DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H02-0064-21**	**Applicant:**	**Lion Investment Group Ltd.**
Proposal:	Demolition of existing dwelling and erection of 41 dwellings, new site access, internal roads, and landscaping		
Location:	17 Barbers Drove North Crowland Peterborough		
Terminal Date:	11th February 2022		

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
32	Community, Health and Well-being
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 2021

Section 2 - Achieving sustainable development
Section 4 - Decision making
Section 5 - Delivering a sufficient supply of homes
Section 8 - Promoting healthy and safe communities
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	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
IAN MARSHMAN - HISTORIC ENVIRONMENT OFFICER	0	0	0	1
NORTH LEVEL INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	1	3
OTHER STATUTORY BODIES	0	0	0	1
OTHER STATUTORY BODIES	0	0	1	4
RESIDENTS	3	0	0	7

CASE OFFICER ASSESSMENT

PROPOSAL

This is a full planning application for the demolition of existing dwelling and erection of 41 dwellings, new site access, internal roads, and landscaping at 17 Barbers Drove North, Crowland

The proposals include a range of 1.5, 2 and 2.5 storey dwelling types comprising of the following mix:
2 x 1 bed
3 x 2 bed
32 x 3 bed
4 x 4 bed

Matters relating to affordable housing are dealt with further below.

Vehicular access to the site would be served from a single point on James Road to the south-east of the site.

The site is to be connected to the existing public mains sewers for foul water disposal. In terms of surface water drainage, the proposal is to use a series of SUDS techniques to provide source control and attenuate flows from the site. The attenuated flows will ultimately be discharged to the adjacent IDB drain.

SITE DESCRIPTION

The site amounts to approximately 1.39ha and currently accommodates a single dwelling, but is largely grassed and with a fenced paddock to the northern side. Two new large properties are being constructed to the north-west beyond the tree line. The site adjoins a small number of properties at the south-western end and some bungalows on the opposite side of Barbers Drove North face towards the site. To the north-east are residential properties and Crowland Fire Station, with an IDB drain in between. The south-eastern boundary fronts James Road and is bordered by trees and a drain which runs the length of that boundary, joining the IDB drain at the northern end.

RELEVANT HISTORY

None relevant.

REPRESENTATIONS

Crowland Parish Council

The Parish Council support this application but have concerns about the exit onto James Road and would request that the speed limit is reduced to at least 40mph as a matter of safety. The Parish Council also has concerns about the extra traffic on to an already congested roundabout at the A16/Peterborough Road/James Road junctions at peak times and would request that this is also considered. Requests a financial contribution from the development towards the replacement of The Pavilion and Young Building on Snowden Playing Field (estimated cost of around £800,000 in total).

Lincolnshire Police

No objections. Provides standard advice regarding crime prevention and safety.

SHDC Strategic Housing

Suggests the following mix to meet needs and adhere to local and national policy:
7 Rented homes comprising of 2 x 1 bed houses, 3 x 2 bed houses and 2 x 3 bed houses and 3 x Shared Ownership homes comprising of 2 x 2 bed houses and 1 x 3 bed house.

SHDC Environmental Protection (contaminated land)

I have reviewed the Ground Engineering Limited 'SITE INVESTIGATION REPORT BARBER'S DROVE NORTH CROWLAND LINCOLNSHIRE Report Reference C15122' dated October 2020 and make no comment with respect to land contamination.

SHDC Environmental Protection (noise)

No objection.

SHDC Tree and Nature Conservation Officer

Provides detailed comments regarding the proposed layout and proximity of trees and suggests tree related conditions.

Environment Agency

No objection subject to a condition regarding flood risk mitigation measures.

North Level IDB

No objection in principle to the application. Formal Land Drainage Consent will be required to construct the new outfall arrangement into our Greenbank Drain. A development levy in accordance with the enclosed will also be required for dealing with the increase in surface water run-off from the site. It should be noted that our byelaws apply to this watercourse and, in particular, byelaw No. 9 states no obstruction, whether temporary or permanent will be permitted within 9 metres of the bring of this watercourse, although it is noted that the developer has accounted for this in the site plan, but must ensure the 9 metres strip falls outside of any gardens.

Anglian Water

The foul drainage from this development is in the catchment of Crowland Water Recycling Centre that will have available capacity for these flows. The sewerage system at present has capacity for flows from the site. From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets. As such, we are unable to provide comments in the suitability of the surface water management.

Lincolnshire Bat Group

Bat element of submitted Preliminary Ecological Appraisal does not recognise the presence of two chimneys on the existing dwelling and neglects to state the condition of the mortar of the ridge tiles, or if there are any small gaps under the tiles where bats could enter. Suggests a bat activity survey is undertaken.

Lincolnshire Wildlife Trust

Measurable Biodiversity Net Gain should be secured using a Biodiversity Metric. Provides advice on planting in public open spaces and sustainable drainage schemes.

LCC Highways/SUDS

No objection subject to highway conditions, including for a 2m wide footway to connect the development to the existing footway network on James Road and a 3m wide footway/cycleway to connect the development to Barbers Drove North, and standard highway informatives.

LCC Historic Environment Officer

Having considered the findings of the developer's Archaeological Desk-Based Assessment, which has reviewed all the available evidence from previous work in this area, as well as historic mapping and Lidar data, this office agrees with its conclusions that the site has low archaeological potential. It lies in an area which was unlikely to be favourable for human settlement or activity prior to the drainage of the fens in the post-medieval period. Previous evaluations on land directly adjacent to the north has confirmed this picture, with no signs of human activity, and revealing deposits associated with previous inundations. Therefore in this instance we would recommend that no further archaeological input be required.

LCC Education

Requests a financial contribution of £120,375 towards additional school places at secondary and sixth-form level in the Deepings secondary planning area.

NHS

Evidence backed financial contribution request of £27,060 towards a new purpose built health centre/primary care centre or expansion to existing primary care facilities in Crowland.

Public (10 objections/comments, summarised)

- Overlooking
- Overshadowing
- Loss of views
- Overdevelopment of site
- Highway safety; traffic congestion
- Concern re future maintenance of hedge if fencing is erected adjacent on development site and potential for hedge to damage any new boundary fencing

- Contractors and visitors to the site should not be permitted to use or park down Barbers Drove North
- Visual impact of fencing to rear gardens of chalet bungalows facing onto Barbers Drove North when all other properties front the road
- Loss of privacy from new footway connecting development to Barbers Drove North
- Concern re pile driving (noise and vibration)
- Additional infrastructure required to support local community
- Concern re noise pollution from additional traffic
- Erosion of town life from expansion
- Noise from construction
- Development looks attractive from artists impressions
- Positive comments re provision of footway connection to Barbers Drove North and towards Thorney Road

PLANNING CONSIDERATIONS

Principle

The site is located within the settlement boundary for Crowland as set out in South East Lincolnshire Local Plan (2019) and is an allocated housing site (ref. Cro11). The principle of residential development on the application site has therefore already been established.

Design, layout and density

A mix of ten house types are proposed, mostly detached, but with a small number of semi-detached and two short terraces. There is therefore ample variety across the scheme in terms of the types of houses that it would deliver. In terms of scale, there is a mix of 1.5, 2 and 2.5 storey properties, which would generally be in keeping with the scale of existing development in the vicinity, where there is a combination of single and 2 storey dwellings, some of which are substantial in size.

Exact materials would be secured by condition, but the elevation drawings indicate a mix of red and buff facing brick types and roof tiles that are grey in colour, with grey windows and fascias. Feature cladding is also proposed to the front and/or side elevation of properties. The external appearance of the proposed dwellings is more contemporary in nature than would usually be seen in Crowland and South Holland more widely, but a development of this scale will effectively create its own character and is acceptable in the context of the desire to achieve higher standards of design.

Concern has been raised regarding the overall density of the scheme. The site is approximately 1.39ha in size, which results in a density of approx. 29 dwellings/ha. Policy 11 of the Plan sets out all housing allocations and indicates that Cro011 has a capacity of 31 dwellings. However, no. 15 Barbers Drove North is included within the boundary of Cro011 in the Local Plan, therefore is slightly larger than the application site and the indicated capacity of Cro011 is based on approx. 20/ha. However, at paragraph 5.3.9 of the Local Plan, it is stated that this is only a 'broad indication' and that the 'stated capacity is not necessarily a maximum or, in some cases, a minimum capacity that would be expected on each site; viability, design, constraints and the most efficient use of land in delivering new homes should be the primary considerations in meeting housing needs'. It was therefore not anticipated that 57 dwellings for WSN029 should be considered either a maximum or minimum, but rather a broad indication of what may be acceptable. If a proposal is acceptable in all other regards, it could therefore follow that a higher capacity may be permitted.

The majority of dwellings are to be served by adoptable road with a small number of private drives (4 no.), offering a varied and more informal appearance to parts of the development. Private drives and waste collection arrangements are discussed in further detail below. Easements have been taken into account where relevant. Properties have been orientated to face public open space or to provide overlooking of said spaces, and will therefore provide natural surveillance.

The submitted flood risk assessment recommends that finished floor levels are set 1m higher than the existing ground level. Given that the size is quite well screened along James Road and dwellings would be set back from the boundaries, it is not considered that the raising of floor levels of the proposed properties would have a material adverse visual impact in the wider street scene.

Taking all of the above into account, it is concluded that the design, layout and density of the scheme satisfactorily accords with Policies 2 and 3 of the Local Plan. Policy 2 of the Local Plan requires development proposals to take into account sustainable development considerations such

as: quality of design; and size, scale, layout, density, impact on character and appearance of the area and the relationship to existing development. Policy 3 requires development proposals to respect the density, scale and massing of neighbouring buildings and the landscape character of the location.

Private drives

A recently published Council guidance note entitled 'Private Drives - Waste Vehicle Collection Service' sets out a hierarchy for developers to follow when considering waste collection arrangements and private drives. This guidance is not adopted planning policy and as such can only be given limited weight in planning terms. However, it is a material consideration. The relevant section of this guidance note states:

"The Council, as local planning authority, is obliged to take into account the Council's adopted waste collection policy when determining planning/condition compliance applications for waste collection details as it should avoid approving waste collection schemes which are not capable of being provided. The following guidance is therefore provided for developers when seeking planning permission for new developments. The guidance seeks to ensure that developers are fully aware of waste collection issues when submitting planning applications with a view to avoiding later problems, such as poor design under policy 3 of the South East Lincolnshire Local Plan (Adopted March 2019). The following does not constitute adopted planning policy.

1. It is firmly recommended that new developments should seek to minimise private drives when preparing and submitting planning applications. Access roadways to all residential properties should normally be constructed to an adoptable standard under an agreement with Lincolnshire County Council so that they will become public highways to enable refuse/recycling collections to be carried out from outside individual properties without the need for communal waste collection points at the point where private driveways adjoin public highways. This is the preferred solution of the Council as waste collection authority from an operational perspective. Furthermore, it avoids the potential impacts of unmanaged depositing of waste, which can lead to unacceptable impacts upon the visual and residential amenity of communities.

2. Where private drives are unavoidable, the Council would expect to see no more than 6 properties from any one private drive and a carrying distance of less than 30m. In order to judge the suitability of proposals to be served from private drives, the Council will apply a carrying distance of no greater than 30m measured from the nearest point of the plot adjacent to the private drive. This is reflective of Building Regulations Guidance on carrying distances for waste from households. Developers are advised to contact the waste collection service to determine the proposed collection point.

3. Should the proposal include a joint storage area for waste, this will serve no more than 6 properties and should be sited on land owned by a proprietor of the private drive. Storage areas should still allow for collection of the waste by the Council from the public highway. An area of 800mm x 800mm should be provided for each property using the collection point. Design and siting will be expected to take account of impact upon both visual and residential amenity and demonstrate how these impacts have been minimised. Definitive information on the on-going maintenance and responsibility for waste collection points will be required to protect against unmanaged depositing of refuse. The Council may take appropriate enforcement action if the waste collection point is not reasonably maintained.

4. Where private drives are included in a development proposal and the above criteria cannot be met then it may be possible to provide for a private waste collection from individual properties. This would avoid the impacts arising from unmanaged depositing of waste. This may necessitate the developer entering into a section 106 agreement to ensure future delivery of the service.

5. If a private waste collection is not deliverable it is expected that private drives will be minimised through the design or re-design of the scheme to avoid the above concerns.

The Council will apply the above hierarchical approach to waste collection solutions on new developments. It will achieve this via negotiation at pre-application stage, during consideration of planning applications and the discharge of planning conditions. Standard conditions will be applied in relation to roads being constructed to adoptable standard and, on outline planning applications, securing details of waste collection. Full and reserved matters applications will be expected to include full details of the waste collection solution to be secured up-front.

Where all of the above measures have been reasonably exhausted, the Council may agree to collect waste from private drives in exceptional circumstances."

In terms of the above, clearly there are a small number of private drives proposed as part of the scheme (4 no.), which serve approximately 29% of properties on the development. This is not an excessive number. Furthermore, no more than 6 properties are served by any private drive and all refuse/recycling collection points proposed are no greater than 30m from the nearest point of the plot adjacent to the private drive. The collection points shown accord with the 800mm x 800mm size that the guidance suggests should be provided for each property using the collection point. With regard to amenity, appropriate screening to minimise visual impact can be considered as part of the wider landscaping proposals (to be secured by condition). Details of on-going management and maintenance of these points can also be secured by condition.

On this basis, officers are of the view that the proposed private drive and waste collection arrangements satisfactorily comply with the hierarchy and considerations outlined above.

Open space and landscaping

Two areas of public open space are proposed - at the north-eastern corner of the site and more centrally to the front of Plots 21-26. Both of these parcels will be multifunctional, forming part of the overall surface water drainage strategy for the development. In total, these spaces amount to around 0.07ha, which is the exact level required by Policy 32 of the Local Plan.

No details on landscaping have been provided to date, but this can be secured by condition.

Highway matters and parking provision

Concerns have been raised in relation to highway matters - specifically, highway safety and increase in traffic congestion. The site is a housing allocation in the Local Plan and therefore these matters would have been considered at plan making stage. Furthermore, the Highway Authority have not objected to the proposed access and road arrangements, and have not highlighted any highway capacity issues. It is therefore not considered that there is a defendable reason for refusal on these grounds and the proposal satisfactorily accords with Policy 2 of the Local Plan which requires it to be demonstrated that access and vehicle generation levels will be acceptable.

In terms of the internal road arrangements, there would be a combination of adoptable estate road and private drives. There is therefore a need to provide collection points for refuse/recycling and these points are indicated on the layout plan where relevant. Future maintenance and management details will be secured by condition.

A shared foot and cycle link is proposed on the south-western side of the site to link with Barbers Drove North and the footway from Thorney Road will be extended to connect to the site. It was explored whether some form of barrier could be introduced along the former to prevent motorcycles traversing that space, but bollards would not be effective unless very close together and this and/or staggered railings would present problems for cyclists and pushchair and wheelchair users. On balance, the arrangement is considered acceptable as it stands.

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

The parking of contractors and visitors to the site during construction is a matter that can be addressed by means of a Construction Management Plan condition.

Residential amenity

It is not considered that the proposed development would have a material adverse impact on the amenity of any properties off-site, subject to appropriate boundary treatments being installed.

There is a minimum of a 26m to existing properties/buildings on Thorney Road, which is an acceptable separation distance in planning terms.

Two new dwellings are being built to the north-west of the site and a further dwelling has recently

been granted permission on that area of land. There is an approx. 30m+ separation distance between these dwellings and Plots 17-29 and there is established hedging and trees along the majority of this boundary.

Plots 31-33 face directly toward the rear projection of no. 11 Barbers Drove North, which has side facing windows and doors, as well as its garden. Plot 33 would have the most direct views of that side elevation (the other dwellings are at an angle). It is noted that a rear extension has recently been approved to no. 11 on its south-eastern side. Taking this into account if it were to be built, there would be just in excess of a 21m separation from the first-floor roof lights of Plot 33, which is a generally accepted distance. Given the length of the gardens to Plots 31-33, it is not considered that any views of the garden of no. 11 would constitute a material overlooking aspect.

The side elevation of Plot 33 is approx. 14m from the rear elevation of no. 15 Barbers Drove North. 12m is typically seen as an acceptable standard to apply where there is a rear/side relationship, therefore it is appropriate in this regard. Plot 33 has no side elevation windows so there would be no overlooking aspect from windows and the garage to that plot also screens a large proportion of its rear garden. The garage is approx. 10m from no. 15's rear elevation, which is just acceptable given the single storey nature.

No. 9 Barbers Drove North is sufficiently far away not to be materially impacted.

The relationship between Plots 34-35 and no's 16, 18 and 20 Barbers Drove North is effectively tantamount to a normal frontage relationship in terms of separation distance, albeit the rear of Plots 34-35 face the road.

Notwithstanding the above, consideration must also be had to the impact that raising finished floor levels might have on neighbouring amenity. The submitted flood risk assessment recommends that finished floor levels are set 1m higher than the existing ground level. It is not uncommon for new properties to be raised to this extent next to existing properties and adequate levels of amenity can typically be achieved by ensuring that appropriate boundary treatments are in place. Whilst full details of ground levels are yet to be confirmed, cross-sections have been provided to show the relationship between Plot 33 and no's 11 and 15 Barbers Drove North, as well as ground levels at the boundary from Plots 29-33. The finished floor levels of those plots would be 2.3m AOD. The floor level of no. 11 Barbers Drove is estimated to be approx. 1.8m AOD taking into account the level of the ridge height indicated on the exceedance flows drawing and the height of the actual dwelling itself. This would also appear to generally accord with the information submitted to discharge the levels condition relating to no. 11 before it was built. On the basis that the gardens of Plots 29-33 would slope away from the dwelling, it would appear that at least 2.4m high fencing above the proposed gravel boarding would be required along the rear boundary to prevent overlooking from ground floor windows or patio areas. Full details of existing and proposed floor and ground levels (including further cross-sections where relevant) will be secured by condition, as can boundary treatment details. Depending on ground levels to the south-western side of Plot 33, lower fencing than this may be acceptable given that there are no side facing windows. Notwithstanding this, it is not considered that 2.4m high fencing would have an unduly overbearing effect given that the length of the rear garden is just in excess of 9.5m.

Additional boundary treatment can be considered between the 'shared footpath/cycle path' as part of the above to assist with privacy for no. 15.

Given that the proposed dwellings are sited to the north-east or south-east of existing dwellings, and the separation distances that would be achieved, it is not considered that there will be a material overshadowing or loss of light impact.

Concern has been raised regarding the visual impact of erecting fencing facing onto Barbers Drove North to the rear of the chalet bungalows. Although full landscaping details are to be conditioned, it has been indicated that the fence could be set further in and hedging planted along the Barbers Drove North frontage.

Whilst loss of views is a consideration, it is one that carries very limited weight in the overall planning balance.

Within the site, at least a 12m separation distance has been observed where the front/rear of properties face a side elevation of another. This is typically seen as an acceptable standard to apply. The orientation of dwellings and positioning of fenestration is such that there should be no

material overshadowing or daylight issues to habitable spaces.

In terms of external space, the sizes of rear of gardens are comparable to those provided on other new developments in the district.

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

Flood risk and drainage

The site is a housing allocation in the Local Plan and is therefore a sequentially preferable site in flood risk terms.

The submitted Flood Risk Assessment identifies that finished floor levels of dwellings should be set at a minimum of 2.3m AOD as a flood mitigation measure, with all dwellings having at least two storeys and flood resilient construction being incorporated up to a height of 300mm above the finished floor level. The Environment Agency have no objection to the application on flood risk grounds subject to the development being carried out in accordance with the measures specified in the Flood Risk Assessment.

The proposed surface water drainage strategy is based on SUDS techniques to provide source control and attenuate flows from the site. The attenuated flows will ultimately be discharged to the adjacent IDB drain. South Holland Drainage Board and the Lead Local Flood Authority have no objections to the principle of the proposed surface water drainage strategy.

In terms of foul water disposal, connection would be made to the existing Anglian Water system. They have advised that the foul drainage from this development is in the catchment of Crowland Water Recycling Centre that will have available capacity for these flows. The sewerage system at present also has capacity for flows from the site.

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

Viability and developer contributions

Policy 18 of the Local Plan requires the provision of about 25% affordable housing on-site on market schemes in South Holland where developer contributions can be sought. In addition, Policy 6 states that developer contributions will be sought that relate to the provision of education, health and sport facilities.

However, following on from this, Paragraph 3.7.11 of the supporting text to Policy 6 (Developer Contributions) states that:
The policy implications of this Local Plan, including those matters to be sought by developer contributions, have been subject to a Whole Plan Viability Assessment to ensure that the cost would not adversely impact upon the viability of development in South East Lincolnshire. As such, it is expected that the costs of developer contributions are factored in when land is purchased. In exceptional circumstances, where applicants state that financial viability prevents the delivery of some or all developer contributions, a financial appraisal should be submitted... Each Local Planning Authority's independent valuer will consider the assessment.

In the context of this, the applicant has submitted viability information (included as Appendix A), which the Council has had independently tested. The response of the independent assessment, prepared by CP Viability, is included as Appendix B.

This concludes that the full policy request of 25% affordable housing, an education contribution of £120,375 and an NHS contribution of £27,060 are capable of being delivered. However, in this case, the Parish Council have also requested a financial contribution towards the replacement of The Pavilion and Young Building on Snowden Playing Field (estimated cost of around £800,000 in total). In line with how other such applications have been treated in Crowland in recent times, it is the view of officers that the £120,375 education contribution should be redirected to Crowland Parish Council. The reasoning behind this being that the education contribution would be spent at The Deepings School, which is outside South Holland district, but redirecting the funding to the

Parish Council will ensure that it remains in the district. In light of the Local Plan being silent in terms of which contributions should be prioritised, this is considered an acceptable approach, and one which members have chosen to take previously.

The applicant is in agreement with this approach.

Affordable housing provision

Policy 18 of the Local Plan requires the provision of about 25% affordable housing on-site on market schemes in South Holland.

For a development of 41 dwellings, this requirement equates to 10 affordable dwellings. Strategic Housing's preferred affordable mix is 7 x affordable rent (2 x 1-bed, 3 x 2-bed and 2 x 3-bed) and 3 x shared ownership (2 x 2-bed and 1 x 3-bed).

The affordable housing scheme proposed accords with the above mix.

Whilst it is preferable for affordable dwellings to be distributed across a site, the units in this instance would be in a cluster of 10. Clusters of this number have been permitted on other sites in the district.

Ecology

In terms of ecological matters, a condition can be added to require that it be demonstrated that Biodiversity Net Gain will be achieved on site, as required by Policy 28 of the Local Plan and the Environment Act 2021.

In light of Lincolnshire Bat Group's comments on the adequacy of consideration of the existing building on sites potential to accommodate bats, a condition will be added for a bat activity survey to be undertaken.

There are no protected trees on/adjoining the site that would be impacted by the development. The positioning of some of the proposed dwellings has been amended during the course of the application to address the majority of comments made by the Council's Tree and Nature Conservation Officer and appropriate conditions will be added to ensure the retention and protection of existing trees during and after construction works.

The above conditions will ensure that the development satisfactorily complies with Policies 2, 3 and 28 of the Local Plan.

Other considerations

Issues such as noise and vibration during the construction period is a consideration, however it is one that carries limited weight in the overall planning balance. A condition can be added requiring the submission of a Construction Management Plan prior to commencement of development, which covers matters such as working hours and measures for controlling noise, vibration, dust and mud.

The site is allocated for housing in the local plan and issues such as infrastructure capacity were considered through the plan making process. Both the NHS and Education Authority have requested financial contributions towards improving healthcare and education provision/services, which shall be secured by legal agreement.

Whilst the increase in noise from additional traffic is a consideration, it carries limited weight in the overall planning balance in the context of the site being a housing allocation.

Planning Balance

The principle of residential development on this site has already been established by virtue of the housing allocation in the Local Plan. It is not considered that the proposal would materially harm the character or appearance of the locality or amenity of nearby residents, and flood risk and drainage matters are considered to have been appropriately addressed. Notwithstanding the concerns that have been raised relating to highway matters, it is not considered that there is a justifiable reason to withhold permission on these grounds. The conclusions of the independent viability assessment indicate that the scheme is capable of meeting the required level of affordable housing and

education and NHS contributions although, in line with how other applications have been treated in recent times, it is considered that it would be acceptable to redirect the education contribution to the Parish Council to ensure that it remains in the district.

Overall, it is considered that the planning balance is in favour of the proposal.

CONCLUSION

In light of the above considerations, the proposal is considered to be in general accordance with Policies 1, 2, 3, 4, 6, 10, 11, 18, 28, 32 and 36 of the South East Lincolnshire Local Plan (2019), as well as guidance in the National Planning Policy Framework (2021).

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

That permission be granted under delegated powers subject to the applicant entering into a Section 106 Agreement to secure the delivery of 25% affordable housing of the mix set out above, an NHS contribution of £27,060 and £120,375 to the Parish Council towards the replacement of The Pavilion and Young Building on Snowden Playing Field.

N.B. This application was presented to Chairman's Panel on 23rd December 2021 and members were content for the application to be dealt with under delegated powers.