SOUTH HOLLAND DISTRICT COUNCIL

Report of: **Development Manager**

To: **Planning Committee - 10 January 2024**

(Author: **Mark Niland - Planning Officer)**

Purpose: **To consider Planning Application H02-0217-18**

Application Number:	H02-0217-18	**Date Received:**	22 February 2018
Application Type:	FULL		
Description:	Erection of 5 No. Chalet Bungalows, new access road and relocation of prefabricated single garage to Ranby's Cottage		
Location:	Ranbys Corner 26 Chapel Street Crowland		
Applicant:	Mr Graham Jones	**Agent:**	D T Architects
Ward:	Crowland and Deeping	**Ward Councillors:**	Cllr B Alcock Cllr J R Astill Cllr A Harrison

You can view this application on the Council's web site at
http://planning.sholland.gov.uk/OcellaWeb/planningDetails?reference=H02-0217-18

1.0 REASON FOR COMMITTEE CONSIDERATION

1.1 Significant issues raised by Ward Members and Parish Council warrant committee consideration.

2.0 PROPOSAL

2.1 This is a full planning application for the erection of 5 chalet bungalows at Ranby's Corner, 26 Chapel Street, Crowland.

2.2 The proposal is for 5 large detached, 4-bed, chalet bungalows in a cul-de-sac format with access from Chapel Street, between numbers 26 and 28. The existing garage belonging to 26 Chapel Street is proposed to be relocated to allow the creation of a suitable access.

3.0 SITE DESCRIPTION

3.1 The site is the former playing field of South View Primary School and is now unused. It lies to the rear of properties fronting onto Chapel Street and Stricklands Drive. The site can be accessed from either of these streets. There is grassland to the east and dwellings to the south.

3.2 The eastern and southern boundaries are bordered by trees. The western boundary is bordered by wooden fencing for the most part but there is only short wire fencing between the site and the adjacent bungalows on this side of the site. There is wooden fencing and hedging along the northern boundary.

3.3 All properties on Stricklands Drive adjacent to the site are bungalows. There is a two-storey dwelling to the west of the site as well as two bungalows.

3.4 The site is within the settlement boundary for Crowland as set out in the South East Lincolnshire Local Plan (2019).

4.0 RELEVANT PLANNING POLICIES

4.1 **The Development Plan**

4.2 South East Lincolnshire Local Plan, March 2019

4.3 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.

4.4 Policy 1 - Spatial Strategy
Policy 2 - Development Management
Policy 3 - Design of New Development
Policy 4 - Approach to Flood Risk
Policy 6 - Developer Contributions
Policy 10 - Meeting Assessed Housing Requirements
Policy 11 - Distribution of New Housing
Policy 17 - Providing a Mix of Housing
Policy 28 - The Natural Environment
Policy 30 - Pollution
Policy 31 - Climate Change and Renewable and Low Carbon Energy
Policy 32 - Community, Health and Well-being
Policy 36 - Vehicle and Cycle Parking
Appendix 6 - Parking Standards

4.5 **National Policy and Guidance**

4.6 National Planning Policy Framework (NPPF), 2023

4.7 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 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

4.8 Planning Practice Guidance (PPG)

5.0 RELEVANT PLANNING HISTORY

5.1 None Relevant

6.0 REPRESENTATIONS

6.1 Cllr Alcock

Please ensure the road and access issue is bottomed out. There is great concern about the effect of the amount of additional traffic potentially generated from a development that, from its design, it likely to have multiple vehicles based at each property. Problems already existing within Chapel Street and at the junction with Broadway. Also please address potential adverse

effect of overlooking on properties adjoining the site.

6.2 Cllr Pepper

Turning out of Chapel Street onto Broadway is problematic as there are quite often vehicles parked immediately to the left and right when exiting Chapel Street obscuring the view when turning in either direction, meaning vehicles exiting are quite a way into Broadway before they can see oncoming traffic. The increase traffic this development will bring will exacerbate this problem. A contribution from the developer to improve matters at this junction should be a serious consideration.

6.3 Crowland Parish Council

Objects on the grounds of access onto, through and out of Chapel Street.

6.4 Environment Agency

No objection subject to development being carried out in accordance with flood risk assessment.

6.5 LCC Highways/SUDS

The relatively narrow carriageway of Chapel Street and the limitations at times place upon drivers' visibility, as they exit Chapel Street, by the parking of vehicles within Broadway in the vicinity of that junction, is acknowledged. However, there is no record of these highway constraints having caused collisions involving personal injury. Furthermore, Planning Consent has been granted, in recent times, for new residential development at the southern end of Chapel Street. Therefore, having given due regard to the appropriate local and national planning policy guidance, in particular, the guidance provided at paragraph 32 of the National Planning Policy Framework , Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the residual cumulative impacts of the proposed development would not be expected to be so severe that Planning Consent would have to be withheld or restricted by reason of highway safety or traffic capacity, and does not wish to object to this planning application.

6.6 SHDC Environmental Protection

No objection, but requests standard contamination land condition.

6.7 Sport England

Originally objected to the application on the basis that the development would result in the loss of a playing field, but this objection has subsequently been removed on the basis that the applicant would provide a financial contribution towards the provision of a new multi-use games area at the primary school in Crowland.

6.8 LCC Historic Environment Officer

No archaeological input required.

6.9 Public (12 objections/comments received, summarised)

- Concerns about increased volume of traffic on a narrow road (Chapel Street) and current poor visibility at junction of Chapel Street and Broadway. Chapel Street is barely the width of two cars meaning that if any cars are parked on the street, emergency vehicles would not be able to pass. Vehicles often parked either side of the junction on Broadway making it difficult to see when exiting. Approving the plans will increase the probability of accidents;
- The plans do not provide any details for ongoing maintenance of the access road or construction materials;
- No pavement proposed to the houses and no details on road lighting;
- The South East Lincolnshire Local Plan identifies the site as a sports field. Has an assessment been made to determine whether this is surplus to requirements?;
- Site is in Flood Zone 3a but the FRA does not demonstrate that there are no alternative sites

at a lower risk available;
- Unsure if flood defence measures in the FRA will work in the future if needed;
- There are no details on surface water attenuation measures in the FRA;
- Concerned about capacity of the water supply and sewage system;
- Impact upon wildlife;
- The plans make no provision during construction of the access for 24/7 access to 28 Chapel Street; and
- Concern about possible impact on the foundations/structure of existing buildings.

7.0 CONSIDERATIONS

7.1 Planning Considerations

7.2 The application site is located within the development limits for Crowland and located on allocated recreation open space, identified within the proposal map (Inset 3, Crowland). The application site lies within Environment Agency Flood Zone 3a. The proposal is for the erection of 5 number chalet bungalows.

7.3 The key issues for consideration in this case are:
- Principle of Development
- Planning Obligations
- Highway Safety and Parking
- Impact upon Character and Appearance of the Area
- Residential Amenity
- Flood Risk and Drainage
- Other Considerations

7.4 Evaluation

7.5 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.

7.6 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.

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

7.8 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.

7.9 Principle of Development

7.10 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.

7.11 The site is located within the settlement boundary for Crowland, as set out in the South East Lincolnshire Local Plan (SELLP), 2019. Policy 1 (Spatial Strategy) of the SELLP indicates that within Main Service Centres, such as Crowland, 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. Additional housing would contribute towards this aim and, as such, the site is considered to be suitable in locational terms.

7.12 However, the site is designated as open space in the SELLP and therefore also subject to the

provisions of Policy 32 of the Local Plan. Although the site has been attributed that designation, the site is not technically publicly accessible since it was only used by South View Primary School until its premises on Albion Street/Broadway was demolished and the school relocated elsewhere in the settlement, with its own playing field.

7.13 Policy 32 of the SELLP states that "The redevelopment or change of use of an existing community facility will be permitted only if:
1. an assessment has been undertaken which has clearly shown that the facility is:
a. surplus to requirements; or
b. not economically viable; or
c. unfit for purpose; and
d. in the case of recreational open space, does not make an important contribution in amenity, visual or nature conservation terms; or

2. the loss resulting from the proposed redevelopment or change of use will be replaced by equivalent or better provision (in terms of quantity and quality) in a suitable nearby location; or

3. (in the case of sports facilities or recreational open space) the redevelopment or change of use is for alternative sports or recreational provision, the need for which clearly outweighs the loss.

7.14 In this instance, the second criterion applies since the applicant has agreed to make a financial contribution toward the provision of alternative sporting provision (in the form of a multi-use games area or for other improvements to sports facilities at South View Primary School) elsewhere in Crowland.

7.15 Sport England originally objected to the application on the basis that the development would result in the loss of a playing field, but this objection has subsequently been removed on the basis that the applicant would provide that financial contribution.

7.16 In light of the above, it is considered that the provisions of Policy 32 of the South East Lincolnshire Local Plan are satisfactorily complied with.

7.17 Planning Obligations

7.18 The legal test for planning obligations are set out under Section 122 of the Community Infrastructure Levy Regulations 2010 (as amended). They are reaffirmed under Paragraph 57 of the National Planning Policy Framework, which states:
Planning obligations must only be sought where they meet all of the following tests:

a) necessary to make the development acceptable in planning terms;
b) directly related to the development; and
c) fairly and reasonably related in scale and kind to the development

7.19 Policy 5 of the South East Lincolnshire Local Plan 2019 considers meeting physical and service needs of an area, to make proposals that would otherwise have an unacceptable impact, acceptable in planning terms. Policy 6 states that sport facilities, recreational open space and other green infrastructure will be made in accordance with Local Plan Policy 32 'Community, Health and Well-being'.

7.20 The commuted sum captured is for the provision of a MUGA or for other improvements to sports facilities at South View Primary School to replace the loss of the allocated open space. The fee is based upon discussions between the applicant and Sport England, supported by quotes for such infrastructure. The obligation would meet with the tests as the loss of open space is only acceptable in planning terms subject to 'equivalent or better' provision (Policy 32 SELLP), the obligation would replace directly the loss of outdoor recreation space lost by the development and reposition the replacement infrastructure locally, the amount is considered proportionate (reasonably related in kind and scale) given the amount of allocated space lost and the requirement of Policy 32 (SELLP) that development proposals resulting in a loss will only be supported if equal or better provision is captured.

7.21 On this basis the proposal is considered then to make the scheme acceptable in planning terms

and the amount/type of provision provided is commensurate with the loss of the existing playing field.

7.22 Private Drives

7.23 A 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:

7.24 "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.

7.25 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.

7.26 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.

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

7.28 The proposal is for all dwellings to be served by a private drive and a condition would be imposed to secure private waste collection given the lack of suitable places to site a collection point adjacent to the adopted highway.

7.29 Highway Safety and Parking

7.30 Section 9 of the National Planning Policy Framework (2023) specifically relates to 'Promoting sustainable transport'. Paragraph 111 of the National Planning Policy Framework (2023) advises that "development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe".

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

7.32 Further, Policy 36, to be read in conjunction with Appendix 6 of the South East Lincolnshire 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.

7.33 A number of objectors have raised concerns regarding the increase in the number of vehicles that would be using Chapel Street, its narrow width, parking problems and poor visibility at the junction of Chapel Street and Broadway. The Highway Authority have submitted a detailed response to this application, advising that: 'there is no record of these highway constraints having caused collisions involving personal injury. Furthermore, Planning Consent has been granted, in recent times, for new residential development at the southern end of Chapel Street.

7.34 Therefore, having given due regard to the appropriate local and national planning policy guidance, in particular, the guidance provided at paragraph 32 of the National Planning Policy Framework , Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the residual cumulative impacts of the proposed development would not be expected to be so severe that Planning Consent would have to be withheld or restricted by reason of highway safety or traffic capacity, and does not wish to object to this planning application'. Given this response, it is not considered that there is a defendable reason for refusing the application on highways grounds. The proposal is therefore considered to be acceptable on highways grounds and in accordance with Policy 2 of the Local Plan which requires it to be demonstrated that access and vehicle generation levels will be acceptable.

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

7.36 With regard to the future maintenance of the access road, this will be the responsibility of the occupants of the new dwellings as it is a private road. Construction materials are to be addressed by condition.

7.37 As it is a private drive, it does not have to be constructed to adoptable standards. As such, there is no requirement for a footway or lighting.

7.38 A condition will be added to ensure free passage along Chapel Street, and also to the front of 28 Chapel Street, during the construction period. There will, however, clearly be a time when access would be limited during the construction of the access road itself.

7.39 Impact upon Character and Appearance of the Area

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

7.41 Paragraph 130, contained within Section 12 of the National Planning Policy Framework (2023), states that new development should function well and add to the overall quality of the area (including beyond the short term) and should be visually attractive as a result of good architecture and appropriate landscaping. This goes on to establish that it is important that new development should be of the highest quality to enhance and reinforce good design characteristics, and that decisions must have regard towards the impact that the proposed development would have on local character and history, including the surrounding built environment and landscape setting such as topography, street patterns, building lines, boundary treatment and through scale and massing. Development proposals should also ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users, among other considerations.

7.42 Likewise, Policy 2 of the South East Lincolnshire Local Plan outlines sustainable development considerations for development proposals, providing a framework for an operational policy to be used in assessing the sustainable development attributes of all development proposals. Furthermore, Policy 3 accords with the provisions of Section 12 of the National Planning Policy Framework, in that it requires development to comprise good design; identifying issues that should be considered when preparing schemes so that development sits comfortably with, and adds positively to, its historically-designated or undesignated townscape or landscape surroundings.

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

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

7.45 The proposal was originally for 6 large detached two-storey dwellings. However, given the need to raise floor levels to 1m above existing ground level, it was considered that this would have a significant adverse impact on the character and appearance of the area as the proposed dwellings would relate very poorly to the existing low level bungalows to the north and west.

7.46 The proposal has therefore subsequently been amended to 5 detached chalet bungalows which is much more in keeping with the existing surrounding development in terms of scale.

7.47 Although different in terms of design to the existing bungalows to the north and west, the proposed dwellings are attractive and contain modern features such as arched and high level windows intended to allow more light into the property. The plans also indicate stone appearance lintels which are a higher quality feature. Materials of construction are to be dealt with by means of a condition. Nonetheless, it is considered that the design is appropriate to the site and it is an opportunity to introduce further development of higher quality in the area, in conjunction with no. 28.

7.48 Taking the above into account, it is concluded that the design and layout of the scheme accords with Policies 2 and 3 of the Local Plan. Policy 2 of the Local Plan requires development proposals to take into account sustainable development considerations such as: quality of design; and size, scale, layout, density, impact on character and appearance of the area and the relationship to existing development. Policy 3 requires development proposals to respect the density, scale and massing of neighbouring buildings and the landscape character of the location.

7.49 Residential Amenity

7.50 Paragraph 130 of the National Planning Policy Framework (2023) states that development should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

7.51 Policies 2 and 3 of 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.

7.52 Concerns were originally raised by objectors regarding the potential for overlooking from the two storey properties that would be raised by 1m to mitigate flood risk. There were also balconies proposed to the rear facing towards Stricklands Drive.

7.53 However, amended plans have since been submitted which address the issue of overlooking. The proposed dwellings are now chalet bungalows with the only property facing directly towards Stricklands Drive being Plot 1. Furthermore, the only windows on the northern roof slope are roof lights to bathrooms and would therefore be obscured glazed. The properties would also be almost 30m away from the existing dwellings on Stricklands Drive. Given this, it is considered that there would not be a material adverse impact in terms of overlooking, loss of light or the properties being overbearing in nature.

7.54 The dwelling on Plot 5 is positioned in such a way as that its rear elevation is angled towards the side of 28 Chapel Street. However, like with Plot 1, the only windows on the northern roof slope are roof lights to bathrooms and would therefore be obscured glazed. Furthermore, the side facing windows to 28 Chapel Street belong to a kitchen and utility room which are rooms occupied for a shorter period of time.

7.55 Given the requirement to raise floor levels, careful consideration will be required as to boundary treatments. These will be dealt with by condition.

7.56 Access roads in relatively close proximity to the sides of dwellings for backland development are a common feature.

7.57 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.

7.58 Flood Risk and Drainage

7.59 The NPPF requires the application of the Sequential Test to steer new development to areas with the lowest probability of flooding. 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.

7.60 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.

7.61 The application site lies within Environment Agency Flood Zone 3a and the site is identified within the South East Lincolnshire Strategic Flood Risk Assessment (March 2017) as a combination of 'danger for most' and 'danger for all' in terms of flood hazard and mostly up to 1m in terms of flood depth.

7.62 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 (only suitable sites capable of accommodating 10+ dwellings have been allocated), 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.

7.63 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.

7.64 It is considered that the development would provide wider sustainability benefits to the community in terms of its ability to help meet the housing need, and other benefits including generating employment during the construction period and thereby providing some protection to the local economy. It is also within the existing built up area of Crowland meaning that a range of services and facilities would be accessible within short walking or cycling distance. It would be acceptable in character terms. Whilst its development would result in the loss of a former school playing field, the applicant has agreed to provide a financial contribution towards alternative sporting provision elsewhere in Crowland. On balance, it is considered that the first part of the Exceptions Test is passed.

7.65 In terms of making the development safe, the Flood Risk Assessment submitted for the application recommends that finished floor levels should be set at 1m above existing ground level. This would be sufficient to mitigate against flood risk and the Environment Agency have no objections.

7.66 With regard to drainage, the application form indicates that a sustainable drainage system would be utilised. Full details of this would be secured by condition.

7.67 The development would be connected to the mains sewer system for foul water disposal. Anglian Water are obligated to accept flows from new developments.

7.68 Having regard to the information that has been submitted in support of this application, it is considered that the proposal satisfactorily accords with Policies 2, 3 and 4 of the Local Plan which require proposals to suitability mitigate flood risk and to provide appropriate means of drainage.

7.69 Other Considerations

7.70 Structural stability of buildings is a civil matter. If the stability of a building is severely affected, this would likely be a matter for the Building Control department.

7.71 An Extended Phase 1 Survey was submitted in support of the application. This concluded that the site is of low ecological value but recommends that a selection of bird and bat boxes be erected on the site. This will be conditioned.

7.72 Planning Balance

7.73 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.

7.74 Notwithstanding that the proposal would result in the loss allocated open space "the loss resulting from the proposed redevelopment or change of use will be replaced by equivalent or better provision (in terms of quantity and quality) in a suitable nearby location". The proposal

therefore meets with the requirements of Policy 32 of the South East Lincolnshire Local Plan. The commuted sum which has been negotiated with Sport England meets with the legal tests for planning obligations. Following the agreed provision Sport England now have no objection to the loss of the former school playing field subject to a S106 agreement being in place to secure a financial contribution towards alternative sporting provision within Crowland. The proposal, despite the loss of open space, makes equivalent or better provision elsewhere and is therefore in conformity with Policy 32 of the South East Lincolnshire Local Plan.

7.75 The application site lies within the settlement boundary for Crowland in the South East Lincolnshire Local Plan (March 2019). The principle of residential development in this location is therefore acceptable. It is not considered that the proposal would materially harm the character or appearance of the locality or amenity of residents. There are no material highway issues and parking levels are in accordance with the Local Plan requirements. Flood risk and drainage matters are considered to have been appropriately addressed.

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

7.77 **Additional Considerations**

7.78 Public Sector Equality Duty

7.79 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.

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

7.81 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.

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

7.83 Human Rights

7.84 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).

7.85 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 Authorise to grant planning permission subject to the applicant entering into a Section 106 agreement for the provision of an index-linked financial contribution of £134,400 towards the provision of a MUGA or for other improvements to sports facilities at South View Primary School, Crowland and those Conditions listed at Section 9.0 of this report.

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 documents:

   AL0101 P03
   AL0201 F02
   AB0812 F01
   AB0801 F01
   AB0811 F01
   AB0222 F01
   AB0223 F01
   AB0201 F01
   AB0202 F01
   6475-1
   Application form
   Flood Risk Assessment 18021-FRA-01 V3 (prepared by Parsons Engineers, dated 15th June 2018)
   Protected Species Report.Extended Phase 1 Survey (prepared by Hiller Ecology Limited, dated May 2018)
   BS5837:2012 -Trees in relation to design, demolition and construction. Arboricultural matters relating to land at Chapel St, Crowland (prepared by John Wilcockson, dated 8th February 2017)
   Caloo. Quotation-030464 October 18, 2020

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

3. Prior to the commencement of development a detailed scheme of construction management to minimise disturbance during the construction process through noise, dust, vibration and smoke shall be submitted to and approved in writing by the Local Planning Authority. The construction process shall be carried out in accordance with the scheme so approved. It shall also include a method statement, detailing how construction traffic, site personnel vehicles, materials deliveries and site accommodation will be managed to safeguard highway safety, free passage along Chapel Street (incl. to the front of 28 Chapel Street) and residential amenity.

   Reason: In the interests of the amenity of local residents. 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 Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

4. Prior to the commencement of development details of the precautions to be taken to prevent the deposit of mud on public highways by vehicles travelling from the site during construction of the development shall be submitted to and approved in writing by the Local Planning Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority. These precautions shall be made available before commencement of the construction of the development and be kept available and in full working order until such time as the Local Planning Authority agrees in writing to their withdrawal or the completion of the development.

Reason: In the interests of highway safety during the construction process. 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 3 of the South East Lincolnshire Local Plan, 2019.

5. 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.

6. If contamination of land and/or pollution of controlled waters has been identified as a result of investigation undertaken in accordance with Condition 5 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.

7. 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 and to ensure that the Local Planning Authority retains control over the finished site and floor levels of the development, in the interests of the amenity of adjacent residents and its visual and architectural relationship with adjacent 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 Policies 2, 3 and 4 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 14 of the National Planning Policy Framework, 2023.

8. Before the commencement of the development hereby granted, full details of the means of surface water disposal shall be submitted to and approved in writing by the Local Planning Authority. The details so approved shall be implemented in full before the development hereby permitted is first brought into use.

   Reason: To ensure that the site is adequately drained, to avoid pollution, and to prevent increased risk of flooding.
   This Condition is imposed in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 14 of the National Planning Policy Framework, 2023.

9. Prior to the occupation of any dwelling, full details of the arrangement for private refuse/recycling collection shall be submitted to and approved in writing by the Local Planning Authority. The approved management arrangements shall be implemented upon first occupation of any dwelling and thereafter retained for the lifetime of the development.

   Reason: The proposed development includes a private drive that exceeds the length limitations set out in the Council's 'Private Drives - Waste Vehicle Collection Service' guidance note.
   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 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 applicant is recommended to employ a qualified and experienced landscape designer to produce a landscaping scheme for the development.

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.
This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

11. 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.

12. 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.

13. Prior to the first occupation of any dwelling details of a scheme for the provision of bird and bat boxes in accordance with the recommendations of an ecologist (Section 7.0 of the Extended Phase 1 Survey on Land off Stricklands Drive, Crowland), shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented prior to the completion of the development hereby approved, and shall thereafter be retained.

Reason: In the interests of wildlife.
This Condition is imposed in accordance with Section 15 of the National Planning Policy Framework 2023.

14. The trees to be retained to the east of the site shall be protected during construction work in accordance with the recommendations within the report entitled 'Arboricultural Matters Relating to Land at Chapel St, Crowland' (prepared by John Wilcockson, dated 8th February 2017).

Reason: To ensure the protection of trees on the site.
This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 15 of the National Planning Policy Framework, 2023.

15. The development hereby permitted shall be carried out in accordance with the measures set out in the Flood Risk Assessment (prepared by Parsons Consulting Engineers Ltd, Version V3, dated 15th June 2018) 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 2.650m AOD, 1m above existing ground levels; and
- Flood resilient construction shall be incorporated to a minimum of 300mm above the finished floor levels.

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, 2023.

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 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. This planning permission is subject to an Agreement under Section 106 of the Town & Country Planning Act 1990 dated 21 November 2023 and can only be implemented as a consequence of meeting the provisions of that Agreement.

The provisions of the S106 are to be noted, inter alia, provision 10.1 regarding change of ownership, which states:

The Owner agrees with the Council to give the Council immediate written notice of any change in the ownership of any of its interest in the Site occurring before all the obligations under this Deed have been discharged such notice to give details of the transferees name and address together with details of the part of the Site disposed of PROVIDED THAT this shall not apply in relation to the sale or lease of a single Dwelling.

Background papers:- Planning Application Working File

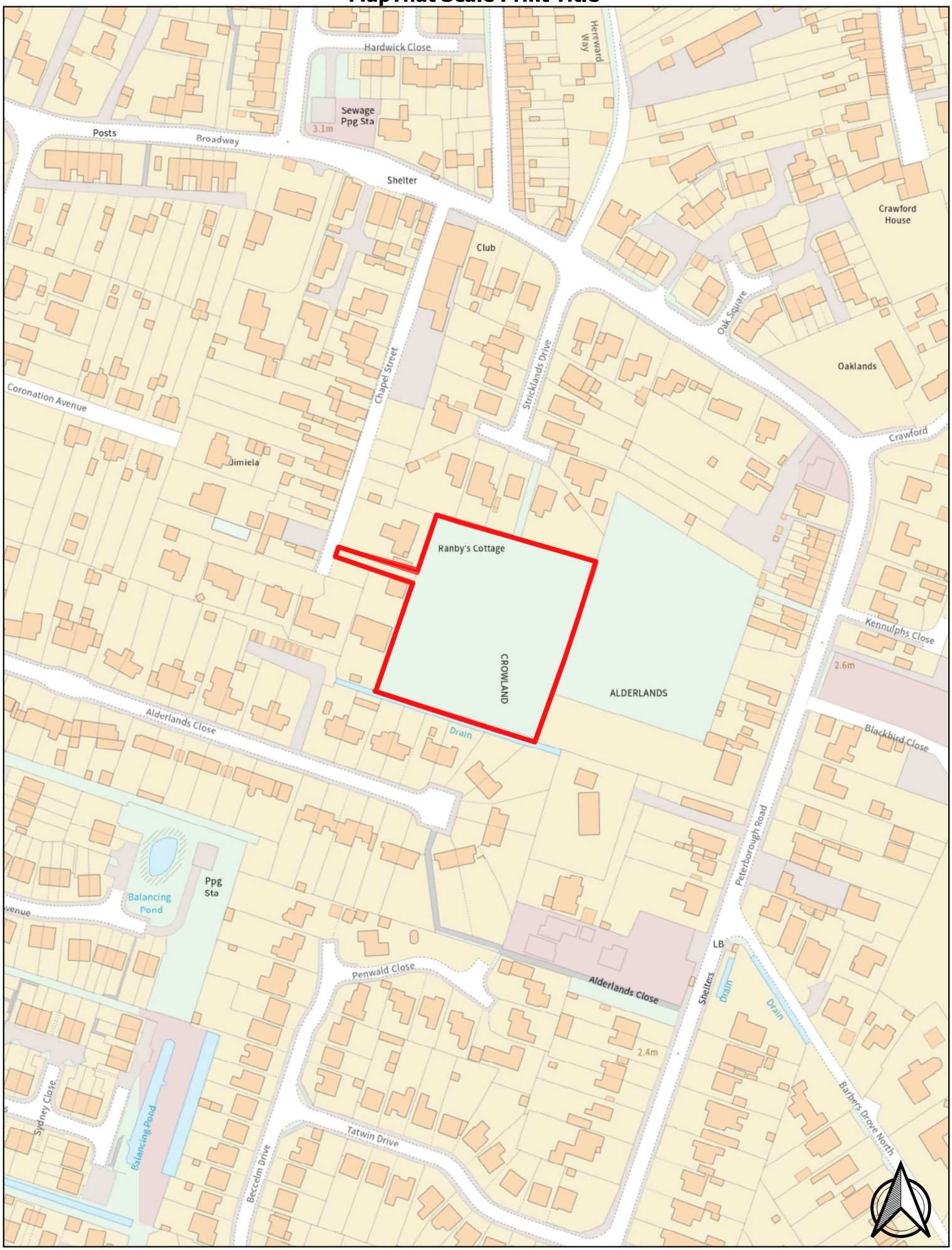
Lead Contact Officer

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 1:2000
CREATED DATE: 11/12/2023
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