

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	H02-1090-19	Applicant:	Cross Keys Homes
Proposal:	Residential development - 30 dwellings and associated works - outline approval H02-0054-18		
Location:	18 Low Road Crowland Peterborough		
Terminal Date:	31st May 2021		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02	Development Management
03	Design of New Development
04	Approach to Flood Risk
06	Developer Contributions
17	Providing a Mix of Housing
18	Affordable Housing
30	Pollution
32	Community, Health and Well-being
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2019

Section 2 - Achieving sustainable development
 Section 5 - Delivering a sufficient supply of homes
 Section 8 - Promoting healthy and safe communities
 Section 12 - Achieving well-designed places
 Section 14 - Meeting the challenge of climate change, flooding and coastal change

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	1
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
NORTH LEVEL	0	0	0	1

INTERNAL DRAINAGE BOARD				
SHDC INTERNAL	0	0	0	1
OTHER STATUTORY BODIES	0	0	0	2
RESIDENTS	3	0	0	4

CASE OFFICER ASSESSMENT

Proposal

This is a reserved matters application, relating to outline application (H02-0054-18), for residential development of 30 dwellings and associated works on land at 18 Low Road, Crowland.

An entirely affordable scheme is proposed, comprising of 22 x affordable rent (8 x 1 bed, 10 x 2 bed, 2 x 3 bed and 2 x 4 bed) and 8 x shared ownership (2 x 2 bed and 6 x 3 bed) properties.

The proposal is for a mix of semi-detached dwellings and maisonettes.

3 short private drives are proposed. 2 parking spaces are provided for 1-3 bed dwellings and 3 parking spaces for 4 bed units.

A large area of open space is located at the west of the site and a detailed landscaping scheme is proposed throughout.

A condition on the outline approval requires the submission of a management plan/schedule for the areas of public open space, incidental open space, refuse/recycling collection points and parking courts prior to occupation of any dwelling/commencement beyond oversite.

Site Description

The site is approximately 1.54ha in size and it is irregular in shape with a road frontage of approximately 127m to Low Road and a frontage of approximately 77m to Plank Drove. The depth of the site varies from approximately 77m to the west and approximately 161m to the east.

There is an existing bungalow located centrally along the Low Road frontage and the foundations of former agricultural buildings in the south west corner of the site accessed from Plank Drove. The balance of the site is agricultural land.

There are trees within the garden of the bungalow and trees and hedgerow to the eastern boundary.

There is existing residential development to the east in the form of large detached houses on large plots. To the south east are detached properties.

There is agricultural land to the south.

On the opposite side of Low Road to the north are paddocks and dykes.

History

H02-0054-18 - Outline application for proposed residential development (approved October 2019).

Consultation Responses

Crowland Parish Council - The Parish Council feel that there is insufficient parking for both residents and visitors. There also seems to be no designated collection point for refuse and recycling. Members of this committee were confused as to the intention of the use of the land coloured pale green adjacent to plots 22 & 23. The Parish Council would also query why there appears to be obvious under-development of the site.

LCC Highways/SUDS - Does not wish to restrict the grant of permission. 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 submitted details are satisfactory and therefore, does not wish to object to this planning application. The frontage footway should ideally be extended eastwards to connect the development with the end of the existing footway on Low Road. However, it is accepted that the wording of the Condition on the Outline Consent does not actually require this and it may therefore be too late to require such provision at the Reserved Matters stage.

Lincolnshire Police - No objections, standard advice provided re safety/security.

Anglian Water - No objection.

North Level IDB - No objection in principle but highlights the need to obtain consent from the Board to dispose of surface water via the drain forming the southern boundary. Adjacent landowners consent will also be required as the drain is in riparian ownership. The capacity of the drain also needs to be ascertained.

Public (comments/objections summarised) -

- Highway concerns - safety (e.g. speed limit on Low Road), adequacy of Low Road (e.g. condition of road surface, width etc.), lack of footway on Low Road frontage, level of parking and potential for parking on Low Road.
- Concern re possible impact on water table in surrounding area and potential for cess pits to overflow and back up.
- Concern re suitability of foul water and surface water drainage proposals and potential for off-site impact
- Noise and smell from the proposed pumping station and SUDS.
- Concern regarding impact pile driving would have on structural stability of nearby properties.
- Query re what fencing is proposed for the back of the site where it adjoins the dyke and farmland.
- Concern re positioning of fencing to rear of Plots 2 and 3
- Concern that trees along the eastern boundary (which Land Registry records show fall within the ownership of 1 Beechcroft Gardens) will be felled thus resulting in loss of privacy to the gardens of properties on Beechcroft Gardens.
- Impact of raising ground and floor levels on neighbouring properties in terms of privacy and surface-water run-off
- Will Plank Drove be accessible before and after construction?
- Concern re position of red line on eastern boundary (should be central to drain)
- Development is imbalanced and crowded towards the east resulting in a congested street plan which heavily impacts neighbouring houses. Should be reviewed to provide a better mix and distribution of housing in the available space.
- Buildings and plot sizes are not in keeping with other properties nearby.
- The area is very rural and surrounded by greenspace and public cycle ways and footpaths.
- Development is unsustainable as a whole and completely wrong in detail.
- Query regarding proposed maintenance of land beyond the fencing on the eastern boundary.

Planning Considerations

The principle of residential development on the site has been established by virtue of the outline consent.

Therefore the key matters (including the reserved matters) to be considered are:

- Detailed layout, scale and appearance;
- Access, highways and parking concerns;
- Landscaping and open space;
- Drainage;
- Impact upon residential amenity;

- Affordable housing provision; and
- Other matters.

Detailed layout, scale and appearance

Five house types are proposed, with a mix comprising of 8 x 1 bed maisonettes, 12 x 2 bed houses, 8 x 3 bed houses and 2 x 4 bed houses. All of the houses proposed on the scheme would be semi-detached which is common on all affordable schemes such as this.

Revised plans have been submitted to address officers' concerns about the somewhat bland appearance of the front elevations of the dwellings. On the rendered dwellings, arched soldier courses at ground floor and 'stone' effect sills on first floor have been introduced. On the brick dwellings, additional brick detail has been included between ground floor and first floor level. An additional canopy type has also been introduced for variety. These details give an improved visual appearance. Existing development in the vicinity is varied in terms of appearance and so there is no strong character to follow. Taking the above into account, the design of the proposed dwellings is considered acceptable.

In terms of scale, all properties would be 2 storey which is in keeping with the existing development in the vicinity. The plot sizes are typical of those of new build schemes. The garden sizes of the proposed dwellings are considerably smaller than those belonging to properties on Beechcroft Gardens, but these are an exception and properties rarely have 70-100m long gardens. The next closest estate developments - Abbots Drive and Monks Meadow - comprise of much smaller plots.

A cul-de-sac layout with adoptable estate road is indicated with 3 short private drives off this - 2 to the north and 1 at the south. This is considered to be an acceptable balance between estate and private roads.

Refuse collection would be a combination of kerbside for the main estate road and collection points for private drives. There is a condition on the outline approval for specific details of waste storage and disposal to be submitted prior to the commencement of the development.

With regard to materials, general principles have been put forward for properties with the proposal being for some to be solely of red facing brickwork with others being part brick, part rendered. Two types of tile are proposed. The specific brick and tile types are yet to be decided by the applicant. A condition will therefore be added (as permitted by National Planning Practice Guidance as it relates to a reserved matter) for these specific details to be provided at a later date.

Private drives and driveways would be constructed of permeable paving, with the estate road and associated footways being of bituminous construction. This is a typical and appropriate arrangement.

In terms of public objections, it is accepted that the proposed positioning of the dwellings is skewed towards the east of the site, however it ensures that a soft edge (in the form of public open space and landscaping) is retained on the western part of the site where development becomes less dense as you move out into the countryside. The impact on neighbouring houses is considered further below as part of the section on residential amenity.

Given the existing screening along the majority of the eastern boundary, it is not considered that the requirement to raise the finished floor levels by a minimum of 1m would result in a form of development that would appear at odds with existing development to the east. Furthermore, there would be a separation distance of 16m (approx.) between Plot 2 and 10 Low Road which will lessen the impact of the height difference at the front of the site.

Taking the above into account, it is concluded that the design and layout 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; 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.

Access, highways and parking concerns

A number of concerns have been raised in relation to highway matters - specifically, highway safety

(potential for speed limit on Low Road to be reduced), adequacy of Low Road (condition of road surface, width etc.) and incomplete footway connection on Low Road.

The Highways Authority have not objected to the proposed access and road arrangements. The proposal is therefore considered to be acceptable on highways grounds and in accordance with Policy 2 of the Local Plan which requires it to be demonstrated that access and vehicle generation levels will be acceptable.

In terms of footway provision, Condition 18 of the outline approval states:

"No development shall take place before a scheme has been agreed in writing by the local planning authority for the construction of a 1.8 metre wide footway, together with arrangements for the disposal of surface water run-off from the highway at the frontage of the site."

This condition was imposed at the request of the highway authority. However, the existing footway network only extends as far as the entrance to Beechcroft Gardens, therefore there would be a length of highway where there is no footway available. It is accepted that this is not an ideal situation, but the developer is only obliged to provide the footway as per the condition that has been imposed and it would not be reasonable to extend the requirement at this stage to include extending the footway so as to connect with the existing network. The same applies to concerns raised regarding the condition of the road in that the Highway Authority would not be able to introduce a requirement to improve the road at this stage.

The potential for reducing the speed limit of Low Road is currently being explored by Cllr Pepper in conjunction with County Highways.

There is a condition on the outline approval that requires a construction management plan to be submitted prior to commencement of the development which includes details on how construction traffic, site personnel vehicles and materials deliveries will be managed to safeguard highway safety and free passage along Low Road.

Works in the carriageway to connect utilities may be required which could have an impact on Low Road and/or Plank Drove, however there is no known intention for Plank Drove to not be accessible after construction of the dwellings.

Appendix 6 of the Local Plan sets out parking standards for residential dwellings and states that 2 vehicle parking spaces are required for dwellings with up to 3 bedrooms and 3 vehicle parking spaces are required for dwellings with 4 or more bedrooms. The proposed vehicle parking arrangements are in accordance with this.

Landscaping and open space

A large area of public open space is located on the western part of the site, amounting to approx. 0.29ha. This is greatly in excess of the 0.05ha required by Policy 32 of the Local Plan. As well as providing recreation and visual amenity benefits, this also means a softer edge to the site where the town becomes countryside.

This area of open space will be bounded by a new native hedgerow along the western and southern boundaries. The latter is to extend the entire length of the southern boundary. There will be new tree planting throughout the site as well as shrubs and low level planting to the front of each property. Two attenuation ponds are proposed which also act as landscape features. The existing trees on the eastern boundary are to be retained and a condition will be added to that effect.

Boundary treatments are also an important element of a landscaping scheme. 1.8m close board fencing is proposed along the southern and eastern boundaries as well as to the rear/in between properties. The fencing to the eastern boundary will be set in to allow for maintenance of the drain on that side. This drain is riparian and will therefore be the joint responsibility of adjoining landowners. Planting will be provided in prominent locations to soften the impact of fencing. Higher fencing will be provided to the east of Plot 2 where the patio is to be raised and thus there would be the potential for overlooking the rear garden of 10 Low Road.

Overall, it is considered to be a suitable landscaping scheme for the site. The proposed scheme therefore complies with Policy 3 of the Local Plan in respect of its provisions on landscaping.

Drainage and Flood Risk

The proposal is for surface water to ultimately discharge to the IDB drain further south-east via a riparian drain that runs to the rear of properties on Beechcroft Gardens. It has been explained that the strategy for the operation of the surface water drainage on the site is that in a storm situation, the hydro-brake just before the outfall to the drain to the south of the site would limit the discharge from the site and the system would surcharge, filling the underground pipes, which would then back-up the attenuated storm water into the larger storage lagoon at the head of the system. Water would also be stored temporarily in the smaller downstream pond if that were to take place. The Lead Local Flood Authority have advised that whilst having the storage lagoon at the head of the system is unconventional, the argument is that it would work satisfactorily because the gradients within the system are so flat. The surface water drainage system is designed to also accept surface water run-off from the properties and swales would be used to convey and treat water from the highway which has been designed with a single-cross fall to allow this.

Concern has been raised that the riparian drain to the south of Beechcroft Gardens is not deep enough or at such a gradient which would suitably convey water to the IDB drain further along. The applicant has since undertaken a survey of the drain and provided spot levels for along its length. The Lead Local Flood Authority is content that this demonstrates that this watercourse will have a constant, if very shallow, gradient from the point of the site's outfall into it, up to the IDB-maintained watercourse. Furthermore, should the flows exceed the capacity through that shallowest part, the spot levels from the topographical survey show the ground rising towards rear gardens of the existing adjacent dwellings and there would therefore be no expectation of flooding to occur within those properties.

Concern has been raised that increasing ground levels could lead to surface-water being directed to neighbouring properties. The Lead Local Flood Authority have no concerns in this regard and have indicated that water would be absorbed by the gardens of properties before reaching the boundary.

In light of the fact that the Lead Local Flood Authority have no objections to the proposed surface water drainage strategy it is not considered that it would be reasonable to refuse the application on the grounds that said strategy is inappropriate.

Concern has also been raised regarding the potential for cess pits to overflow and back up, however there is no evidence that the development would have this effect.

In terms of foul water disposal, connection would be made to the existing Anglian Water system, to which they have no objection. It has been advised that Crowland Water Recycling Centre has capacity available for wastewater flows from the site and that the impacts on the public foul sewerage network have been adequately addressed at this stage.

Finished floor levels would be set at least 1 metre above existing ground level in accordance with the outline permission.

Given the above, it is considered that the proposed drainage scheme and flood mitigation measures accord with Policies 2, 3 and 4 of the Local Plan which require proposals to provide appropriate means of drainage and flood defence.

Impact upon residential amenity

There are three properties immediately adjoining the site - 1 Beechcroft Gardens, 10 Low Road and 6 Plank Drove.

In terms of the relationship between Plot 2 and 10 Low Road, House Type D has no side elevation windows and the dwelling is in such a position that views into the garden of no. 10 would only be at an oblique angle. However, the patio to Plot 2 would be raised and thus there would be the potential for overlooking of the rear garden of 10 Low Road. A higher fence will therefore be required in this location. This will be conditioned so that this information is submitted prior to installation and occupation of that dwelling, as it is yet to be detailed.

The rear elevations of Plots 3 and 4 face the side elevation of 1 Beechcroft Gardens however there would be a 21m (approx.) separation distance - The generally accepted separation distance where there is a rear to side relationship is 15m. Furthermore, views are partially obscured by the existing

trees on that boundary. Trees also provide screening from the rest of the dwellings on the eastern side of the site and 1.8m high fencing would be erected along the length of the eastern boundary which will provide further screening in the space beneath the canopy and where gaps exist between vegetation.

Concern has been raised regarding the positioning of the fencing to the rear of Plots 2 and 3 and it was asked whether this could be moved in line with the remainder of the fencing for Plots 4 to 10. However, the applicant has declined to reposition the fencing due to the loss of garden land this would entail for both plots and where there is no need to allow a buffer for maintenance of the drain. New fencing to rear gardens is frequently sited adjacent existing fencing in new developments. Furthermore, the facing windows to 1 Beechcroft Gardens are to a kitchen and utility space, which are not deemed to be habitable spaces in planning terms. It is therefore not considered that this would represent a material issue what would justify withholding permission.

Site levels and finished floor levels are to be formally discharged by means of a condition compliance application, although proposed external levels have been submitted as part of this application. It is a requirement that finished floor levels are set at a minimum of 1.0m above existing ground level as a flood mitigation measure and the proposed floor levels shown would respect this requirement. On the eastern side of the site where the main concern lies, it is indicated that garden levels would fall from the dwellings towards the boundary, generally by around 1m. Given the separation distances between the proposed dwellings and the eastern boundary (max. of approx. 20m and min. of approx. 14m), existing screening along the eastern boundary and proposed boundary treatment, it is not considered that this would result in a form of development that would be overbearing for the occupiers of properties to the east or have a material adverse impact in respect of overlooking.

The public open space is adjacent to 6 Plank Drove and the existing fencing between that property and the site would be supplemented by new native hedging which is to be planted along that boundary. This is an acceptable arrangement.

Only house types C and E have first floor side elevation windows. On type C this serves a bathroom so will be double glazed. However, the first floor side facing living room window on the most northerly maisonette overlooks the rear garden of Plot 10. As it is a secondary window to that room, it has been agreed that it will be a fixed obscure glazed window.

All proposed dwellings would be a suitable distance apart. The front to front relationship is typical of any residential estate. The properties to the south of the frontage dwellings at the north of the site would be at such an angle that overlooking would be difficult.

Concern has been raised regarding the potential for odour to emanate from the proposed SUDS features. There are conditions on the outline approval that require the submission of details of open space and landscape management and maintenance. It is expected that maintenance measures should keep any odour to a point where it should not be a nuisance to residents.

All dwellings - existing and proposed - are outside of the 15m buffer zone for the pumping station which should minimise the impact of its workings on the occupants of properties.

There is a condition on the outline approval that requires a construction management plan to be submitted prior to commencement of the development which includes details on how noise, odour, vibration etc will be managed during the course of construction.

Overall, there are not considered to be any significant or demonstrable adverse impacts relating to residential amenity that would warrant refusal of this proposal. The proposal is considered to accord with Policies 2, 3 and 30 of the Local Plan in respect of their provisions on residential amenity.

Affordable housing provision

The outline application was granted subject to a s106 agreement for the provision of 25% of the site as affordable housing, however this proposal is for 100% of the dwellings to be affordable.

The proposed tenure split is 22 x affordable rent (8 x 1 bed, 10 x 2 bed, 2 x 3 bed and 2 x 4 bed) and 8 x shared ownership (2 x 2 bed and 6 x 3 bed). This is approximately a 73%/27% split which is broadly in accordance with Policy 18 of the Local Plan which requires a mix of about 70%/30% affordable rent/shared ownership.

Strategic Housing have no objections to the proposed affordable housing scheme.

Other matters

Concern regarding the potential impact of pile driving on the structural stability of nearby properties is noted. However, structural stability issues are a civil matter between landowners.

It had been highlighted that the eastern boundary line was in the incorrect position, being shown too far east. This has since been rectified on the relevant drawings and the red line now reflects that of the outline application and there is no clear evidence to suggest that it does not reflect that of Land Registry documentation.

Planning balance

The layout, scale and appearance of the development is acceptable in planning terms and an appropriate landscaping scheme has been proposed. Notwithstanding the concerns that have been raised relating to highway matters, flood risk/drainage and impact upon residential amenity, it is not considered that there is a justifiable reason to withhold permission on these grounds.

Overall, it is considered that the reserved matters have been appropriately addressed and that the planning balance is in favour of the proposal.

The proposal satisfactorily accords with Policies 2, 3, 4, 17, 18, 30 and 32 of the South East Lincolnshire Local Plan (2019), as well as Sections 2, 5, 8, 12 and 14 of the National Planning Policy Framework (2019).

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 all of the above into account, the proposal is considered to comply with the local development framework and national planning policy.

The recommendation is therefore for a delegated approval.