (Developer Contributions) sets out the following:
"Developments of 11 or more dwellings, or which have a combined gross floorspace of more than 1,000 sqm, or non-residential development of 1,000sqm gross floorspace or more will be expected to mitigate their impacts upon infrastructure, services and the environment to ensure that such developments are acceptable in planning terms. The Local Planning Authorities will not accept any proposals that artificially reduce capacity or floorspace to circumvent the proper operation of this policy."

This application site forms part of a wider parcel of land within the same ownership (Ms M Jacko). The remainder of this land is the subject of two further planning applications - H02-0990-21 (5 dwellings (net)) and H02-1006-21 (47 dwellings). Clearly neither the former or this particular application can be subject to developer contributions due to the number of dwellings concerned. However, taken together with H02-1006-21, the number of dwellings concerned would attract a requirement for developer contributions, as per Policy 6 of the Local Plan. The treatment of this land as individual sites is an artificial distinction (an example of this being the house types that are identical in appearance and internal layout on the two smaller schemes), and precludes a comprehensive development that would enable a properly planned and designed scheme with the possibility of developer contributions and acceptable access/s. Currently, the extents of the red line boundaries preclude acceptable access to H02-1006-21, the larger of the three applications, which is counterproductive.

Although the applications have been submitted individually, it is the Local Planning Authority's view that the three sites should be treated as one landholding, and a comprehensive proposal put forward.

As it stands, the proposals as put forward are contrary to Policy 6 of the Local Plan and, whilst there is no significant issue in terms of layout as a standalone site, clearly it would be preferable for a comprehensive scheme to come forward across the wider parcel of land to ensure a more cohesive form of development.

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 matters are considered to have been appropriately addressed and surface water drainage can be satisfactorily dealt with by means of condition.

Notwithstanding the above, the proposal is considered to be contrary to the intentions of Policy 6 of the Local Plan, which states that "The Local Planning Authorities will not accept any proposals that artificially reduce capacity or floorspace to circumvent the proper operation of this policy.". The treatment of this land, in conjunction with H02-0990-21 (5 dwellings (net)) and H02-1006-21 (47 dwellings), as individual sites is an artificial distinction, and precludes a comprehensive development that would enable a properly planned and designed scheme with the possibility of developer contributions and acceptable access/s.

Taking the above into account, the planning balance is considered to be against 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

The recommendation is for a delegated refusal.