DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H02-0990-21**	**Applicant:**	**Finsbury Designs Ltd**
Proposal:	Proposed development of 6 houses & demolition of existing house (No.38)		
Location:	38 Peterborough Road Crowland Peterborough		
Terminal Date:	17th December 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
05	Meeting Physical Infrastructure and Service Needs
06	Developer Contributions
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 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 ASSESSMENT	0	0	0	1

HIGHWAYS & SUDS SUPPORT	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	1	0	0	1

CASE OFFICER ASSESSMENT

Proposal

FULL application for the erection of 6 detached two-storey houses following the demolition of the existing house.

Each dwelling is proposed to have direct vehicular access from Peterborough Road or Harrington Drive.

Plots 1, 2, 3 4 and 6 are proposed to be detached four bedroom dwellings with an integral garage. Plot 5 is proposed to be a detached four bedroom dwelling with a detached garage.

Site Description

The application site is predominantly a garden area on the junction of Peterborough Road and Harrington Drive, within the settlement boundary of Crowland. The site is currently occupied by a detached two storey dwelling that is in a poor state of repair and an area of land described as a livery yard, forming part of a wider land holding.

The site is approx. 1872.00 square metres in area. The land has been cleared of vegetation and only the dwelling remains.

The levels on the site vary between 2.24m ODN near Peterborough Road and 1.29m ODN at the southern end of the site. The level of Peterborough Road varies between 2.32m and 2.42m ODN on the western boundary of the site.

The site of the proposed development is within Flood Zone 3 and the flood hazard is "danger for most" as shown on the Environment Agency's Flood Zone map.

History

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

H02-0946-21 - Full. Erection of 5 dwellings (undecided).

Consultation Responses

Crowland Parish Council

Support - Crowland Parish Council welcomes this characterful design, which will bring a derelict site back into use. It is more in-keeping with, and compliments the surrounding area.

SHDC Environmental Protection

Request the standard land contamination condition be applied at this location.

LCC Highways & SUDS Support

No objection subject to the inclusion of conditions and informatives.

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 the proposed development is acceptable and accordingly, does not wish to object to this planning application.

Anglian Water

The applicant should check for any Anglian Water assets which cross or are within close proximity to the site. Any
encroachment zones should be reflected in site layout.

Please note that if diverting or crossing over any of assets permission will be required.

North Level District Internal Drainage Board

No comment to make with regard to the above application.

Environment Agency

No objection.

Third Parties

Objection from one household (precised)

Floor level raised; increase our flood risk
Overbearingly tall in comparison to adjoining dwelling and have an oppressive impact.

One comment regarding provision for Swifts.

Planning Considerations

The main issues in this case are:
Principle of Development
Layout and Design
Highway safety and parking
Impact of neighbouring Residents/land users
Flooding considerations
Foul and Surface Water Drainage
Contaminated Land
Biodiversity
Developer contributions / comprehensive development

Principle of Development

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 and Design

The development scheme is designed to utilise the access opportunities on Peterborough Road and Harrington Drive, and would provide six two storey houses of comparable scale and form to development within this locale. The visual impact of the development would sit relatively well within the street scene of Peterborough Road, which is of mixed character and form.

The dwelling on Plot 6 on Harrington Drive would have a higher finished floor level than the adjoining bungalow, of 2.3m ODN. This would make the dwelling read as affectively 2.5 storeys high. The impact of the development and in particular Plot 6 on Harrington Road would result in a discordant street scene. The two storey dwelling on Plot 6 would be out of keeping with the scale and form of development within the road, as a result of the land level increase that would be required to facilitate the development, and the siting of the plot adjacent to No.6 Harrington Drive, which is a detached bungalow.

As such, the impact of Plot 6 is considered to be out of scale with the adjoining bungalow at No.6 Harrington Drive, and would have an overbearing effect on that property and on the street scene, contrary to Policies 2 and 3 of the SELLP.

Highway safety and parking

Access would be taken from Peterborough Road and Harrington 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 would 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).

Impact of neighbouring Residents/land users

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 in general, however the impact on No.6 Harrington Drive is discussed further above..

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 0.5m and 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 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 2.35m ODN, , which is the lowest level of Peterborough Road west of the site. The hardstandings around the houses should be a minimum of 300mm below the finished floor level. The Environment Agency have made no comment on this application.

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.

Foul and Surface Water Drainage

The foul sewerage would be resolved by connection to the mains sewer in the settlement.

Surface water would be dealt with by soakaways and existing an watercourse, however a condition is recommended to ensure that the details are acceptable and achievable.

Provided the scheme can be delivered, the proposals accord with Policies 2, 3 and 4 of the SELLP in this regard.

Contaminated Land

Part of the site has been used for livery, and the Environmental Protection officer has raised matters regarding the potential for contaminated land. A pre-commencement condition is recommended and the agent has agreed to the wording and provisions of a condition.

Biodiversity

Given the domestic nature of the site, there is limited opportunity for biodiversity gain, however provision for Swifts could be made by condition.

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 - H02-0946-21 (5 dwellings) 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 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 could be satisfactorily dealt with by means of condition.

It is considered that the proposal would harm the character or appearance of the locality, contrary to the provisions of policies 2 and 3 of the SELLP.

The proposal is also 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 H02-0946-21(5 dwellings) 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.

Conclusion

Refuse.

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.