

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H02-0033-26 **Applicant:** Mr M Woodroffe
Proposal: Construction of new detached dwelling
Location: Land To Rear Of 53 West Street Crowland Peterborough
Terminal Date: 16th March 2026

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
04	Approach to Flood Risk
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
17	Providing a Mix of Housing
28	The Natural Environment
29	The Historic Environment
30	Pollution
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework December 2024

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

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	1	0	0
WARD MEMBER	0	0	0	0

PLANNING LIAISON OFFICER - FLOOD RISK ASSESSMENT	0	0	0	1
HIGHWAYS & SUDS SUPPORT	0	0	0	1
NORTH LEVEL INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	1	1
OTHER STATUTORY BODIES	0	0	0	2

CASE OFFICER ASSESSMENT

Proposal

The proposal seeks full planning permission for a detached dwelling within land to the rear of 53 West Street, Crowland. Access to the dwelling is proposed from the existing vehicular access for 53 West. The dwelling comprises an-shaped dormer bungalow with various dormer windows, chimney breasts and skylights. A raised terrace area is proposed along the eastern side of the dwelling.

Site Description

The site comprises grassland/garden land which is located to the north of 53 West Street. The site is located to the west of West Bank and to the north of West Street. The southern part of the site is within Crowland Conservation Area.

The site is within defined settlement limits of Crowland, as identified by the South East Lincolnshire Local Plan 2011-2036, and the accompanying policies map.

The site is within Flood Zone 1 as identified by the Environment Agency's flood risk maps.

There is a public right of way located to the west of the site, on the opposite side of West Bank.

Planning History

H02-0781-82: (Outline Application) Erection of dwelling with garage - approved 16 November 1982

H02-0971-87: (Full Application) Amendment to approved development of garage and 'fuel store' - approved 15 October 2017

Consultation Responses

The responses received from consultees during the consultation period are summarised below. The responses can be viewed in their entirety on South Holland District Council's website.

North Level Internal Drainage Board: No objections.

Crowland Parish Council: No objections.

Environment Agency: A planning condition is recommended to require the development to be carried out in accordance with the submitted Flood Risk Assessment.

Environmental Protection: No comments regarding land contamination.

The site is located adjacent to West Bank. West Bank forms part of the dam to the Crowland and Cowbit Flood Storage Reservoir. The Reservoir is classed as being 'High Risk', the highest category and falls within the scope of the Reservoirs Act 1975. The integrity of this wall is imperative to the Flood Storage Reservoirs ability to operate and therefore the reservoir walls are heavily regulated under The Environmental Permitting (England and Wales) Regulations 2016. A Flood Risk Activity Permit must be acquired for any work on or within 8m of the embankment, for a Reservoirs Panel Engineer to assess, oversee and approve any works to prevent any damages to this wall. As the dwelling is proposed to be within 8m of the embankment a Flood Risk Activity Permit will be required. A permit must be acquired prior to any works undertaken in proximity to the embankment.

Conservation Officer: I wish to raise no objections to this proposal upon built heritage conservation grounds. The proposal site is on the edge of the Crowland Conservation area, fronting out onto the west bank, meaning it bears a significant potential to influence the manner in which the conservation area is appreciated from the outside. Moreover, it is crucial to that asset's preservation that it is protected from undue and harmful forms of backland development. With that said, the proposed design is of an attractive nature, and to an extent similar in form to existing C21st residences along West Bank. Moreover, whilst the site is technically backland development, deriving its access from the existing access to 53 west street, its West Bank facing orientation, coupled with its open outlook onto that road will give it the visual impression of a property fronting onto the highway, instead of being strictly backland. It is noted that the applicant proposes the use of UPVC fenestration. In such a setting, UPVC may well be acceptable, however, this is only on the provision that the proposed units are of the very highest quality, meaning they must not be storm proof with overlapping frames and can feature no visible trickle vents. As such, their details should be a matter of condition if the applicant cannot confirm prior to determination. Should the application be approved, details of all external materials, as well as domestic accoutrements, in addition to windows and doors should be provided by means of condition.

Lincolnshire County Council - Historic Environment: It is noted that the applicant has not provided an assessment of the archaeological or heritage potential of the site, as required by paragraph 207 of the NPPF. Chapter 15 of submitted Design and Access Statement only partially addresses heritage impacts and does not take into consideration the information held within the Historic Environment Record (HER). The site lies within an area of archaeological potential. The Historic Environment Record (HER) confirms that the proposal is situated within MLI20268, the settlement of Crowland. The site is also located to the north-east of the following recorded monuments: iron age pottery (monument, MLI22006), romanobritish pottery (monument, MLI22007), and medieval pottery and building fragments (monument, MLI22008). In addition, it lies to the north-west of MLI20265, possible barrow cemetery, Crowland. The proposed development comprises 'Construction of new detached dwelling.'. The proposed development groundworks and any temporary works associated with the development (including landscaping, drainage connections and BNG planting) will have a significant impact on any surviving archaeological remains, resulting in total or partial loss, if present. As mentioned above, there is potential for development on this site to have an impact on buried remains that should be recorded prior to their destruction - NPPF (paragraph 218). There is archaeological potential, and we do not possess evidence that previous limited development activity truncated possible present heritage assets. We recommend that if permission is granted, there be an archaeological condition for a mitigation strategy to effectively deal with this site. This will comprise a phased approach of archaeological investigation and mitigation work. This will initially comprise but may not be limited to a geophysics survey and a trial trench evaluation of the site which should aim to determine the presence, absence, significance, depth and character of any archaeological remains which could be impacted by the proposed development as noted above and to inform a programme of further archaeological mitigation work which may be required if archaeological remains are identified in the evaluation. This will enable any remaining archaeology which currently survives on this site to be properly assessed and recorded prior to their alteration or destruction. This should be secured by South Holland District Council's standard conditions AR01, 02, 03 and 05.

SHDC Ecology Officer: Having reviewed this application, I believe that this application will require a Preliminary Ecological Assessment with a protected species survey to be provided pre-determination. The results from this PEA may reveal the need for more detailed species surveys. A bird nesting brick and a bat nesting box are requested to provide habitat. Overall, the biodiversity

assessment and metric calculations appear rigorous, and we can have confidence in their conclusions. In this case the metric indicates that 10% mandatory net gain cannot be achieved on-site, and therefore the proposals require 0.25 area-habitat units and 0.02 hedgerow units off-site.

Lincolnshire County Council - Highways and SUDS: The access shall be widened in line with Lincolnshire County Council Specification, and a note should be added to the proposed site plan. The dimensions of the garage should be detailed. To be able to accommodate a parked vehicle it should measure 3m x 6m or 6m x 6m for a double garage. The host dwelling currently has space in which they can turn to enter and leave the site in a forward gear - this design removes that facility. Please include a turning facility in the design for the host dwelling. How many bedrooms does the host dwelling have? A dwelling with three bedrooms or less should have two parking spaces, a dwelling with four bedrooms or more should have three parking spaces.

Peterborough and Spalding Gliding Club: No response received.

Cllr B Alcock: No response received.

Cllr J R Astill: No response received.

Cllr A Harrison: No response received.

Public Representations

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance, no representations have been received from members of the public.

Key Planning Considerations

Development Plan

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

The adopted South East Lincolnshire Local Plan 2011-2036, adopted March 2019 (SELLP), is the development plan for the district, and is the basis for decision making in South Holland. The relevant development plan policies are detailed within the report above.

The policies and provisions set out in the National Planning Policy Framework, December 2024 (NPPF) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

There are no adopted Neighbourhood Plans for the area within which the site is located.

The main issues and considerations in this case include the following:

- Principle of Development;
- Visual and Amenity Impact;
- Impact on Heritage Assets;
- Impact on Archaeological Assets;
- Highway Safety and Parking;
- Flood Risk and Drainage; and
- Biodiversity Net Gain.

These matters are assessed in turn below.

Principle of Development

Policy 1 of the Local Plan sets out the settlement hierarchy in respect of delivering sustainable development, which meets the social and economic needs of the area whilst protecting and enhancing the environment; in order to provide enough choice of land for housing to satisfy local need, whilst making more sustainable use of land, and to minimise the loss of high-quality agricultural plots by developing in sustainable locations and at appropriate densities.

Policy 1 expresses this sustainable hierarchy 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 hierarchy are areas of limited development opportunity including Minor Service Centres, with areas of development constraint comprising 'Other Service Centres and Settlements'. The countryside is at the bottom of the settlement hierarchy and represents the least sustainable location.

The site is within the defined settlement of Crowland which falls is a Minor Service Centre. Policy 1 sets out that within this type of settlement, 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.

As the proposal is for one dwelling within a defined settlement, the principle of development is acceptable. This is subject to an assessment of the proposals against other relevant material considerations, as set out below.

Visual and Amenity Impact

Paragraph 135 of the NPPF 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. Paragraph 135 also 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.

Policy 2 of the 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.

Policy 3 accords with the provisions of Section 12 of the NPPF, requiring development to feature 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.

Policies 2 and 3 also set out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

The site comprises an irregularly shaped parcel of land, located mostly to the north of 53 West Street. No.53 comprises a single storey detached red brickwork bungalow. There is a bungalow of a similar style and appearance to the east of the site, 32 West Bank. There is a 1.5 storey bungalow further to the north, 34 West Bank. Within the wider area, there is a range of housing types featuring a relatively broad material palette.

The proposal is for a detached dwelling which features an L-shaped layout. The dwelling features two gable end roof forms with 3 chimney breasts. Various dormer windows and rooflights are proposed on the western, northern and eastern elevations.

The eastern part of the dwelling measures 18.2m in length and 6.8m in width. The western part of the dwelling measures 9.5m in length and 7.8m in width. The building footprint is larger than the surrounding dwellings.

Whilst the site levels vary, the site is set on lower ground compared to West Bank. The submitted Flood Risk Assessment sets out that the finished floor level shall be set no lower than 4.315 metres above Ordnance Datum (mAOD). This means that the dwelling is proposed to be raised up within the site and external stairways are proposed to enable access into the dwelling. The ridgeline height is proposed to be set at 11.85mAOD, which is taller than most of the nearest dwellings which mostly comprise single storey bungalows or dormer bungalows. The overall scale of the dwelling would be much larger than the dwellings within the adjoining plots. Whilst the submitted sections plan (04 Rev A) shows a view of the site from West Bank which shows the dwelling set within the site on lower ground; however, the dwelling would be visually prominent from other surrounding viewpoints such as from the north of the site on the approach along West Bank where views of the site are more open.

The external materials include rendered facades (off-white), red stock brick plinths and some red brickwork above particularly on the northern projection, red clay pantiles and dormer windows with lead cheeks and gable elements. The surrounding dwellings feature a range of materials including render and brickwork. As such, the proposed use of render could be acceptable in this instance. It would be considered appropriate to secure further details of the proposed materials via planning conditions.

In this case, the nearest dwellings include 53 West Street (to the south of the site), 32 West Bank (to the east of the site) and 34 West Bank (to the north-east of the site). The relationship between the proposed dwelling and the nearest dwellings is considered in turn below.

The proposal would result in the subdivision of 53 West Street; however, No.53 would retain sufficient outdoor amenity space to support a suitable standard of living. It is considered that there would be suitable separation distances between the proposed dwelling and 53 West Street. Furthermore, the proposal would not result in an unacceptable degree of overshadowing due to its placement within the site.

A raised terrace area is proposed along the eastern side of the dwelling and various habitable room windows are also proposed on this elevation, facing towards 32 West Bank. The raised terrace would be approximately 1m above the ground level and the terrace would be located approximately 1m from the eastern boundary in some places. A 1.8m high timber fence is proposed with a 300mm top trellis section along part of the eastern boundary; however, it is considered that the placement of the raised terrace in such close proximity to the eastern boundary would result in an unacceptable degree of overlooking with 32 West Bank, which is located to the east of the site.

The separation distances between the eastern elevation of the proposed dwelling and the nearest elevation of 32 West Bank vary from approximately 13m up to 15m. There are habitable room windows on the eastern elevation and there appears to be habitable room windows on the western elevation of 32 West Bank that would face towards each other. Generally, a suitable separation distance between habitable rooms is considered to be 21m; however, this distance increases where land levels vary. In this case, the higher level of the habitable room windows would worsen the degree of overlooking with 32 West Bank, resulting in an unacceptable impact.

The proposed dwelling would also likely result in some loss of light within the garden of 32 West Bank due to its scale and positioning. As there is garden land to the north, east and south of 32 West Bank it is not considered that the development would result in an adverse degree of daylight loss.

The northern elevation of the dwelling faces towards some of the rear garden of 34 West Bank. Habitable room windows are proposed on this elevation and due to the required finished floor levels, these windows would inevitably result in some loss of privacy of the rear garden of 34 West Bank. Notwithstanding this, it is considered that there would be a suitable separation distance between the northern elevation of the proposed dwelling and any habitable room windows on 34 West Bank.

Whilst the proposed dwelling would be provided with ample indoor living space and outdoor amenity space, the proposal would result in an unacceptable impact on the amenity of neighbouring properties, including 32 West Bank in particular. As such, the proposal is considered to be contrary to Policies 2 and 3 of the Local Plan, which seek to ensure proposals have an acceptable impact on neighbouring land uses. The proposal is also contrary to Paragraph 135(f) of the NPPF which sets out that planning decisions should create places with a high standard of amenity.

Furthermore, the overall scale of the dwelling is also considered to be out of keeping with the area and as such, the visual impact of the development is considered to be unacceptable. Therefore, in visual and amenity terms, the proposals do not accord with Policies 2 and 3 of the Local Plan and Section 12 of the NPPF, which amongst other things, seek to ensure that the design of all development is appropriate to the character and quality of the area

Impact on Heritage Assets

In respect of any buildings or other land in a conservation area, special attention must be paid to the desirability of preserving or enhancing the character or appearance of that area, through Section 72 the Planning (Listed Buildings and Conservation Areas) Act 1990.

Paragraph 216 of the National Planning Policy Framework (December 2024) relates to non-

designated heritage assets and details that "the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset".

The National Planning Policy Framework (NPPF) (December 2024) 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 National Planning Policy Framework (December 2024) states that "When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance".

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 (December 2024). Development proposals will be 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.

The southern part of the site is within Crowland Conservation Area. This covers the proposed access and part of the garden area. The dwelling itself would not be located within the Conservation Area. There are no listed buildings on or next to the site. Several dwellings located to the south-east of the site, 45, 47, 49 and 51 West Street, are identified as 'Buildings of Local Heritage'.

The LPA's conservation officer has not raised any objections to the proposals in terms of their impact on designated and non-designated heritage assets around the site. The officer has set out that the proposed use of UPVC fenestration could be acceptable if the proposed units are of a suitable quality. As such, the officer has recommended that planning conditions are included to secure further details of the external materials, domestic accoutrements and windows and doors. With the inclusion of such conditions, it is considered that the proposal could have an acceptable impact on the designated and non-designated heritage assets within and around the site, in accordance with Policy 29 of the Local Plan and Section 16 of the NPPF.

Impact on Archaeological Assets

Section 16 of the NPPF contains guidance as to how local planning authorities should assess proposals that could affect designated and non-designated heritage. For example, Paragraph 207 of the NPPF sets out the following:

"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."

Paragraph 218 of the NPPF sets out the following:

"Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible. However, the record evidence of our past should not be a factor in deciding whether such loss should be permitted."

Part C of Policy 29 of the Local Plan sets out the requirements for proposals that might affect areas with archaeological potential. For example, Part C.1 requires proposals that affect archaeological remains, whether known or potential, designated or non-designated, to take every reasonable step to protect and, where possible, enhance their significance.

As set out previously, Lincolnshire County Council's (LCC) Historic Environment Team note that the applicant has not provided an archaeological assessment of the site; however, the team consider that the site contains archaeological potential. As such, the team have recommended conditions to secure further archaeological investigation of the site. With the inclusion of the recommended conditions, it is considered that the proposal would be suitably mitigated to allow for an investigation and recording of any archaeological assets within the site, in accordance with Policy 29 of the Local Plan and Section 16 of the NPPF.

Highway Safety and Parking

Paragraph 116 of the NPPF sets out 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, following mitigation.

Policy 2 of the Local Plan sets out 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.

Policy 36 and Appendix 6 of the Local Plan, set out minimum vehicle parking standards. The standards require at least two spaces for dwellings of up to three bedrooms, and three spaces for dwellings with four or more bedrooms.

The site access is proposed to be taken from the existing access with No.53 and as such, the access would become shared. The site access might need to be widened slightly further, to 4.5m to meet the recommendations of Lincolnshire County Council's (LCC) highways team as this width is sometimes recommended for sites where two or more cars need to pass one another.

Vehicular access is proposed from the existing access for 53 West Street, which is proposed to be widened to allow for additional vehicular movements within the site. LCC's Highways Team note that the access is proposed to be widened in line with their specification. The team recommend that a note is added to the site plan to clarify this. The team have also queried the number of bedrooms to establish how many parking spaces are required. The dwelling is proposed to feature 4 bedrooms and as such, Appendix 6 of the Local Plan recommends that at least 3 parking spaces are proposed within the site. It is considered that there is room for 4 parking spaces within the site (2 internal and 2 external). Therefore, the proposal would have an acceptable impact in terms of highway safety in accordance with Local Plan Policies 2, 3 and 36, and Section 9 of the NPPF.

Flood Risk and Drainage

Section 14 of the NPPF sets out guidance relating to how local authorities should assess and determine applications which are subject to flood risk concerns.

Policy 2 of the Local Plan requires proposals to meet sustainable development considerations including in relation to sustainable drainage and flood risk (part 7).

Policy 4 of the Local Plan requires proposals in Flood Zones 2 and 3 to be supported by sufficient information relating to flood risks associated with the development.

The site lies within Flood Zone 1, as identified within the Environment Agency's Flood Maps.

Notwithstanding this, within the South East Lincolnshire Strategic Flood Risk Assessment, areas across South Holland have been identified according to the level of hazard that is posed in terms of flood risk. Appendix C of the SFRA sets out guidance in terms of the minimum measures that are required according to what hazard category areas fall under. The site is identified within a 'Danger to All' hazard area and as such, the SFRA recommends specific mitigation for minor residential development. The submitted Flood Risk Assessment (FRA) sets out mitigation measures including:

- The dwelling must have a minimum of two storeys;
- The finished floor level shall be set no lower than 4.315 metres above Ordnance Datum (mAOD);

-Demountable defences shall be included up to 0.6m above the finished floor level; and
-Flood resilient construction shall be incorporated up to 4.9mAOD.

The Environment Agency have reviewed the proposals and have recommended a planning condition requiring compliance with the measures outlined within the submitted FRA.

According to the application form, the proposed surface water drainage strategy is via a sustainable drainage system and the site plan also shows a swale within the north-eastern area of the site for water attenuation. Further details of the drainage strategy could be secured via a planning condition.

With the inclusion of such conditions, it is considered that an appropriate level of flood risk mitigation is proposed and the development would remain safe from current and future surface water flood risk for the lifetime of the development. As such, it is considered that the proposal accords with Policy 4 of the Local Plan and the intentions of the NPPF in terms of flood risk.

Biodiversity Net Gain

Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021) requires developers to deliver a minimum of 10% Biodiversity Net Gain using standardized biodiversity units measured by statutory biodiversity metrics. This is often referred to as the mandatory requirements for Biodiversity Net Gain.

"Under the statutory framework for biodiversity net gain, subject to some exceptions, every grant of planning permission is deemed to have been granted subject to the condition that the biodiversity gain objective is met ("the biodiversity gain condition"). This objective is for development to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat. This increase can be achieved through onsite biodiversity gains, registered offsite biodiversity gains or statutory biodiversity credits".

The biodiversity gain condition is a pre-commencement condition. This relates to a condition that seeks, once planning permission has been granted, a Biodiversity Gain Plan that must be submitted and approved by the planning authority before commencement of the development, alongside the need to submit a Habitat Management and Monitoring Plan.

The effect of Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission is deemed to have been granted subject to the "biodiversity gain condition".

The effect of this "biodiversity gain condition" is that development granted by this notice must not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan, or
- (c) the development is exempt from the biodiversity gain condition.

The application is accompanied by a Biodiversity Net Gain Assessment including a metric calculation which concludes indicates that the 10% mandatory net gain cannot be achieved on-site. Therefore, 0.25 area-habitat units and 0.02 hedgerow units will need to be secured off-site. This could be secured via a planning condition. The LPA's ecology officer agrees with the accuracy of the calculations. The officer has also recommended a bird nesting brick and an integrated bat box in order to provide some habitat within the site, in accordance with Policy 28 of the Local Plan.

The LPA's ecology officer has also set out that a Preliminary Ecological Appraisal (PEA) is required in this instance. If the PEA recommends any protected species surveys, these would need to be undertaken and the results submitted. The PEA is considered necessary to establish if there are likely to be any protected species on or using the site to enable the LPA to identify if suitable mitigation measures can be secured. In the absence of this information, the proposal currently does not accord with Policy 28 of the Local Plan which sets out that proposals that would directly or indirectly adversely affect protected species to not be permitted unless suitable prevention, mitigation and compensation measures are provided. Whilst there might not be any protected species or habitat for such species within the site, without further information the LPA considers that the proposals could adversely affect such species. Paragraphs 187 and 192 of the NPPF also seek to ensure that proposals minimise their impact on priority or threatened species. Therefore, the proposals do not accord with Policy 28 of the Local Plan or Paragraphs 187 and 192 of the NPPF.

Planning Balance

Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, states that the determination must be made in accordance with the development plan unless material considerations indicate otherwise.

The scale of the dwelling is considered to be out of keeping for the area and the development would result in unacceptable living standards for neighbouring dwellings as a result of a loss of privacy due to the unacceptable degree of overlooking that would result from the proposals. Due to the lack of submitted information, it is also unclear if the proposal could affect protected species or habitat. Therefore, the development does not accord with Policies 2, 3 and 28 of the Local Plan and the provisions of the NPPF when viewed as a whole.

There are significant materials considerations that weigh against the proposal and as such, the planning balance is against the development.

Additional Considerations

Public Sector Equality Duty

In making this decision the Authority must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions) to:

A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.

B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).

C. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149. It is only one factor that needs to be considered, and may be balanced against other relevant factors.

It is not considered that the recommendation in this case will have a disproportionately adverse impact on a protected characteristic.

Human Rights

In making a decision, the Authority should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as South Holland District Council to act in a manner that is incompatible with the European Convention on Human Rights. The Authority is referred specifically to Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of property).

It is not considered that the recommendation in this case interferes with local residents' right to respect for their private and family life, home and correspondence, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general public interest and the recommendation is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

Conclusion

The proposal is considered to conflict with Policies 2, 3 and 28 of the Local Plan and the provisions

of the NPPF when viewed as a whole. These are significant factors in this case that indicate against the proposal and outweigh the consideration in favour of the proposal and the policies referred to above.

Recommendation

Based on the assessment detailed above, it is recommended that the proposal should be refused under delegated authority.