DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H02-1056-22**	**Applicant:**	**Mr S Jaffer**
Proposal:	Construction of two detached two-bedroom dwellings and single garages		
Location:	Land Off Hereward Way Crowland Spalding		
Terminal Date:	18th January 2023		

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	1	0	0	0
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS	1	0	0	0

SUPPORT				
IAN MARSHMAN - HISTORIC ENVIRONMENT OFFICER	0	0	0	1
NORTH LEVEL INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	1	0

CASE OFFICER ASSESSMENT

Proposal

This is a full application seeking permission for the erection of two detached two-bedroom dwellings and single garages on land off Hereward Way, Crowland.

Site Description

The application site lies on the eastern side of Hereward Way and is sited to rear of dwellings fronting South Street. The land is presently grassed with a few shrubs and trees. The site lies within 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

No relevant planning history.

Consultation Responses

Crowland Parish Council

Concerns regarding Septic Tank - Regulations do not allow for septic tanks in this area. Increased traffic, with other approved planning approvals, leading to further deterioration - in an already poorly conditioned road surface, (adopted highway), needs to be urgently addressed by LCC Highways.

North Level IDB

No comments.

Ian Marshman - Historic Environment Officer

No archaeological impact.

Highway and Lead Local Flood Authority

Recommendation for refusal.

The Application Site is towards the far end of Hereward Way, which is a single-track public highway with no footways and with only a rudimentary turning area. The road presently directly serves a small number of dwellings and also provides vehicular access to the rear of many more properties which have their frontage onto other roads. The increase in vehicle activity resulting from the construction and occupation of the two dwellings being proposed in this application would

unacceptably increase the incidence of vehicles meeting other vehicles and pedestrians on this road causing drivers to have to undertake unreasonable reversing manoeuvres in order to pass one another and to the detriment of the safety of the more vulnerable pedestrians. The neighbouring properties all have similar long rear garden areas and there is therefore a very real risk that should this application be granted Consent, the owners of those neighbouring properties would be tempted to make similar applications for residential development, to the cumulative detrimental impact upon highway safety on Hereward Way.

SHDC Environmental Protection

No comments or objection.

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.

Character and Appearance

The application site lies within the Crowland Conservation Area. The proposal is for 2 x 2 storey dwellings sited on extremely narrow plots, measuring a maximum of approx. 6.4m wide. It is considered that the proposed dwellings would appear visually cramped within the plots and would be at odds with the character of existing development in the locality.

This unacceptably adverse impact would be exacerbated through the introduction of an uncharacteristically long,
private vehicle and pedestrian access, which would form an out of keeping and incongruous feature within the street scene, which would unnaturally draw the eye, to the detriment of its character.

Taking the above into account, the proposed dwelling is not considered to comply with Policies 2, 3 and 29 in the SELLP, 2019 and Section 12 in the NPPF, 2021 in terms of layout, design, size and scale. The proposal is considered to be inappropriate to this location and would negatively impact upon the existing character of the area.

Highway matters and parking

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. There are at least two car vehicle spaces available on each drive.

The Local Highway Authority have commented that the increase in vehicle activity resulting from the construction and occupation of the two dwellings being proposed in this application would unacceptably increase the incidence of vehicles meeting other vehicles and pedestrians on this road causing drivers to have to undertake unreasonable reversing manoeuvres in order to pass one another and to the detriment of the safety of the more vulnerable pedestrians.

Therefore, it is considered that the proposed two dwellings would be contrary to Policy 2 in the SELLP, 2019 in terms of highway safety.

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 dwellings 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 "Low Hazard" hazard zone, 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 500mm above existing ground level, the development should be safe for its lifetime.

In terms of surface water drainage, the proposal is for this to be discharged via soakaway. There are no known ground permeability issues in this area that would preclude the effective use of soakaways on site. For foul water, connection would be made to a proposed septic tank.

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 north and south elevations of Plot 1 and Plot 2 include velux windows to the second floor on roof slopes that face the rear gardens north east and south west. However these are reasonably high above the floor level. The rear windows on both plots have a separation distance of more than 55m from the neighbouring rear elevation to the north east. This is sufficient to prevent a material overlooking impact.

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.

Planning Balance

The principle of residential development on the application site is acceptable when assessed against Policy 1 of the Local Plan. However, it is considered that the proposed dwellings would appear visually cramped within the plots and would be at odds with the character of existing development in the locality.

This unacceptably adverse impact would be exacerbated through the introduction of an uncharacteristically long,
private vehicle and pedestrian access, which would form an out of keeping and incongruous feature within the street scene, which would unnaturally draw the eye, to the detriment of its character.

In light of the above considerations the proposal is considered to be contrary to Policies 2 and 3 of the South East Lincolnshire Local Plan (SELLP), 2019 and Section 12 of the National Planning Policy Framework (NPPF), 2021. It is also considered to be contrary to Sections B2 and I1 of the National Design Guide which require a site's context to be taken into consideration and states that new development should consider the scale and form of the dwelling respectively.

Conclusion

The recommendation is therefore for a delegated refusal.

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 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 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.