SOUTH HOLLAND DISTRICT COUNCIL

Report of: **Development Manager**

To: **Planning Committee - 19 July 2023**

(Author: **Dan Allen - Principal Planning Officer)**

Purpose: **To consider Planning Application H02-0166-22**

Application Number:	H02-0166-22	**Date Received:**	14 February 2022
Application Type:	FULL		
Description:	Erection of 5 dwellings with associated garages and external works		
Location:	Land to North West of Harrington Drive Crowland		
Applicant:	Ashley King (Developments) Ltd.	**Agent:**	Ashley King (Developments) Ltd.
Ward:	Crowland and Deeping	**Ward Councillors:**	Cllr B Alcock Cllr J Astill Cllr A Harrison

You can view this application on the Council's web site at
http://planning.sholland.gov.uk/OcellaWeb/planningDetails?reference=H02-0166-22

1.0 REASON FOR COMMITTEE CONSIDERATION

1.1 The application has been previously deferred by March Planning Committee. The application is also linked to others that are subject to Committee consideration (ref. H02-1006-21 and H02-0167-22). The previous report is not appended here due to it's similarity, but can be found on the Council's website for reference. The issues are considered again here in full.

2.0 PROPOSAL

2.1 The propsoal seeks full planning permission for the erection of 5 dwellings, with associated garages and external works.

2.2 This application is also closely related to two separate planning applications for adjoining / nearby parcels of land that are being progressed by the same developer, that are currently live cases:

2.3 H02-1006-21 - Land to South West of Harrington Drive - 42 dwellings
H02-0167-22 - Land to South East of Harrington Drive - 5 dwellings

2.4 The demolition of 38 Peterborough Road, which sat within the site boundary, has already taken place (end of July 2022).

3.0 SITE DESCRIPTION

3.1 The site is located on the southern extent of Crowland fronting Peterborough Road and Harrington Drive. The site measures approximately 0.20ha and is associated with the former 38 Peterborough Road. There are a range of house types and sizes in the area, most being either single or two storey.

4.0 RELEVANT PLANNING POLICIES

4.1 **The Development Plan**

South East Lincolnshire Local Plan, March 2019

If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, Section 38 (6) to the Town and Country Planning Act as amended by the 2004 Act states that the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Policy 1 - Spatial Strategy
Policy 2 - Development Management
Policy 3 - Design of New Development
Policy 4 - Approach to Flood Risk
Policy 5 - Meeting Physical Infrastructure Needs
Policy 6 - Developer Contributions
Policy 10 - Meeting Assessed Housing Requirements
Policy 11 - Distribution of New Housing
Policy 17 - Providing a Mix of Housing
Policy 18 - Affordable Housing
Policy 28 - The Natural Environment
Policy 29 - The Historic Environment
Policy 30 - Pollution
Policy 32 - Community, Health and Well-being
Policy 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 & Policy

National Planning Policy Framework (NPPF), 2021

Section 4 Decision-Making
Section 5 - Delivering a sufficient supply of homes
Section 9 - Sustainable transport
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

Planning Practice Guidance (PPG)

5.0 RELEVANT PLANNING HISTORY

5.1 H02-1006-21 - Full - Erection of 42 dwellings with associated parking, garages, roads and sewers (undecided)

5.2 H02-0167-22 - Full - The erection of 5 dwellings with associated garages and external works (undecided)

5.3 H02-0946-21 - Full - Erection of 5 dwellings (refused December 2021)

5.4 H02-0990-21 - Full - Proposed development of 6 houses & demolition of existing house (No.38) (refused December 2021)

5.5 H02-0739-21 - Outline - Residential Development (withdrawn July 2021)

6.0 REPRESENTATIONS

6.1 Crowland Parish Council

No objections.

6.2 LCC Historic Environment Officer

No archaeological impact.

6.3 LCC Highways/SUDS

Does not wish to restrict the grant of permission. The inclusion of a new section of surface water pipe along the Peterborough Road frontage of the site, into which the existing kerb off-lets can be connected, is noted. The actual location of this pipe, and exactly how it is to be connected into the surface water drainage system of the Applicants' wider development will need to be agreed with the Applicants, to ensure that future maintenance can be undertaken without the need to access private property. Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development would not be expected to have an unacceptable impact upon highway safety or increase surface water flood risk and therefore does not wish to object to this planning application.

6.4 Environment Agency

No objection subject to the development being carried out in accordance with the recommendations of the submitted flood risk assessment.

6.5 North Level IDB

No objection in principle but clarity is sought as to the disposal of surface water. The application form states SUDS and existing watercourse but the flood risk assessment states soakaway.

6.6 SHDC Strategic Housing

First Homes should account for at least 25% of all affordable housing units delivered by developers through planning obligations. Policy 18: Affordable Housing of the Local Plan indicates a tenure split of 70% in favour of Rented and 30% Intermediate housing for sale dwellings will be sought, whilst appreciating that this may vary on a site-by-site basis due to factors such as viability or affordable housing need. Policy 17: Providing a Mix of Housing in the Local Plan encourages a mix of house types and sizes to meet a range of needs. No objection is raised to the proposed mix on H02-1006-21.

6.7 SHDC Environmental Protection (contaminated land)

I request the full land contamination conditions be applied at this location.

6.8 Public (2 objections / comments received, summarised)

- Difference in floor levels between existing and new properties would have a negative impact on the street scene / character
- Dwelling on Plot 6 and fence would have an overbearing impact on adjacent dwelling due to scale and need to raise ground levels
- Raising ground levels will increase flood risk for adjacent properties
- Increase in traffic
- Loss of privacy
- Overshadowing
- Noise and disturbance
- Only allowed to build a bungalow at 1A Harrington Drive

6.9 **Representation received following previous Committee deferral**

Historic Environment Officer

6.10 Having reviewed the revised documents, our advice of 11th March 2022 remains the same and no further archaeological input is required for this application.

6.11 Internal Drainage Board

6.12 We have no further observations to make as the respective developers have submitted consent applications for all aspects of the consultations which have been granted.

6.13 Environment Agency

6.14 We have no additional comments to make and therefore refer you to our previous response dated 23 August 2022 (AN/2022/132834/03-L01), which includes the condition we recommend should planning permission be granted.

7.0 CONSIDERATIONS

7.1 **Planning Considerations**

Evaluation

7.2 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.

7.3 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.

7.4 The policies and provisions set out in the National Planning Policy Framework (updated July 2021) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

7.5 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.

7.6 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.

7.7 Principle

7.8 The 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.

7.9 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.

7.10 The proposal in this instance lies within Crowland, a settlement identified as being a 'Main Service Centre'. Policy 1 (Spatial Strategy) of the SELLP indicates that within Main 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".

7.11 Section 5 of the National Planning Policy Framework (NPPF), as identified within para 60 seeks to significantly boost the supply of homes in support of the Government's objectives, and requires strategic polices to set out a clear strategy for accommodating objectively assessed needs.

7.12 Para 69 of the NPPF also emphasises the importance that the contribution of small to medium sized sites can make in meeting the housing requirements. ("Small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built-out relatively quickly"). This policy seeks to ensure that there is a sufficient supply of homes and advises that sites of all sizes make a contribution to the housing requirement of an area.

7.13 Whilst the application site is not one which is allocated for housing within the South East Lincolnshire Local Plan (2019) (SELLP), the site lies within the settlement boundary for Crowland as defined. Policy 1 (Spatial Strategy), as illustrated above, indicates that within Main Service Centres, such as Crowland, development will be permitted that supports its role as a service centre for the settlement itself, helps sustain existing facilities or helps meet the service needs of other local communities.

7.14 In the context of this, the principle of residential development in this location is considered acceptable.

7.15 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.

7.16 Previous Deferral - Committee March 2023

7.17 The application has previously appeared before Planning Committee, in March 2023. The application was deferred on that occasion, with matters raised in respect of the potential impacts of the development, when viewed in its entirety.

7.18 Taking these concerns into account, comprising a number of elements which included the developments relationship with neighbouring residents, land levels and Parish Council Contribution amongst other matters, amended plans have been submitted.

7.19 Matters in respect of the Parish Council Contribution have been added to the corresponding application ref: H02-1006-21.

7.20 Specifically in respect of the five dwellings proposed within this application, the applicant has provided further drawings, in the form of CGI imagery to clearly illustrate the indicative relationship between the proposed dwellings and those immediately neighbouring the proposed development, streetscene drawings that illustrate the resultant relationship along Peterborough Road and a site section which provides a clear illustration of the resultant relationship between plot 5 and the existing property of No.6 Harrington Drive.

7.21 Whilst there has been no immediate amendments to the location or scale of plots within this proposal for five dwellings, these additional drawings have been submitted as a direct result of the matters previously raised at planning committee, with a view to further illustrate the appropriate relationships that would be formed as a result of the proposed development.

7.22 The remainder of the report, whilst altered, predominantly comprises the matters previously concluded by officers in relation to this proposed development.

7.23 Layout, Scale and Appearance

7.24 Part 12 of the NPPF (Achieving well-designed places) states that good design is a key aspect of sustainable development and new development should be visually attractive as a result of good architecture and appropriate landscaping. It is important that new residential development should be of the highest quality to enhance and reinforce good urban design characteristics. It is generally accepted that good design plays a key role towards sustainable development. Regard must be had towards the impact that the proposed dwelling would have on local character, including topography, street patterns, building lines, boundary treatment and through scale and massing.

7.25 Specifically, paragraph 130 of the National Planning Policy Framework (NPPF), 2021 establishes that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area; are visually attractive as a result of good architecture and sympathetic to local character and history, including the surrounding built environment and landscape setting; and 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.

7.26 Likewise, Policy 2 of the SELLP states 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.

7.27 The proposal is for 5 x 4 bed dwellings served by new accesses from Peterborough Road. 2 house types are proposed and the design, although different to the existing dwellings, is not wholly out of keeping and would arguably be more attractive by virtue of the additional design details such as brick arches above windows and decorative brickwork to the eaves. The scale of the proposed dwellings is in keeping with existing properties in the vicinity as there are other two storey dwellings on Peterborough Road, Harrington Drive and the adjoining roads, and they can be satisfactorily accommodated within each plot.

7.28 The submitted flood risk assessment recommends that finished floor levels are set at a minimum of 2.1m AOD, which is a maximum of 0.8m higher than the existing levels on site. The application originally sought consent for 6 dwellings with a bungalow proposed between the rear of Plot 5 and 6 Harrington Drive. This plot has been removed from the layout during the course of the application due to concerns relating to the impact of raising levels on the street scene. There is now a much greater separation distance between existing and proposed dwellings which softens the impact to an acceptable degree.

7.29 Taking the above into account, it is concluded that the layout, scale and design of the scheme satisfactorily accords with Policies 2 and 3 of the South East Lincolnshire Local Plan and Section 12 of the National Planning Policy Framework. Policy 2 of the Local Plan requires development proposals to take into account sustainable development considerations such as: quality of design; 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.

7.30 Highway safety, access and parking

7.31 Paragraph 111 of the NPPF advises that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

7.32 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.

7.33 The Highway Authority have been consulted as part of the application process and have no objection to the development proposals on highway grounds. On that basis, it is 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.

7.34 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 and the proposal accords with this requirement.

7.35 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.

7.36 Flood risk and drainage

7.37 The site is located within Flood Zone 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.

7.38 Therefore, consideration is to be given to safety, and the sequential test is to be applied. 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.

7.39 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.

7.40 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.

7.41 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.

7.42 The site is located within Environment Agency Flood Zone 3 and the South East Lincolnshire Strategic Flood Risk Assessment (March 2017) identifies the site as a 'Danger for Most' as worst case scenario for hazard and the depth mapping indicates potential depths in a flood event of up to 1.0m.

7.43 The Local Plan has allocated sequentially preferable sites in terms of flood risk that are capable of meeting the identified housing targets for individual settlements. Although the application site is not a housing allocation within the Local Plan, the site does lie within the settlement boundary for Crowland. In general, there is a presumption in favour of sustainable development within settlement boundaries and windfall sites are expected to have a contribution towards housing supply (and maintaining the 5-year supply of deliverable sites) in the district. As such, one could argue that, should the site be acceptable in all regards, and if the Exceptions Test is successfully passed, that the site is acceptable in flood risk terms, notwithstanding the fact that there are sequentially preferable allocated sites in the adopted Local Plan.

7.44 In order for the Exceptions Test to be passed, it must be demonstrated that the proposed development will provide wider sustainability benefits to the community that outweigh flood risk, and that it will be safe for its lifetime, without increasing flood risk elsewhere and where possible reduce flood risk overall.

7.45 The development would provide some wider sustainability benefits to the community through its ability to help meet the housing need, 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.

7.46 The Environment Agency's most recent response is an objection, however this was as a result of a revised flood risk assessment instigated by swapping a two storey dwelling for a bungalow on Plot 6. As plot 6 no longer exists, there are no bungalows on site and the original FRA (to which the EA had no objection) remains relevant.

7.47 Given the above, it is considered reasonable to conclude that the Exceptions Test can be passed provided the development is carried out in accordance with the flood mitigation measures in the FRA.

7.48 In terms of drainage, the proposal is for surface water from this site to be conveyed to the adjoining site (ref. H02-1006-21) to be ultimately discharged into the IDB network. Full details of surface water drainage will be conditioned. Foul water would be discharged to the existing Anglian Water network, whom are obliged to accept foul water flows from new developments if proposed.

7.49 In light of the above, the proposal is considered to be in accordance with Policies 2, 3 and 4 of the South East Lincolnshire Local Plan and Section 14 of the National Planning Policy Framework with regard to their provisions on flood risk and drainage.

7.50 Residential amenity

7.51 Paragraph 130 of the National Planning Policy Framework (2021) 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.

7.52 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.

7.53 Notwithstanding the need to raise levels, it is not considered that the proposed development would have a material adverse impact on the amenity of any properties off-site taking into account scope for mitigation measures. In order to protect the amenity of the occupiers of 6 Harrington Drive, a condition will be added requiring the installation of some form of evergreen screening at least 2.4m in height at the corners of Plots 4 and 5 where they meet the boundary

of said property. The only side facing window to that dwelling is to the hallway, therefore there will be no material privacy issues in that respect and the new dwellings are to the west/south-west, rather than directly south, so there would be no unacceptable overshadowing. Each dwelling will be far enough removed from the boundary so as to not be unduly overbearing and it is tantamount to a standard frontage relationship with the properties opposite on Peterborough Road and Harrington Drive.

7.54 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 Section 12 of the National Planning Policy Framework, and Policies 2 and 3 of the South East Lincolnshire Local Plan.

7.55 Developer Contributions

7.56 Policy 6 (Developer Contributions) sets out the following:
"Developments of 11 or more dwellings, or which have a combined gross floorspace of more than 1,000 sqm, or non-residential development of 1,000sqm gross floorspace or more will be expected to mitigate their impacts upon infrastructure, services and the environment to ensure that such developments are acceptable in planning terms. The Local Planning Authorities will not accept any proposals that artificially reduce capacity or floorspace to circumvent the proper operation of this policy." The supporting text (para 3.7.5) goes on to say: *"Where it is proposed to phase developments, sub-divide sites or where recent subdivision has taken place, or where there is a reasonable prospect of adjoining land being developed in tandem, the whole site will be considered for the purpose of determining whether the scheme meets the site and/or floorspace thresholds identified by Policy 6."*

7.57 This application site forms part of a wider parcel of land with applications on adjoining areas of land being progressed by the same developer (H02-1006-21 and H02-0167-22). As these 5 dwellings effectively form part of a wider development, the applicant would be required to enter into a s106 agreement to tie the application to the remainder for the purposes of developer contributions. Developer contributions are discussed in detail in the report relating to application ref. H02-1006-21.

7.58 Other considerations

7.59 A condition requiring the submission of a Construction Management Plan (to contain details of how noise etc. will be managed and construction vehicles will access the site) can be imposed.

7.60 Planning Balance

7.61 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.

7.62 The application site lies within the settlement boundary for Crowland, therefore the principle of residential development in this location is acceptable. It is not considered that the proposal would materially harm the character or appearance of the locality or amenity of residents and the proposal is acceptable on parking and highway grounds. Flood risk and drainage matters are considered to have been appropriately addressed. The applicant would enter into a s106 agreement to secure appropriate developer contributions, through the corresponding applications.

7.63 Taking the above into account, the planning balance is considered to be in favour of the proposal.

7.64 **Conclusion**

7.65 Taking into consideration these factors, the proposal is considered to be in general accordance with Policies 1, 2, 3, 4, 6, 10, 11, 18 and 32 of the South East Lincolnshire Local Plan (2019), as

well as the provisions in the National Planning Policy Framework (2021).

7.66 **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.

8.0 RECOMMENDATIONS

8.1 **Grant Permission subject to the applicant entering into a s106 agreement to tie the application to the adjoining sites (H02-1006-21 and H02-0167-22) for developer contribution purposes.**

9.0 CONDITIONS

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: As required by Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans and/or documents:

132-LP-10
132-SL-10 Rev C
132-BT-10 Rev B
132-MSL-10 Rev B
132-SS-10 Rev B
SEVERN-002
SEVERN-001
STAMFORD-001
132-DG-001
132-PV-01
132-EV-01
16170381-SEA-HARR-3D-TOPO Rev A
Flood Risk Assessment & Drainage Strategy (prepared by Inspire Design & Development Ltd, Rev P9, dated December 2022)
Preliminary Ecological Appraisal (prepared by Hillier Ecology Limited, dated August 2021)

Reason: For the avoidance of doubt and in the interests of proper planning.

3. The development hereby permitted shall be undertaken in accordance with a Construction Management Plan and Method Statement that shall first be submitted to, and approved in writing by, the Local Planning Authority.

The Construction Management Plan and Method Statement shall indicate measures to protect residential amenity, mitigate against the adverse impacts of vehicle activity and the means to manage the drainage of the site during the construction stage of the permitted development. It shall include;
- phasing of the development to include access construction;
- the parking of vehicles of site operatives and visitors;
- loading and unloading of plant and materials;
- storage of plant and materials used in constructing the development;
- wheel washing facilities;
- the routes of construction traffic to and from the site including any off site routes for the disposal of excavated material and;
- strategy stating how surface water run off on and from the development will be managed during construction and protection measures for any sustainable drainage features. This should include drawing(s) showing how the drainage systems (permanent or temporary) connect to an outfall (temporary or permanent) during construction.
- measures to minimise the impact of noise, dust, vibration and smoke during the construction period.

The Construction Management Plan and Method Statement shall be strictly adhered to throughout the construction period.

Reason: In the interests of residential amenity, the safety and free passage of those using the adjacent public highway and to ensure that the permitted development is adequately drained without creating or increasing flood risk to land or property adjacent to, or downstream of, the permitted development during construction.
This Condition is imposed in accordance with Policies 2, 3 and 4 of the South East Lincolnshire Local Plan, 2019.

4. Before the commencement of the development hereby permitted beyond oversite a schedule of external materials of construction of buildings and hard surfaced areas shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the materials so approved.

Reason: To ensure that the Local Planning Authority retains control over the external materials of construction of the development in the interests of the character and appearance of the development and the visual amenity of the area in which it is set.
This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

5. Before the commencement of the development hereby permitted, full details of the existing and proposed site levels and proposed floor levels of the buildings, hard surfaced areas and garden/amenity areas, including any mitigation measures arising as a consequence (for example increased height of boundary treatment), shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed and retained in accordance with the details so approved.

Note: Where levels are raised above existing ground levels, the submission shall be supported by cross-sectional drawings showing the relationship with adjoining uses and buildings to enable the Local Planning Authority to be satisfied that sufficient mitigation measures will be in place.

Reason: To reduce the risk of flooding of the development. This issue is integral to the development and therefore full details need to be finalised prior to the commencement of works. This Condition is imposed in accordance with Policy 4 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 14 of the National Planning Policy Framework, 2021.

6. The development hereby permitted shall be carried out in accordance with the measures set out in the Flood Risk Assessment (prepared by Inspire Design & Development Ltd, Rev P9, dated December 2022) forming part of this planning application, unless otherwise agreed in writing by the Local Planning Authority, in particular the following measures shall be fully implemented before the property is first occupied:

- Finished floor levels shall be set no lower than 2.1 metres above Ordnance Datum (AOD)
- The development shall have at least two storeys with no sleeping permitted on the ground floor
- Flood resilient construction shall be included to a minimum height of 300mm above finished floor level

Note: The above approved plan does not constitute final approval of detailed site levels or finished floor levels.

Reason: To ensure that the development does not increase the risk of flooding or be at risk of flooding.
This Condition is imposed in accordance with Policies 3 and 4 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 14 of the National Planning Policy Framework, 2021.

7. The development hereby permitted shall not be commenced until a scheme to deal with any contamination of land or pollution of controlled waters has been submitted to and approved in writing by the Local Planning Authority (LPA).

The scheme shall include all of the following measures unless the LPA dispenses with any such requirement in writing:
i) A preliminary risk assessment (desk study) shall be carried out to identify and evaluate all potential sources of contamination and the impacts on land and/or controlled waters, relevant to the site. The desk-top study shall establish a 'conceptual site model' and identify all plausible pollutant linkages. Furthermore, the assessment shall set objectives for intrusive site investigation works/Quantitative Risk Assessment (or state if none required). A full copy of the desk-top study and a non-technical summary shall be submitted to the LPA without delay upon completion.
ii) If identified as being required following the completion of the desk-top study, an exploratory site investigation shall be carried out to fully and effectively characterise the nature and extent of any land contamination and/or pollution of controlled waters. It shall specifically include a risk assessment that adopts the Source-Pathway-Receptor principle, in order that any potential risks are adequately assessed taking into account the sites existing status and proposed end use. A full copy of the site investigation and findings shall be forwarded to the LPA without delay upon completion.
iii) Thereafter, a written method statement detailing the remediation strategy for land contamination and/or pollution of controlled waters affecting the site and a timetable for their completion shall be submitted to and approved in writing by the LPA. This shall include details of the proposed verification plan including compliance criteria and monitoring details.

No deviation shall be made from this scheme without the express written agreement of the LPA. If during redevelopment contamination not previously considered is identified, then the LPA shall be notified immediately and no further work shall be carried out until a method statement detailing a scheme for dealing with the suspected contamination has been submitted to and agreed in writing by the LPA.

Reason: To assess whether the site is polluted and to address any pollution to ensure a satisfactory development. This issue is integral to the development and therefore full details need to be finalised prior to the commencement of works.
This Condition is imposed in accordance with Policy 30 of the South East Lincolnshire Local Plan, 2019.

8. If contamination of land and/or pollution of controlled waters has been identified as a result of investigation undertaken in accordance with Condition 7 above and remediation is required, a full copy of a verification report shall be submitted to, and approved in writing by, the Local Planning Authority prior to the first occupation of the development. The report shall provide verification that the required works regarding contamination have been carried out in accordance with the approved Method Statement(s). Post-remediation sampling and monitoring results shall be included in the closure report to demonstrate that the required remediation objectives and criteria has been fully met.

Note: The applicant is advised that the phased risk assessment required by the Contaminated Land Scheme Condition should be carried out in accordance with the procedural guidance of the Environmental Protection Act 1990 Part 11A.

Reason: To ensure the satisfactory remediation of contaminated land and/or waters.
This Condition is imposed in accordance with Condition 30 of the South East Lincolnshire Local Plan, 2019.

9. Before the commencement of development hereby permitted, details of the management and maintenance schedule for the areas of landscaping, incidental open space, refuse/recycling collection points and parking courts/private drives shall be submitted to and approved in writing by the Local Planning Authority. Thereafter these areas shall be maintained in accordance with the approved details.

Reason: To ensure that adequate provision is made for the management and maintenance of the those areas.
This Condition is imposed in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019.

10. Before the commencement of the development hereby permitted beyond oversite, the approval of the Local Planning Authority is required to a scheme of landscaping and tree planting for the site (including screening of bin collection points) indicating, inter alia, the number, species, heights on planting and positions of all the trees, together with details of post-planting maintenance. Such scheme as is approved by the Local Planning Authority shall be carried out and completed in its entirety during the first planting season following practical completion of the development. All trees, shrubs and bushes shall be maintained by the owner or owners of the land on which they are situated for the period of five years beginning with the date of completion of the scheme and during that period all losses shall be made good as and when necessary.

NOTE: The submitted landscaping proposals shall demonstrate that Biodiversity Net Gain will be achieved on site, using the Biodiversity Metric 3.1 (or any successor).

Reason: To ensure that the development is adequately landscaped, in the interests of its visual amenity and that of the area in which it is set, and that Biodiversity Net Gain will be achieved. This Condition is imposed in accordance with Policies 2, 3 and 28 of the South East Lincolnshire Local Plan, 2019 and the Environment Act 2021.

11. Prior to the occupation of Plots 4 and 5, details of evergreen planting/screening (including height on planting) to be provided in the corners of Plots 4 and 5 where they meet the boundary of 6 Harrington Drive shall be submitted to, and approved in writing by, the Local Planning Authority. The planting shall be undertaken prior to the occupation of Plots 4 and 5 and retained thereafter.

Reason: In the interests of the amenity of the occupants of 6 Harrington Drive.
This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

12. Prior to its installation, details of the proposed boundary treatments, including a schedule of fencing levels, heights and materials, and details of the size and species of any hedging, shall be submitted to and approved in writing by the Local Planning Authority, and the details so approved shall be implemented in full before the development is first brought into use and retained thereafter.

Note: Where levels are raised above existing ground levels, the submission shall be supported by cross-sectional drawings showing the relationship with adjoining uses and buildings to enable the Local Planning Authority to be satisfied that sufficient mitigation measures will be in place.

Reason: In the interests of the character and appearance of the development and the amenity of the area in which it is set including the amenity of nearby occupiers.
This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

13. Details of the design and positions of all external boxes for gas and electricity supplies and of any gas flues and soil vent pipes shall be submitted to and approved in writing by the Local Planning Authority prior to their installation and there shall be no variation from the details so approved.

Reason: To ensure that the Local Planning Authority retains control over these details of the development in the interests of the character and appearance of the development and the visual amenity of the area in which it is set.
This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

14. The development hereby permitted shall be carried out in accordance with the recommendations set out in Section 7.0 of the submitted Preliminary Ecological Appraisal (prepared by Hillier Ecology Limited, dated August 2021), including the recommendations for further survey work.

Reason: In the interests of biodiversity.
This Condition is imposed in accordance with Policy 28 of the South East Lincolnshire Local Plan, 2019.

15. 3 swift nest bricks shall be incorporated within the external walls of each of the dwellings hereby approved and shall be retained thereafter.

Reason: In the interests of biodiversity.
This Condition is imposed in accordance with Policy 28 of the South East Lincolnshire Local Plan, 2019.

16. The water consumption of each dwelling hereby permitted should not exceed the requirement of 110 litres per person per day (as set out as the optional requirement in Part G of the Building Regulations 2010 and the South East Lincolnshire Local Plan, 2019). The person carrying out the work must inform the Building Control Body that this duty applies. A notice confirming the requirement for the water consumption has been met shall be submitted to the Building Control Body and Local Planning Authority, no later than five days after the completion of each individual dwelling.

Reason: To protect the quality and quantity of water resources available to the district.
This Condition is imposed in accordance with Policy 31 of the South East Lincolnshire Local Plan, 2019.

17. The Local Planning Authority has acted positively and proactively in determining this application by assessing it against all material considerations, including national guidance, planning policies and representations that have been received during the public consultation exercise, and by identifying matters of concern within the application and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal.

This decision notice, the relevant accompanying report and the determined plans can be viewed online at http://planning.sholland.gov.uk/OcellaWeb/planningSearch

18. The permitted development requires the formation of a new/amended vehicular access. These works will require approval from the Highway Authority in accordance with Section 184 of the Highways Act. The works should be constructed in accordance with the Authority's specification that is current at the time of construction. Relocation of existing apparatus, underground services or street furniture will be the responsibility of the applicant, prior to application. For application guidance, approval and specification details, please visit: https://www.lincolnshire.gov.uk/licences-permits/apply-dropped-kerb or contact vehiclecrossings@lincolnshire.gov.uk

19. Please contact the Lincolnshire County Council Streetworks and Permitting Team on 01522 782070 to discuss any proposed statutory utility connections and any other works which will be required within the public highway in association with the development permitted under this Consent. This will enable Lincolnshire County Council to assist in the coordination and timings of these works.
For further guidance please visit our website via the following links:
Traffic Management - https://www.lincolnshire.gov.uk/traffic-management
Licences and Permits - https://www.lincolnshire.gov.uk/licences-permits

20. This planning permission is subject to an Agreement under Section 106 of the Town & Country Planning Act 1990 dated ***** and can only be implemented as a consequence of meeting the provisions of that Agreement

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Background papers:- Planning Application Working File

Lead Contact Officer

Name and Post:	Mark Simmonds; Development Manager (Interim)
Telephone Number:	01775 764444
Email	mark.simmonds@sholland.gov.uk

Appendices attached to this report:

Appendix A Plan A

MapThat Scale Print Title



SOUTH HOLLAND DISTRICT COUNCIL

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MAP SCALE 1:1000
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