DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H01-1204-22**	**Applicant:**	**Seagate Homes**
Proposal:	Residential Development comprising 21 dwellings		
Location:	Former Station Yard Mill Drove South Cowbit		
Terminal Date:	12th January 2024		

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
06	Developer Contributions
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
17	Providing a Mix of Housing
18	Affordable Housing
28	The Natural Environment
29	The Historic Environment
30	Pollution
31	Climate Change and Renewable and Low Carbon Energy
32	Community, Health and Well-being
33	Delivering a More Sustainable Transport Network
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards
APPENDIX 8	Developer Contributions for Education Facilities
APPENDIX 9	Developer Contributions for Health Care Facilities

National Guidance

National Planning Policy Framework 2023

Sections:

2. Achieving sustainable development
4. Decision-making
5. Delivering a sufficient supply of homes
8. Promoting healthy and safe communities
9. Promoting sustainable transport
11.Making effective use of land
12. Achieving well-designed places
14. Meeting the challenge of climate change, flooding and coastal change
15. Conserving and enhancing the natural environment
16. Conserving and enhancing the historic environment

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	1
WARD MEMBER	0	0	0	0
PLANNING LIAISON OFFICER - FLOOD RISK ASSESSMENT	0	0	0	1
HIGHWAYS & SUDS SUPPORT	0	0	0	1
HISTORIC ENVIRONMENT OFFICER	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	0	3
OTHER STATUTORY BODIES	0	0	0	2
RESIDENTS	1	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This proposal seeks full planning permission for the development of 21 dwellings, together with the associated access road, parking and open space. It is intended for the main length of road to be adopted, with a private drive serving 7 properties.

A new vehicular and pedestrian access is proposed on to Mill Drove South, with a 1.8 metre wide footpath also being proposed, intending to link to the development to the south.

The following dwelling mix is proposed to be provided as two-storey, detached, semi-detached and a short terrace of 3:

10 x 2-bedroom houses
11 x 3-bedroom houses

There would be an expectation that the proposal secures delivery of 25% affordable housing; equating to 5 affordable dwellings and this is to be secured via a S106 agreement.

The affordable five units would comprise:
- First Homes: 1x (no.) Two Bed
- Shared Ownership: 1x (no.) Three Bed
- Affordable Rent: 2x (no.) Two Bed and 1x (no.) Three Bed

Site Description

The application site lies to the west of Mill Drove South, within the defined settlement boundary of Cowbit. The site consists of part of a former rail yard on the western side of Mill Drove South.

The land runs to approximately 0.54 hectares and is considered to be a brownfield site.

History

Application Site:
H01-0871-18. OUTLINE. Former Station Yard & Croft House Nursery, Mill Drove South, Cowbit. Residential development - up to 45 dwellings, including re-alignment of Mill Drove to Stonegate Road junction. APPROVED with S106 15-03-19.

Adjacent Sites:
H01-1170-22. OUTLINE. Land South of former Engine Shed, Mill Drove South, Cowbit. Residential Development (Max three dwellings). APPROVED 16.03.2023. This relates to the southern aspect of the initial outline permission.

H01-0823-19. OUTLINE. Land off Stonegate, Cowbit. Residential development for five dwellings. APPROVED 21.01.2020. This site lies to the southwest of the application site.

H01-0820-22. RESERVED MATTERS. Land off Stonegate, Cowbit. Erection of 5 Dwellings (outline approval H01-0823-19). APPROVED 04.11.2022. This site lies to the southwest of the application site and is the Reserved Matters relating to H01-0823-19 above.

H01-0234-23. FULL. Erection of three detached dwellings - previously approved under H01-0452-21. Amendments to house types, drainage details and boundary treatments. APPROVED 23.05.2023.

Consultation Responses

Cowbit Parish Council

Initial Comments dated: 23.01.2022
The Parish Council wish to make a request for a Section 106 contribution for the planning application H01-1204-22.

The Parish Council would like to apply for funding to upgrade and improve the community facilities at Cowbit Playing Field which are continuously becoming inadequate as the Parish population increases. Given the proposed increase of properties for professionals and families, the Parish Council wishes to modernise and improve the facilities at the playing field. The introduction of outside fitness equipment and expansion of the present play equipment will encourage new community members and their families into the community.

The Parish Council wishes to add new gates to the playing field and carry out updates to the pavilion. The gates will help to discourage anti-social behaviour and critically prevent driving on the playing field, helping to ensure the safety of the residents and the availability of facilities. Updates and improvements to the Pavilion will help to modernise and preserve the provisions. The Pavilion is used by several local football teams for training and matches, locals as part of the annual Fun on the Field Days, and as a 'base' for community events.

With the above in mind, the Parish Council would like to put forward a request for a total of £50,000.00 of s106 contribution for the application H01-1204-22.

Revised Comments dated: 07.06.2023
The Parish have made an agreement directly with Seagate and are therefore happy to allow the application to progress.

SHDC Housing Strategy

The application proposes 21 housing units. Policy requirement is for 25% of the units to be affordable to be secured by way of a s106 Agreement - the costs of which must be met by the applicant. The s106 Agreement should detail the tenure, mix, size and location of the affordable dwellings.

A suggested affordable housing mix is as follows:
-First Homes: 1no: 2bed
-Shared Ownership 1no: 3 bed
-Affordable Rent 2no: 2 bed and 1no: 3 bed

This delivers a total of 5 affordable houses on site.

It would be preferable for the homes to be built to the 'Nationally Described Space Standards', with the dwellings at least: 1 bed 2 person 2 storey, 2 bed 4 person 2 storey, 3 bed 5 person.

The policy also encourages homes that are capable of adaptation over time, it is unclear whether it is proposed any of the homes meet either M4(2) or M4(3) standards. It would also be useful to understand if the homes are proposing any low carbon use or emissions initiatives, again encouraged in the Local Plan but not a policy requirement.

The applicant should seek to secure a Registered Provider (RP) for the affordable dwellings at the earliest opportunity. The Strategic Housing Team can provide a list of RPs with stock in the local area should the applicant require this. The applicant and RP should be prepared to enter into a Nominations Agreement with the Council to ensure that the rented homes are let to households from the Council's Housing Register.

SHDC Environmental Protection

Noise - No objection. Request a construction management plan.

Contaminated Land - Have reviewed the Phase I Desk Study Report by Ground Engineering (Reference C15840) dated December 2022. Due to the previous uses of the site, the report concludes that further investigation is required. Therefore, request parts ii - iv of the standard contamination condition for any permission granted.

SHDC Environmental Services

No response received.

LCC Highways & SUDS Support

Initial Comments dated 28.03.2023
Recommendation: Approve with conditions and informatives.

Additional Comments dated 14.08.2023
No objections to amendment no.3.

LCC Education Planning Manager

Request for a Section 106 contribution for the planning application H01-1204-22.

Primary £ 73,468 Towards education provision in Moulton Chapel Primary Planning area
Secondary £ 76,509 Towards education provision in Spalding Secondary Planning area
Sixth-form £ 0

Total S106 request: £149,977

LCC Historic Environment Officer

No archaeological input required.

South Holland Internal Drainage Board

Initial Comments dated 19.01.2023
The site is within the Internal Drainage District (IDD) of the South Holland Internal Drainage Board (IDB) and therefore the Board's Byelaws apply. Whilst the Board's regulatory process (as set out under the Land Drainage Act 1991 and the Board's Byelaws) is separate from planning, the ability to implement a planning permission may be dependent on the granting of any required Land Drainage Consents.

The Board's Officers have reviewed the documents submitted in support of the above planning application. Officers have noted works which require Land Drainage Consent from the Board.

The proposed works are unlikely to be acceptable to the Board (in accordance with the policies outlined within the Board's Planning and Byelaw Strategy). Resultantly, the Board currently objects to this planning application. The reason for the Board's objection is to avoid likely conflict between the planning process and the Board's regulatory regime (as outlined below) and to prevent increased flood risk in accordance with National Planning Policy Framework.

Byelaw 3 (Surface Water)
The applicant proposes to discharge surface water to a watercourse at a rate of 5 l/s. This rate is in excess of greenfield rate therefore the Board objects to this proposal and I recommend that the applicant takes measures to reduce the rate to as near greenfield as possible. Regardless of the proposed discharge rate, this proposal will require consent under Byelaw 3, and I recommend that the applicant look into the possibility of reducing the proposed discharge rate prior to applying for consent. Please note that we recommend that any discharge is in line with the Non-Statutory technical standards for sustainable drainage systems (SuDS), therefore the Board is unlikely to grant consent for discharges in excess of greenfield rate.

Byelaw 3 (Treated Foul Water)
I note that the applicant intends to dispose of foul water to a main sewer. Should the applicants proposals change to include the discharge of treated foul water to a watercourse, consent would be required under Byelaw 3.

Section 23, Land Drainage Act 1991
I note the presence of a Board Maintained watercourse (DRN193P2802 - Parsons Dyke) within and adjacent to the site boundary and that works are proposed to culvert this watercourse (Site Plan MDC SH-PD-SP-1001, Seagate Homes, 06/12/2022). This proposal is not acceptable under the Board's Planning and Byelaw Strategy due to the risk that it may increase flood risk and negatively impact the ability of the Board's operatives to carry out their operations, therefore the Board objects to this proposal. I note the presence of a watercourse which is not maintained by the Board (a riparian watercourse) adjacent to the western site boundary. Whilst not currently proposed, should the applicant's proposals change to include works to alter the riparian watercourse, or if works are proposed to alter the watercourse at any time in the future, consent would be required under the Land Drainage Act 1991 (and byelaw 4). The Board recommends that adequate space (3-5 metres) is left flat and free from obstruction adjacent to the riparian watercourse in order to enable maintenance by future riparian owners or a designated maintenance company/contractor.

Byelaw 10
I note that the applicant intends to carry out works within 9 metres of the aforementioned Board maintained watercourse, including the formation of the access from Mill Drove South, the access road within the site, parking bays, footpaths and parts of the dwellings on plots 9, 10, 11 and 12 according to the aforementioned site plan. This proposal is not acceptable under the Board's Planning and Byelaw Strategy due to the negative impact these elements will have on the ability of the Board's operatives to carry out their duties, therefore the Board objects to this proposal.

Revised Comments dated 09.08.2023
Byelaw 3 (Surface Water)
The applicant proposes to discharge surface water to a watercourse at a rate of 5 l/s. This proposal will require consent under Byelaw 3. The applicant has approached the Board to make an application to facilitate this. This is currently being determined by the Board under reference 23_21883_C.

Byelaw 3 (Treated Foul Water)

I note that the applicant intends to dispose of foul water to a main sewer. Should the applicant's proposals change to include the discharge of treated foul water to a watercourse, consent would be required under Byelaw 3.

Section 23, Land Drainage Act 1991
I note the presence of a Board Maintained watercourse (DRN193P2802 - B28 Parsons Dyke) within and adjacent to the site boundary and that works are proposed to culvert this watercourse (Site Plan MDC-SH-PD-SP-1001, Seagate Homes, 06/12/2022). I can confirm the applicant has approached the Board and made an application for consent. This is currently being determined by the Board under reference 23_21884_C.

I note the presence of a watercourse which is not maintained by the Board (a riparian watercourse) west of the site boundary. Whilst unlikely as this watercourse falls outside the development boundary, should the applicant's proposals change to include works to alter the riparian watercourse, or if works are proposed to alter the watercourse at any time in the future, consent would be required under the Land Drainage Act 1991 (and byelaw 4).

Byelaw 10
I note that the applicant intends to carry out works within 9 metres of the aforementioned Board maintained watercourse, including: gravelled surfacing and discharge infrastructure. I am pleased to note the revised site plan (MDC-SH-PD-SP-1001 REV H, Seagate Homes, 24/07/2023) has addressed the Board's concerns outlined in our comments submitted on 19/01/2023. However, I would like to take this opportunity to ask the applicant to confirm whether the material proposed for the pathways/edging within the 9 metres of the Board maintained watercourse (including Plot 17) is also gravel. As discussed previously, the Board is unlikely to accept any surfacing other that gravel within 9 metres of the Board maintained watercourse. In addition, in order to facilitate the proposal, the current culvert beneath the proposed site access will need to be replaced, which will likely be subject to Highways specifications. I would recommend that this be referenced on the plan. I can confirm the applicant has approached the Board for consent to facilitate this aspect of their proposal. This is currently under determination under the reference 23_21885_C.

Revised Comments dated 21.08.2023
Comments received matched those received on 09.08.2023, with the exception of comments relating to 'Byelaw 10'.

Byelaw 10
I note that the applicant intends to carry out works within 9 metres of the aforementioned Board maintained watercourse, including gravel surfacing, and the installation of surface and foul water pipes. The applicant has approached the Board for consent to facilitate this aspect of their proposal. This is currently under determination under the reference 23_21885_C.

As mentioned in my previous letter, dated 09/08/2023, the light grey edging/pathway is not included in the key, and it is unclear what material this pathway is constructed of. Please can the applicant confirm that the pathways/edging surrounding the plots within 9 metres of B28 Parsons Dyke are gravel?

I also note that Plot 17's driveway is partially within 9 metres of the Board maintained watercourse. The revised site plan (MDC-SH-PD-SP-1001 REV J, Seagate Homes, 09/08/2023), suggests that the material of the driveway has been altered to be block-paving. However, the submitted drainage strategy drawing (William Saunders, 02/08/2023), states the driveway is to be gravel. As discussed previously, the Board is unlikely to accept any surfacing other than gravel within 9 metres of the Board maintained watercourse.

I am pleased to note that, as per drawing 12554-WMS-ZZ-XX-D-C-39201-S8-P5 (William Saunders, 02/08/2023), the culvert beneath the site access has been amended to include reference to its replacement to facilitate the proposed access.

Anglian Water

ASSETS

Section 1 - Assets Affected

Our records show that there are no assets owned by Anglian Water or those subject to an adoption

agreement within the development site boundary.

The development site is within 15 metres of a sewage pumping station. This asset requires access for maintenance and will have sewerage infrastructure leading to it. For practical reasons therefore it cannot be easily relocated. Anglian Water consider that dwellings located within 15 metres of the pumping station would place them at risk of nuisance in the form of noise, odour or the general disruption from maintenance work caused by the normal operation of the pumping station.

The site layout should take this into account and accommodate this infrastructure type through a necessary cordon sanitaire, through public space or highway infrastructure to ensure that no development within 15 metres from the boundary of a sewage pumping station if the development is potentially sensitive to noise or other disturbance or to ensure future amenity issues are not created.

WASTEWATER SERVICES

Section 2 - Wastewater Treatment

The foul drainage from this development is in the catchment of Cowbit Water Recycling Centre which currently does not have capacity to treat the flows from the development site. Anglian Water are obligated to accept the foul flows from the development with the benefit of planning consent and would therefore take the necessary steps to ensure that there is sufficient treatment capacity should the Planning Authority grant planning permission.

Section 3 - Used Water Network

This response has been based on the following submitted documents: Drainage Strategy 12554-WMS-ZZ-XX-D-C-39201-S8-P2; The sewerage system at present has available capacity for these flows. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection.
1. INFORMATIVE - Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.
2. INFORMATIVE - Protection of existing assets - A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water.
3. INFORMATIVE - Building near to a public sewer - No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact Development Services Team on 0345 606 6087.
4. INFORMATIVE: The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact our Development Services Team on 0345 606 6087 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements.

Section 4 - Surface Water Disposal

The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer.

The applicant has indicated on their application form that their method of surface water drainage is via SuDS. If the developer wishes Anglian Water to be the adopting body for all or part of the proposed SuDS scheme the Design and Construction Guidance must be followed. We would recommend the applicant contact us at the earliest opportunity to discuss their SuDS design via a Pre-Planning Strategic Enquiry. The Lead Local Flood Authority (LLFA) are a statutory consultee for all major development and should be consulted as early as possible to ensure the proposed drainage system meets with minimum operational standards and is beneficial for all concerned organisations and individuals. We promote the use of SuDS as a sustainable and natural way of controlling surface water run-off. Please find below our SuDS website link for further information.

https://www.anglianwater.co.uk/developers/drainage-services/sustainable-drainage-systems/

Environment Agency

The proposed development will be acceptable if the following conditions are included on the planning permission's decision notice. Without these conditions we would object to the proposal due to its adverse impact on the environment.

The proposed development will only meet the National Planning Policy Framework's and Policy 4: Approach to Flood Risk in the South East Lincolnshire Local Plan requirements in relation to flood risk if planning conditions are included.

Wastewater infrastructure

The foul drainage from this development is in the catchment of Cowbit Water Recycling Centre which currently does not have capacity to treat the flows from the development site. Anglian Water are obligated to accept the foul flows from the development with the benefit of planning consent and would therefore take the necessary steps to ensure that there is sufficient treatment capacity should the Planning Authority grant planning permission.

Advisory to your local planning authority and the applicant

Flood resistance and resilience

We strongly recommend the use of flood resistance and resilience measures. Physical barriers, raised electrical fittings and special construction materials are just some of the ways you can help reduce flood damage. To find out which measures will be effective for this development, please contact your building control department. In the meantime, if you'd like to find out more about reducing flood damage, visit the flood risk and coastal change pages of the planning practice guidance.

Advisory to your local planning authority and the applicant

The following issues are not within our direct remit or expertise, but nevertheless are important considerations for managing flood risk for this development. Prior to deciding this application we recommend that consideration is given to the issues below. Where necessary, the advice of relevant experts should be sought.
· Adequacy of rescue or evacuation arrangements
· Details and adequacy of an emergency plan
· Provision of and adequacy of a temporary refuge
· Details and adequacy of flood proofing and other building level resistance and resilience measures
· Details and calculations relating to the structural stability of buildings during a flood
· Whether insurance can be gained or not
· Provision of an adequate means of surface water disposal such that flood risk on and off-site isn't increased

NHS Lincolnshire Integrated Care Board

The development is proposing 21 dwellings which, based on the average of 2.4 people per dwelling for the South Holland District Council area, would result in an increase in patient population of 50.

Therefore, an increase in population of 50 in the South Holland District Council area will place extra pressure on existing provisions, for example- extra appointments requires additional consulting hours. This in turn impacts on premises, with extra consulting/treatment room requirements.

Due to the fact that patients can choose to register at any practice that covers the area of the development, and there are no waiting lists for patients, all practices that provide care for the region that the development falls within are obliged to take on patients, regardless of capacity.

The development will impact Abbeyview Surgery, Beechfield Medical Centre, Munro Medical Centre, and Moulton Medical Centre as the development is within their catchment area.

This development would put additional demands on the existing GP services for the area and additional infrastructure would be required to meet the increased demands.

NHS Lincolnshire Integrated Care Board (LICB) wishes for the Section 106 contribution from the development of 21 dwellings on Former Station Yard, Mill Drove South, Cowbit to contribute to the expansion in capacity through remodelling/changes to layout or extension to existing facilities within the South Lincolnshire Rural Primary Care Network (PCN) at Abbeyview Surgery and/or Moulton Medical Centre. Alternatively the funding may, where appropriate, be used to support expansion in capacity at an alternative general practice site as required to meet the local population health need.

The strategic direction both nationally through the development of PCNs and locally through the Sustainability Transformation Plan is to provide primary care at scale, facilitating 100% patient population primary care and services delivered in the community in an integrated way. Included within the PCNs this is the introduction of additional roles to enhance the delivery of primary care, including a Clinical Pharmacist, Physiotherapist and Social Prescriber.

Nationally the NHS Long Term Plan, published in January 2019, seeks to improve the quality of patient care and health outcomes. The plan builds on previous national strategies, including the General Practice Forward View (2016).

The contribution requested for the development is £13,860.00 (£660 x 21 dwellings).

Please note that the expectation is that the appropriate indexation rate and any late payment penalties would also be paid on top of the value specified above.

After reviewing the practice response regarding their capacity to accommodate the increase in patient numbers arising from this development, it's requested that the trigger point for the release for funds for health care be set at payment of all monies upon completion of 50 percent of the dwellings for each phase of the development. This will ensure the practices are not placed under undue pressure.

To ensure that there is sufficient time to carry out the works and allow the s106 funds to be spent in the most appropriate way, a repayment period of 10 years from receipt of the final payment transfer (for the entire development) to the relevant NHS body will be required.

Lincolnshire Wildlife Trust

No response received.

Police Crime Prevention Design Advisor

No response received.

Public/Third Party

This application has been advertised in accordance with the Council's Statement of Community Involvement and the Development Procedure Order. In this instance, three letters of representation have been received. These can be summarised as:

-Increased volume of traffic and highway safety on Mill Drove South
-Highway safety at the junction of Mill Drove South and Stonegate
-There is sub-standard visibility for vehicles emerging from Mill Drove South into Stonegate
-Safety for both vehicle users and pedestrians
-The local school is at full capacity

Planning Considerations

The main issues in this case are:
- Principle of Development and sustainability
- Layout and Design
- Refuse collection
- Highway safety and parking
- Impact of neighbouring Residents/land users
- Flooding considerations
- Foul and Surface Water Drainage
- Contaminated Land

- Heritage considerations
- Archaeology
- Biodiversity
- Lighting/Hours of Use
- Developer Contributions

Evaluation

Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

In this case, the adopted South East Lincolnshire Local Plan 2011-2036, adopted March 2019, forms the development plan for the District, and is the basis for decision making in South Holland. The relevant development plan policies are detailed above.

The policies and provisions set out in the National Planning Policy Framework (updated December 2023) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

Furthermore, where a Neighbourhood Plan has been adopted, this alongside the adopted Local Plan, forms part of the Development Plan for the District, and must be considered when assessing development proposals. In this instance, no relevant neighbourhood plans have been adopted.

The Authority is able to demonstrate a supply of deliverable sites equivalent to in excess of 5 years through the latest Housing Land Supply Assessment.

Principle of Development and sustainability

The South East Lincolnshire Local Plan (SELLP) sets out the settlement hierarchy in respect of delivering sustainable development that meets the social and economic needs of the area, whilst protecting and enhancing the environment; to provide enough choice of land for housing to satisfy local housing need, whilst making more sustainable use of land and to minimise the loss of high-quality agricultural land by developing in sustainable locations and at appropriate densities.

Policy 1 of the SELLP sets out a spatial strategy for delivering sustainable development across South East Lincolnshire to 2036. Policy 1 (Spatial Strategy) expresses this sustainable framework of settlements, ranking the settlements deemed to be most sustainable in descending order. The most sustainable locations for development are situated within the Sub-Regional Centres, followed by Main Service Centres. Lower down the sustainable development hierarchy are areas of limited development opportunity including Minor Service Centres, with areas of development constraint comprising of Other Service Centres and Settlements. The countryside is at the bottom of the settlement hierarchy and represents the least sustainable location in sustainability terms.

Policy 1 (Spatial Strategy) of the SELLP indicates that within Minor Service Centres, development will be permitted that supports their role as a service centre for the settlement itself, helps sustain existing facilities or helps meet the service needs of other local communities. This policy goes on to detail that development within Minor Service Centres will normally be limited to Allocated and Committed sites and infill.

National policy, contained within the National Planning Policy Framework (NPPF) outlines, within para 60, that "to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay".

The application site in this instance lies within the settlement of Cowbit and falls partially within the defined settlement boundaries. With the site also partially sited within the 'open countryside'. Within countryside locations, which includes "the rest of the Local Plan area outside the defined settlement boundaries of the Sub-Regional Centres, Main Service Centres, Minor Service Centre and Other Service Centres and Settlements", development will be restricted to that which "is necessary to such a location and/or where it can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community or environmental benefits", with local plan policies detailing suitable types of development such as 'Rural exemption Sites', 'Replacement

dwellings', and 'Reuse of Buildings'; all of which require specific criteria to be met.

As detailed above, the Authority does have a 5-year housing land supply. As such, development proposals outside of the settlement boundaries similar to the above may be considered unacceptable should they come forward, subject to the consideration of 'planning balance'. Whilst this may be typically resisted in principle given the above, the planning history of the site, extant permissions and material considerations must be assessed.

It is also noted that, whilst this does not result in the acceptability of this proposal in principle, the immediately neighbouring sites to the southwest (5 dwellings) has recently been subject to the grant of permission through both an outline proposal (H01-0823-19) and reserved matters proposal (H01-0820-22). Likewise, the application site has been subject to the grant of outline permission under reference H01-0871-18 as part of a wider site, for 45 dwellings. The southern portion of the site for this outline approval, to the south of this application site, has been subject to outline planning permission under reference H01-1170-22 for a maximum of three dwellings. This illustrates that the site has previously been considered suitable for residential development.

In this respect, taking into account the details outlined above in their entirety and when assessing the development as a whole, the principle of residential development within this location is considered to be of an appropriate form of development for the location and would be in accordance with the overall principles of the spatial strategy.

The surrounding area to the application site is predominantly characterised by residential properties of varying ages and design. The site straddles Flood Zones 2 and 3, whilst also falling in Flood Zone 1 in some aspects; although within defined settlement limits, therefore a sequential test is not required.

As such, when considered on balance, whilst the proposal has a minor conflict with the development plan policy detailed, the proposal is considered to be largely in accordance with the requirements of Policy 1 of the South East Lincolnshire Local Plan when viewed in principle. As such, the principle of development is considered to be acceptable, in this instance, when viewed as a whole. This is subject to the assessment against site specific criteria; including (but are not limited to) the impact of the proposal on the character or appearance of the area, impact on the residential amenities of neighbouring occupiers, the potential flood risk and impact on highway safety, which are discussed below.

Layout and Design

Section 12 of the National Planning Policy Framework (December 2023) specifically relates to 'Achieving well-designed places' and details that "The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve" and as such, it is generally accepted that good design plays a key role towards sustainable development.

Paragraph 135, contained within section 12 of the National Planning Policy Framework (December 2023), states that new development should function well and add to the overall quality of the area (including beyond the short term) and should be visually attractive as a result of good architecture and appropriate landscaping. This goes on to establish that it is important that new development should be of the highest quality to enhance and reinforce good design characteristics, and that decisions must have regard towards the impact that the proposed development would have on local character and history, including the surrounding built environment and landscape setting such as topography, street patterns, building lines, boundary treatment and through scale and massing. Development proposals should also ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users, among other considerations.

Proposals for new development would therefore require the aforementioned considerations to be adequately assessed and designed, including the siting, design and scale to be respectful of surrounding development and ensure that the character of the area is not compromised.

Likewise, Policy 2 of the South East Lincolnshire Local Plan outlines sustainable development considerations for development proposals, providing a framework for an operational policy to be used in assessing the sustainable development attributes of all development proposals. Furthermore, Policy 3 accords with the provisions of Section 12 of the National Planning Policy

Framework, in that it requires development to comprise good design; identifying issues that should be considered when preparing schemes so that development sits comfortably with, and adds positively to, its historically-designated or undesignated townscape or landscape surroundings.

These policies accord with the provisions of the National Planning Policy Framework and require that design which is inappropriate to the local area, or which fails to maximise opportunities for improving the character and quality of an area, will not be acceptable.

The proposed layout comprises an arrangement that would utilise the existing land, with an appropriately detailed scheme. The proposed development seeks to provide rear garden spaces to each of the proposed plots, to slightly differing degrees. Whilst these garden spaces would slightly vary and would differ to the sizeable garden space within the prevailing pattern of development along the eastern side of Mill Drove South or those to the southwest of the site, the amenity space is considered to be appropriate and adequate to serve the proposed dwellings. Further, the resultant development would be of an appropriate density as to ensure that the character of the area, and the scales of amenity space, are appropriate as to not cause an unacceptable adverse impact.

Given that the site is partially outside of the settlement boundary, the proposal would form development that would typically be considered out of character or unacceptable in principle. However, in this instance, the land subject to this application has been subject to numerous proposals, with its surrounding land having also been subject to extant permissions as detailed above. Overall, it is considered that the proposed development, when viewed in relation to the existing settlement to which it would reside and in relation to that previously approved through extant permission on neighbouring sites, would not cause an unacceptable impact upon the vicinity.

The layout and design of the proposal, including the scale of the proposed dwellings, are considered to read as a cohesive form of development and would not result in an unacceptable form of development that would adversely impact upon the character or appearance of the area to an unacceptable degree.

Open space features have been provided within the site, in two predominant areas. One located near to the access of the site. These are considered to be acceptable and accord with the requirements of the SELLP. The access to the site, located along Mill Drove South, is considered to be suitable as to not cause an unacceptable impact.

Amendments were received during the application process, including an amendment to the site layout towards the latter-end of the assessment process following comments received from the internal drainage board and highways in respect of drainage. These amendments, which included a minor variation to plot layouts and the formation of an additional turning head to the north of plot 6, are not considered to give rise to an unacceptable impact to the character of the area, and is considered to remain suitable to the site.

Taking account of the design, scale of development and nature of development, as detailed above, the proposal is considered to be acceptable. The proposal would not cause an adverse impact to the character or appearance of the area and would therefore be in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan and Section 12 of the National Planning Policy Framework.

Impact of neighbouring Residents/land users

Paragraph 135 of the National Planning Policy Framework (December 2023) states that development should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Policies 2 and 3 of the South East Lincolnshire Local Plan (2019) sets out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

The proposed development proposes a layout that would ensure adequate separation distances to neighbouring properties, including those previously permitted neighbouring the site. It is noted that the layout and orientation of plots, in respect of existing neighbouring properties and those

permitted within extant permission on neighbouring land, are such that they face towards the neighbouring dwellings; however, the aforementioned separation and appropriate layout is such that it is not considered that there would be any significant overlooking, overshadowing or overbearing issues.

Plots 1-8 are located within closest proximity to the extant permission to the west of the application site, with plots 16-21 being those within closest proximity to the existing neighbouring property of No.10 Mill Drove South. The proposed dwellings within these plots are designed as to provide the aforementioned adequate separation distances, which would provide a resultant relationship that is not untypical between residential properties.

Whilst it is noted that the separation distance to those to the west of the site is less than that typically expected, in this instance, the relationship is considered to be adequate and the neighbouring plots would not be sited as to be directly behind the rear elevation of the proposed dwellings. Furthermore, plots 7 and 8 are orientated as to have the side elevation facing the neighbouring plot to the west, which would not be negatively impacted by way of overlooking.

The back to back relationship of the proposed dwellings to the existing dwelling of No.10, is in excess of 21 metres, with this being vastly in excess of this distance in some instances. In any event, the proposed layout is considered to be acceptable in planning terms, in this instance. Plot 21 is sited with the rear elevation facing the side elevation of this neighbouring dwelling; therefore, whilst the separation is lesser than the above, the design and fenestration detail of both properties is such that no unacceptable impact is considered to arise that would warrant the refusal of permission in this instance.

Section plans have also been provided, illustrating the existing land levels, proposed land levels and finished floor levels in relation to the plots hereby proposed, those permitted to the west and those of the neighbouring property along Mill Drove South. These plans, which also show the proposed 1.8m close boarded fences, illustrates that the resultant relationships are acceptable.

A Construction Management Plan condition is also recommended if permission were to be granted, which would enable the Local Planning Authority to control working hours and consider the details of measures for controlling noise, vibration, dust and mud.

Furthermore, in considering the relationship of the proposed development, the impact between the properties proposed must also be considered. The development, whilst providing 21 residential dwellings comprising of detached, semi-detached and terrace properties would consist of an adequate separation distance to ensure that no unacceptable impact or harm would be caused to the future occupants.

The fenestration detailing is such that no unacceptable overlooking or loss of privacy would occur, when considered alongside the siting and relationship between the proposed built forms. In addition, as detailed above, the amenity spaces of the proposed plots are considered to be of an appropriate size as to adequately serve the host dwelling, without being at detriment to the future occupiers of the dwellings.

As detailed above, amendments were received during the application process, including an amendment to the site layout towards the latter-end of the assessment process following comments received from the internal drainage board and highways in respect of drainage. This amendment, whilst making alterations such as amending the access road, is not considered to give rise to an unacceptable impact upon residential amenities, and is considered to remain suitable to the site.

As detailed above, the scale and design of the proposal is considered to be such that there would be no significant or unacceptable impact on the residential amenities of the occupiers of adjacent properties, when also taking account of the conditions recommended. As such, the proposal is considered to accord with the provisions of the Section 12 of the National Planning Policy Framework, and Policies 2 and 3 of the Local Plan.

Highway safety and parking

Section 9 of the National Planning Policy Framework (December 2023) specifically relates to 'Promoting sustainable transport'. Paragraph 115 of the National Planning Policy Framework (December 2023) advises that "development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative

impacts on the road network would be severe".

In respect of highway matters, Policy 2 details that proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to access and vehicle generation. Policy 3 details that development proposals will demonstrate how accessibility by a choice of travel modes including the provision of public transport, public rights of way and cycle ways will be secured, where they are relevant to the proposal.

The proposed development would utilise Mill Drove South, with this being the main highway in which access would be gained to and from the site. The proposed development would provide 21 additional residential dwellings, which would utilise this access along with the 5.0m roadway that is proposed to run through the proposed development. The proposed road is described as being an adopted road in its majority, with a modest private drive to the northwest of the site, looking to serve plots 9-15 and a turning head to the north of plot 6. The proposed development also proposes a 2.0m footpath to the northern side of the proposed road.

Given that the access is likely to be utilised by the majority of occupants of the proposed dwellings and their visitors, the development is likely to give rise to a notable increase in vehicular traffic. Notwithstanding this, the vehicular access to, from or nearby to the site, along with movements throughout the proposed development, is considered to be appropriately designed, subject to the conditions that form part of this recommendation and would not cause detrimental harm to vehicular or pedestrian safety to this part of Stonegate.

Furthermore, included within the recommended conditions, there would be a need for all of that part of the estate road and associated footways that forms the junction with the main road and which will be constructed within the limits of the existing highway, to be constructed prior to occupation of the dwellings.

Lincolnshire County Council Highways/SuDS, as Local Highway Authority, were consulted as part of the application process. No objections were raised, recommending that development be approved with conditions.

Policy 36, to be read in conjunction with Appendix 6 of the Local Plan, sets out minimum vehicle parking standards and requires at least two spaces for dwellings of up to three bedrooms and three spaces for dwellings with four or more bedrooms. The properties have adequate provision for parking, that serves each of the properties; albeit with some having two independent spaces and others comprising tandem spaces. It is considered that, overall, the development has more than adequate parking within the curtilages of each dwelling.

The proposal would therefore be acceptable and would not have an unacceptable adverse impact on highway safety in accordance with Local Plan Policies 2, 3 and 36, and Section 9 of the National Planning Policy Framework.

Refuse collection

Typically, development is required to ensure a carrying distance that is of 30 metres or less to a collection point, as a distance in excess of 30 metres would exceed Building Control guidance and is an indicator of poor design.

In this instance, the development proposes an adopted road for the majority of the site, with a modest private drive to the northern end. The waste would be stored on the curtilage of each plot, with collection occurring through South Holland Waste Services, with each carrying distance being below the aforementioned 30 metres distance.

It is considered that the proposal accords with Policies 2 and 3 of the SELLP and the intentions of the NPPF (December 2023) in this regard.

Flooding considerations

The site lies partially within Flood Zones 2 and 3 of the Environment Agency's Flood Maps. They have been created as a tool to raise awareness of flood risk with the public and partner organisations, such as Local Authorities, Emergency Services and Drainage Authorities. The Maps do not take into account any flood defences. Also, large parts of the South Holland District lie within

Flood Zone 3. It is therefore necessary to use the refined flood risk information (Hazard and Depth maps) within the South East Lincolnshire Strategic Flood Risk Assessment (2017) as a basis to apply the sequential test.

Section 14 of the NPPF requires development plans to "apply a sequential, risk-based approach to the location of development - taking into account all sources of flood risk and the current and future impacts of climate change - so as to avoid, where possible, flood risk to people and property. They should do this, and manage any residual risk, by: a) applying the sequential test and then, if necessary, the exception test as set out below". Para 162 details that "The aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding", with the sequential approach being required in areas known to be at risk now or in the future from any form of flooding, with the flood risk assessment being the tool to demonstrate this.

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.

Policy 4 of the South East Lincolnshire Local Plan is clear in that "Development proposed within an area at risk of flooding (Flood Zones 2 and 3 of the Environment Agency's flood map or at risk during a breach or overtopping scenario as shown on the flood hazard and depths maps in the Strategic Flood Risk Assessment) will be permitted, where:
1. It can be demonstrated that there are no other sites available at a lower risk of flooding (i.e. that the sequential test is passed). The sequential test will be based on a Borough or District wide search area of alternative sites within the defined settlement boundaries, unless local circumstances relating to the catchment area for the development justify a reduced search area, i.e. there is a specific need for the development in that location. The sequential test is not required for sites allocated in the Local Plan, minor development or change of use (except for a change of use to a caravan, camping or chalet site, or to a mobile home or park home site)", with 'minor development' in this instance taking the definition outlined within the NPPF and National Planning Practice Guidance in relation to flood matters.

The South East Lincolnshire Strategic Flood Risk Assessment (March 2017) 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 partially located within Environment Agency Flood Zone 3 and the South East Lincolnshire Strategic Flood Risk Assessment (March 2017) predominantly identifies the site as 'danger for some'. In terms of depth, it is up between 0.5-1m throughout the site.

In assessing this within the previous outline permission on site, the LPA concluded that "it is accepted that the development would provide some wider sustainability benefits to the community through its ability to help meet the housing need (including affordable housing), and other benefits including generating employment during the construction period, the provision of public open space and its proximity to a range of services and facilities. Given the above, it is considered reasonable to conclude that the Exceptions Test can be passed in this instance".

It is noted that the previous determination by the LPA required further consideration given that the district did not, at that time, have a confirmed 5-year housing land supply. South Holland can now demonstrate this 5-year housing land supply as detailed above.

The application has been supported by a Flood Risk Assessment, prepared by S M Hemmings. This goes on to detail, in respect of the 'sequential test', that "the safety of the site will be delivered by ensuring the ground floor level is above the predicted flood level in 2115" and that "As the site is part of a larger site that has been granted outline planning permission the principle of development on this site has been agreed by the Council".

Furthermore, in respect of the exceptions test, the Flood Risk Assessment details that "both parts of

this test must be satisfied in order for the development to be considered appropriate in terms of flood risk. There must be robust evidence in support of every part of the test", concluding that "the first section will be demonstrated by the Supporting Planning Statement and compliance with South Holland District Council's planning policies. This flood risk assessment will demonstrate that the development will be safe for its lifetime and it will not increase flood risk elsewhere".

The Flood Risk Assessment has detailed that new dwellings should be of two-storey construction with all bedrooms at first floor level, with the finished ground floor level of the proposed new buildings being a minimum level of 2.60m ODN, or 300mm above the existing ground level where the ground level is higher than 2.30m ODN. The Environment Agency has concluded that the development would be acceptable, should this be conditioned along with other mitigation measures outlined within the Flood Risk Assessment.

Overall, when considering the development on balance, it is considered that given the previous permissions on site, previously established principle of development and the mitigation measures detailed and recommended by condition, it is considered that the proposal accords with Policies 2, 3 and 4 of the SELLP and the intentions of the NPPF (December 2023) in this regard.

Foul and Surface Water Drainage

The proposal indicates that surface water would be discharged through existing water course, with foul sewage being disposed via 'mains sewers' with details to be confirmed.

Lincolnshire County Council, as Local Lead Flood Authority, have requested a condition requiring that a surface water drainage scheme shall have been submitted and approved, to ensure its suitability. Likewise, objections were raised by South Holland Internal Drainage Board given a potential conflict between the proposal and the required consent likely to be needed by the board, which is 'unacceptable' in their current form.

Amendments were forthcoming within the latter stages of the process, following discussions between Lincolnshire County Council as Local Lead Flood Authority, South Holland Internal Drainage Board, South Holland District Council and the applicants agent.

Overall, there is considered to be a need for further details in this regard when considering surface water drainage, in which the Local Planning Authority believe a suitably worded condition should be attached, as per the recommendation, which is considered to be reasonable and justified. The matters previously raised, in the main, have been resolved.

Contaminated Land

As part of the applications assessment, comments were received in respect of contaminated land, with Environmental Health detailing that following their assessment of the Phase I Desk Study Report by Ground Engineering (Reference C15840) dated December 2022, the report concludes that further investigation is required. As such, conditions have been attached in respect of a need for further reports and assessments to be carried out prior to development taking place.

Heritage considerations & Archaeology

The National Planning Policy Framework (NPPF) expresses the importance of considering the impact of development on the significance of designated heritage assets; advising that development and alterations to designated assets and their settings can cause harm. These policies ensure the protection and enhancement of the historic buildings and environments. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance should be treated favourably.

Section 16 of the NPPF also details that "where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation".

Policy 29 (The Historic Environment) states amongst other matters that the distinctive elements of the South East Lincolnshire historic environment will be conserved and, where appropriate, enhanced, in keeping with the policies in the National Planning Policy Framework. Development proposals will expected to conserve and enhance the character and appearance of designated and

non-designated heritage assets, including archaeology, historic buildings, conservation areas, scheduled monuments, street patterns, streetscapes, landscapes, parks (including Registered Parks and Gardens), river frontages, structures and their settings through high-quality sensitive design.

It is noted that within the previous outline approval on site, the Local Planning Authority considered that "the Station Yard site has historic interest and the 19th century goods shed forms part of the historic Cowbit station complex. This complex remains relatively well-preserved and gives this part of the village a distinct character".

Whilst it was noted that it was not listed, the report detailed that "the goods shed would form part of the character of a development if the building were retained and converted as part of this residential scheme, however as the building is not listed it is not possible to ensure its retention except via agreement with the developer".

Furthermore, it was detailed that conditions were recommended for both underground and overground study. However, Lincolnshire County Council's Historic Environment Officer has detailed, in respect of this proposal, that no archaeological input is required.

Furthermore, as previously detailed, whilst it may be the case that the 'goods shed would form part of the character of a development if the building were retained and converted as part of this residential scheme', the building has not been subject to a designation and as such is not listed. Therefore, it is considered that it is not possible to ensure its retention except via agreement with the developer.

Overall, the development is not considered to result in an unacceptable impact in this regard.

Biodiversity

Policy 28 outlines that a high quality, comprehensive ecological network of interconnected designated sites, sites of nature conservation importance and wildlife-friendly greenspace will be achieved by protecting, enhancing and managing natural assets. This policy details a need to address gaps in the ecological network by ensuring that all development proposals shall provide an overall net gain in biodiversity.

The submitted design and access statement details that "No ecological issues arise in this case". In respect of biodiversity, the proposal details that "Appropriate landscaping provision will be made as part of the development. There is no existing landscaping of note on the site" and that "The development incorporates an open space feature at the site entrance. The open space area is easy to access and will add an attractive feature to the streetscape. Appropriate additional landscaping will be carried out as part of the development".

Conditions have been recommended in respect of an appropriate net gain of biodiversity. Subject to this detail, the proposal is considered to be acceptable in accordance with Policy 28 of the SELLP.

Developer Contributions

Affordable Housing
Policy 18 of the Local Plan requires the provision of 25% affordable housing on-site on market schemes within South Holland. The proposal seeks permission for 21 residential dwellings, with the proposal therefore requiring the provision of 5 affordable houses.

This has been reaffirmed by South Holland's Housing Strategy, with this to be secured via a S106 agreement. The affordable units would comprise:
- First Homes: 1x (no.) Two Bed
- Shared Ownership: 1x (no.) Three Bed
- Affordable Rent: 2x (no.) Two Bed and 1x (no.) Three Bed

National Health Service
Requests for financial contributions have been forthcoming from the NHS, as below:

- The contribution requested for the development is £13,860.00 (£660 x 21 dwellings). With a trigger point for the release for funds for health care be set at payment of all monies upon completion of 50 percent of the dwellings for each phase of the development.

Education
Requests for financial contributions have also been made by Lincolnshire Education, as below:

- £149,977 has been requested towards the expansion in capacity of the local schools. This has been requested at the halfway point in the development to allow timely investment by the County Council whilst not adversely affecting the developer's viability.

These contributions would be secured via a legal agreement and have been discussed with the developers.

In addition, it is noted that Cowbit Parish Council had also initially requested a sum of £50,000 in relation to "funding to upgrade and improve the community facilities at Cowbit Playing Field which are continuously becoming inadequate as the Parish population increases".

Whilst there would be a need for open space within the scheme, as detailed above, the request for £50,000 has not been accompanied by detail of its policy need. The applicants agent has confirmed that they do not intend to provide this contribution through a formal S106 agreement and it is considered that the request has not been substantiated with a policy requirement as detailed within Policy 32 of the Local Plan. Furthermore, following further discussions, Cowbit Parish Council have stated within revised comments that "the Parish have made an agreement directly with Seagate and are therefore happy to allow the application to progress". Therefore, this has not been put forward in any subsequent legal agreement. However, it is noted that the applicants agent has referred to the potential for monies to be provided to the Parish Council; nonetheless, this would be a point raised as a civil matter and not to be included as part of this formal proposal or its subsequent legal agreement.

Planning Balance

As detailed above, Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

Whilst the proposal has a minor conflict with Policy 1 of the development plan, as detailed within the principle section above, the proposed development of 21 residential dwellings within this site, located within Cowbit is considered to be acceptable in principle, on balance. It is considered that the proposed residential development does not materially harm the character or appearance of the locality, or amenity of nearby residents, and provides adequate parking throughout the scheme. Further, the proposal predominantly accords with the South East Lincolnshire Local Plan when viewed in its entirety and the scheme also provides numerous benefits in respect of providing a further 21 residential properties, of which 25% would be secured for affordable housing, along with the commercial benefits that this type of development would afford. Given that the sole conflict established is considered to be relatively modest, on balance, the benefits of the proposal coupled with the development being in accordance with the development plan in its majority, is considered to ensure the development proposed is acceptable.

Conclusion

Taking into consideration these factors, the proposal is considered to comply with Policies 2, 3, 4, 29 and 36, along with Appendix 6 of the South East Lincolnshire Local Plan (SELLP), 2019, plus advice within the National Planning Policy Framework (NPPF) (December 2023). Notwithstanding the aforementioned minor conflicts, there are no significant factors in this case that would outweigh the benefits of the proposal; therefore, in considering all the matters raised above the planning balance is in favour of the proposal and the policies referred to above.

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.

Recommendation

Based on the assessment detailed above, it is recommended that the proposal should be approved under Delegated Authority.