

SOUTH HOLLAND DISTRICT COUNCIL

Report of: Development Manager

To: Planning Committee - 14 November 2023

(Author: Jacob Bryan - Planning Officer)

Purpose: To consider Planning Application H02-0277-23

Application Number: H02-0277-23

Date Received: 22 March 2023

Application Type: FULL

Description: Residential development - Construction of a detached dwelling

Location: Land adjacent 38 Broadway Crowland Spalding

Applicant: Churchfield Developments Ltd **Agent:** Anglia Building Consultants

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=H02-0277-23>

1.0 REASON FOR COMMITTEE CONSIDERATION

1.1 The previous planning history of the site warrants Committee consideration.

2.0 PROPOSAL

2.1 This is a full application for residential development - Construction of a detached dwelling on land adjacent to 38 Broadway, Crowland.

2.2 The application is a re-submission of application ref. H02-1179-22 which was refused for the following reason:

2.3 *Plot 4 still remains in close proximity (approx. 4m) to the side elevation of No. 38 Broadway, which has 4 windows to habitable spaces (2 to the lounge and 2 x bedroom windows) on that elevation. Whilst there would appear to be other windows serving these rooms in addition to these, they are either north facing or in close proximity to established trees which will limit light to these rooms and will adversely limit outlook by virtue of being overbearing. Building a dwelling in such close proximity to the side facing windows of no. 38 would further exacerbate the issue. Whilst a fence could be erected in close proximity to the boundary, it is not considered that a fence would be comparable in height to a two storey wall.*

2.4 *It is therefore concluded that the proposal would be contrary to Policies 2 and 3 of the South East Lincolnshire Local Plan (2019) in amenity terms. Policy 2 requires consideration of a proposals impact upon neighbouring land uses by reason of visual intrusion and Policy 3 requires residential amenity to be considered.*

2.5 This proposal aims to combat these issues by reducing the amount of dwellings on site to one,

further increasing the distance between the nearby neighbouring properties and therefore attempting to reduce the issues of the aforementioned previous planning application.

3.0 SITE DESCRIPTION

- 3.1 The site sits close to the corner of Albion Street and Broadway and was intended to form part of the open space for the 22 dwelling development on the former South View Primary School site. There is a two storey dwelling (the old school house) immediately adjacent and there are new dwellings constructed by the same applicant to the rear. The pumping station for the wider site lies to the west. The overriding character of the area is residential. Existing development in the area is quite varied in nature.

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
- 01 - Spatial Strategy
 - 02 - Development Management
 - 03 - Design of New Development
 - 04 - Approach to Flood Risk
 - 10 - Meeting Assesses Housing Requirements
 - 11 - Distribution of New Housing
 - 17 - Providing a Mix of Housing
 - 36 - Vehicle and Cycle Parking
 - Appendix 6 - Parking Standards

4.5 National Guidance

4.6 National Planning Policy Framework (NPPF), 2023

- 4.7
- Section 2. Achieving sustainable development.
 - Section 5. Delivering a sufficient supply of homes.
 - Section 11. Making effective use of land.
 - Section 12. Achieving well-designed places.
 - Section 14. Meeting the challenge of climate change, flooding and coastal change

4.8 Planning Practice Guidance (PPG)

5.0 RELEVANT PLANNING HISTORY

- 5.1 H02-0405-17 - Outline - Erection of up to 22 dwellings (approved 16th August 2017)
- 5.2 H02-0448-18 - Reserved Matters - Erection of 22 dwellings (approved 22nd August 2018)
- 5.3 H02-1020-19 - Reserved Matters - Erection of 3 dwellings and associated works (Plots 8, 9 and 10) Outline approval H02-0405-17 (approved 18th December 2019)
- 5.4 H02-0075-19 - S73 - Residential development - erection of up to 22 dwellings - approved under H02-0405-17. Removal of Condition 4 relating to affordable housing (approved 7th July 2020)

- 5.5 H02-0268-21 - Full - Proposed Pump Station Enclosure & Access (retrospective) (approved 2nd July 2021)
- 5.6 H02-0408-21 - Modification of 106 Agreement to amend clauses 1.1 & 1.2 of Schedule 3 to allow up to 80% of the market dwellings to be occupied prior to trigger point (approved 9th March 2022)
- 5.7 H02-0872-22 - Full - Residential development - Erection of two semi-detached dwellings (refused 21st October 2022)
- 5.8 H02-1179-22 - Full - Residential development - Construction of pair of semi-detached dwellings (re-submission of H02-0872-22) (refused 27th January 2023)

6.0 REPRESENTATIONS

6.1 Crowland Parish Council

Objections - Concerned about the protection of existing trees near the boundary, the proposed retention of an untidy boundary fence and proximity to an old storm drain culvert.

6.2 Environment Agency

Does not fit the Environment Agencies criteria, no comment to make.

6.3 Anglian Water

Does not comment on developments of this size.

6.4 North Level Internal Drainage Board

No objection.

6.5 Lincolnshire County Council Highways

No objection but have suggested two informatives.

Informative

Highway Informative 03

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. Any traffic management required to undertake works within the highway will be subject to agreement. The access must be constructed in accordance with a current specification issued by the Highway Authority. Any requirement to relocate existing apparatus, underground services, or street furniture because of the installation of an access will be the responsibility, and cost, of the applicant and must be agreed prior to a vehicle access application. The application form, costs and guidance documentation can be found on the Highway Authority's website, accessible via the following link - <https://www.lincolnshire.gov.uk/licences-permits/apply-dropped-kerb>.

Highway Informative 08

Please contact the Lincolnshire County Council Street works and Permitting Team on 01522 782070 to discuss any proposed statutory utility connections, Section 50 licences 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 the Highway Authority's website via the following link: Traffic Management - <https://www.lincolnshire.gov.uk/traffic-management>

6.6 Public Representation

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance, two letters of representation have been received.

These can be summarised as:

- Totally different to the original plans, the area was designated a green area planted with trees and shrubs
- Will have to look out onto a water treatment area
- 9m between properties seems close
- Reducing the ridge height has greatly reduced the impact of the dwelling on the surrounding properties
- The phone and broadband cable which runs across the proposed development will require moving in a manner that doesn't disrupt the residents which happened before when the land was cleared
- Concern that the parking area is not porous as it would have the potential to funnel rainwater into the neighbouring property
- Concerning if a future purchaser could introduce a non-porous surface
- The replacement 1.8m wooden fence would need to leave at least the same distance between the wall and the new fence as the existing metal railing fence

7.0 **CONSIDERATIONS**

7.1 **Planning Considerations**

7.2 **Evaluation**

7.3 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.

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

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

7.6 Principle of Development

7.7 The South East Lincolnshire Local Plan 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; in order 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.

7.8 Policy 1 of the South East Lincolnshire Local Plan 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 hierarchy in respect of sustainable development are areas of limited development opportunity including Minor Service Centres, with areas of development constraint comprising 'Other Service Centres and Settlements'. The countryside is at the bottom of the settlement hierarchy and represents the least sustainable location in terms of sustainability.

7.9 Policy 1 (Spatial Strategy) of the South East Lincolnshire Local Plan 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.

- 7.10 The National Planning Policy Framework (NPPF) outlines, within para 60, that "to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay".
- 7.11 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.
- 7.12 The application site in this instance is within Crowland, a Main Service Centre, and lies within the defined settlement boundaries as detailed by Policy 1. In context of this, the principle of residential development within this location is typically considered to be appropriate, comprising an appropriate form of development for the location and would be in accordance with the overall principles of the spatial strategy.
- 7.13 However, it is worth noting in this case that there have been two previous applications on this site, both for residential development comprising a pair of semi-detached dwellings. The first application, reference H02-0872-22, was refused for three reasons:
- 7.14 The first reason for refusal was due to the site being in the 'Danger for Most' area within the SFRA and as such the Standing Advice Matrix outlined that properties within this hazard zone have potential flood depths of up to 1m and should therefore have finished floor levels at a minimum of 1m above ground level. By raising these floor levels to be in accordance with the Standing Advice Matrix it would result in *'a form of development that would appear incongruous and out of keeping with the street scene and would have a material adverse impact on the character and appearance of the area'*.
- 7.15 The second reason for refusal directly links to the previous one stating that a 2.8m high boundary treatment would be needed to prevent any overlooking following the raising of the floor levels, however it was seen that this fence would have a *'material overbearing impact on the occupiers'* on the neighbouring properties. Plot 4 is also considered to be in close proximity with the side elevation of No. 38 Broadway and would overall limit the outlook of the property through being overbearing.
- 7.16 Finally, the development directly went against Policy 32 of the South East Lincolnshire Local Plan (2019) due to them building on the open space and the LPA took the view that *'A developers neglect of a piece of land that has not been finished as per the approved plans is not a justifiable reason for the loss of an area of open space that should have been delivered'*.
- 7.17 The second application on this site aimed to resolve these issues outlined within the decision notice; however, failed to address the second reason. As such, reference H02-1179-22 was refused for only one reason. It was seen that Plot 4 was too close to the existing No. 38s side elevation and therefore *'adversely limits outlook by virtue of being overbearing'*.
- 7.18 Finally, on the current application they have addressed the reason for refusal and have reduced the number of dwellings from a pair of semi-detached to one single dwelling and as such the distance between the dwelling and No. 38 has been increased, with these matters being subject to an appropriate assessment within the report below.
- 7.19 As mentioned in the most recent application on this site, this specific area was intended to be used as 'open space' for the larger 22 dwelling development. As stated in the previous report, it was considered that there was no key on the plan to indicate and outline that 'the land is to be grassed', with no condition or legal agreement relating to the management and maintenance of this area of land', as such the Local Planning Authority therefore take the view that we are unable to enforce that the land remain as the open space for the other dwellings previously

permitted.

- 7.20 In light of this, it is not considered that the land can reasonably be protected for the purpose of 'Public Open Space' and its redevelopment cannot justifiably be resisted on that basis and can therefore not be seen as a reason for refusal.
- 7.21 As such, taking the above matters into account, the proposal is considered to be in accordance with the requirements of Policy 1 of the South East Lincolnshire Local Plan in principle, when viewed on balance. 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, impact on highway safety and flood risk, which are discussed in turn as follows.
- 7.22 Layout, Design and Consideration of the Character and Appearance of the Area
- 7.23 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.
- 7.24 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.
- 7.25 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.
- 7.26 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.
- 7.27 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.
- 7.28 The proposal is for one dwelling along Broadway. The materials being used on the proposed dwelling include the walls being made of Vander sanded corum facing bricks with the roof being made from dark grey Russell roof tiles. Both the windows and doors will be made from uPVC in the colour anthracite. The existing boundary treatments on site are made from a mixture of metal railing, brick wall and timber fencing, the proposed will also feature a timber fence on the side boundaries with a metal railing to the front. Finally, the vehicle access will be made from tarmac and gravel to provide parking for the residents. The bricks being used on this dwelling are similar to other nearby dwellings in the immediate area and therefore ensures that the property will blend in the with area and not harm the locality of the street scene. There is also a variety of different designs along Broadway and therefore this shows there is not one set design new properties such as this should follow. There are no concerns over the materials being

used.

- 7.29 The design of the building incorporates a standard gable roof design on both sides, this is a common feature on the properties along Broadway and around the area. There is a small porch above the door on the front elevation with a window to the side and one above. On the rear there are three windows and a set of French doors. On the eastern elevation of the property there features a ground floor window and a first floor window and one other window on the western elevation. It is overall considered that the design of the dwelling is in keeping with other dwellings in the immediate area, the dwelling would also be sited on a similar sized plot to others nearby, therefore there are no concerns over their appearance in this respect. The dwelling will be 9550mm in length and 5840mm in width providing a total internal floor area of 45.5 metres squared for both floors. The height to the eaves will be 5.05m with a roof pitch of 35 degrees and this makes the ridge height approx. 7.25m. The submitted flood risk assessment identifies that the floor levels would have to be raised by around 700mm above typical ground level. In view of the site sections provided, it is considered that the impact on the character and appearance of the area by virtue of raising levels would, on balance, be acceptable. The footway to the front of the site already sits higher than the application site thus would lessen the impact of raising levels. Furthermore, the ridge height of the proposed dwellings would be lower than that of 38 Broadway and there would be a difference of approx. 480mm in DPC levels which, whilst not insignificant, is not such a difference that it would appear obtrusive.
- 7.30 Internally, the layout of the dwelling allows it to flow through each room on the ground floor. There is a small entrance hall (1600mm by 1600mm), following through this leads to the lounge (4975mm by 4040mm) which is once again directly connect to the kitchen/ dining area (3775mm by 5140mm). Upstairs the layout is split into three bedrooms, a bathroom, and closets. The main bedroom at the front is the largest of the three and is 2975mm by 4151mm, the rear bedrooms are the length of 3475mm but have different widths with one being 2875mm and the other is 2176mm. The bathroom situated on the landing is 1900mm by 2222mm.
- 7.31 Taking account of the design, scale and nature of the development, as detailed above, the proposal is considered to be acceptable. The proposal would not cause an adverse impact to the character or appearance of the area despite the aforementioned raising of the levels and would therefore be in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan and Section 12 of the National Planning Policy Framework.
- 7.32 Impact on Residential Amenity/Land Users
- 7.33 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.
- 7.34 Policies 2 and 3 of South East Lincolnshire Local Plan (2019) set out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.
- 7.35 The previous application was refused on the grounds of amenity due to the proximity, it states that *'Plot 4 still remains in close proximity (approx. 4m) to the side elevation of No. 38 Broadway, which has 4 windows to habitable spaces (2 to the lounge and 2 x bedroom windows) on that elevation. Whilst there would appear to be other windows serving these rooms in addition to these, they are either north facing or in close proximity to established trees which will limit light to these rooms and will adversely limit the outlook by virtue of being overbearing. Building a dwelling in such close proximity to the side facing windows of No. 38 would further exacerbate the issue. Whilst a fence could be erected in close proximity to the boundary , it is not considered that a fence would be comparable in height to a two storey wall'*
- 7.36 This new application aims to combat these issues and the previous reasons for refusal by removing Plot 4 entirely and making the proposal for one dwelling instead of two semi-detached dwellings. The new dwelling is over 9m away from the existing dwelling which is over half of the previous distance and this can therefore be considered that it is now an adequate distance away. The roof span has also been re-designed to span side to side instead of front to back and

therefore this means there is no longer a gable roof on the side facing towards the neighbouring property, by doing this, they have also reduced the height of the ridge by over 1.3m which overall reduces the impact on nearby residents.

- 7.37 This application is accompanied by a site section drawing and site-specific flood risk assessment that indicates that finished floor levels would need to be raised by around 700mm above typical site level to mitigate flood risk. The site section drawing shows a fence of 2m in height and average eye height would sit around the level of the top of this fence based on the floor levels of the facing properties. It could be considered that by raising the floor levels and having the dwelling situated at 3.4m that there could be the potential for concerns regarding amenity and overlooking. It is however, mainly the dwelling that is being raised, the patio area will be slightly less than the ground floor level of the dwelling with the garden being less than both. It can be considered that there is adequate separation distance between the proposed dwelling and the existing dwelling at No. 38 and there is only one window facing this direction which will have a condition on it to prevent it from overlooking by ensuring that it is obscure glazed. Some additional trellising on top would be beneficial for added protection of privacy, which will be conditioned once permission is granted. On this basis, that particular concern is considered to be overcome.
- 7.38 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 or land users, when also taking account of the conditions recommended. As such, the proposal is considered to accord with the provisions of the Section 12 of the National Planning Policy Framework, and Policies 2 and 3 of the Local Plan.
- 7.39 Flood Risk
- 7.40 Policy 4 of the South East Lincolnshire Local Plan and Section 14 of the National Planning Policy Framework concern managing flood risk and drainage. The site is within Flood Zone 1 on the Environment Agency's flood risk maps. Within the local Strategic Flood Risk Assessment, 2017, the site is classed as "danger for most", with flood water expected to reach up to 2 metres. A flood risk assessment has therefore been prepared to address the flooding issue.
- 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 National Planning Policy Framework.
- 7.42 In terms of flood risk, the application site is situated in Environment Agency Flood Zone 1. Therefore, the site would appear to be situated in an area of low flood risk in first instance. However, the site lies within an area identified in the South East Lincolnshire Strategic Flood Risk Assessment (March 2017) (SFRA) as being at increased flood risk in the future, in case of a breach in the tidal defences. The mapping shows that the site falls within a "Danger for Most" hazard zone, with potential flood depths of up to 1m (based on the Residual Peak Depth - 1% Fluvial/0.5% Tidal scenario for 2115).
- 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 (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.
- 7.44 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 With regard to the above, the development would provide some sustainability benefits to the local area through a contribution (albeit small) towards housing supply, and other benefits including generating employment during the construction period and its proximity to a range of services and facilities. Providing that finished floor levels are set no lower than 3.4m AOD (as per the FRA recommendations), the development would be safe for its lifetime. On that basis, it is considered that the Exception Test can be passed.
- 7.46 In terms of drainage, the proposal is to connect into the existing system that serves the adjacent new build dwellings. This is an acceptable arrangement.
- 7.47 Highway Safety and Parking
- 7.48 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".
- 7.49 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.
- 7.50 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. The development proposes a gravel parking and turning away adjacent to the property which provides adequate space for up two vehicles to park plus room for extra and to turn to avoid reversing onto the highway, this was supported by LCC Highways 'Space is provided within the curtilage of the site for parking and manoeuvring of the residents' vehicles'.
- In regard to the new vehicular access LCC Highways were consulted and raised no objection stating 'Suitable visibility is afforded to drivers in both directions at this point for safe egress into the public highway', the new access is clearly safe and acceptable.
- 7.51 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.
- 7.52 Open Space
- 7.53 As referenced within the principle of development section above, as mentioned within the most recent application on this site, this specific area was intended to be used as 'open space' for the larger 22 dwelling development. As stated in the previous report there was no key on the plan to indicate and outline that 'the land is to be grassed or a condition or legal agreement relating to the management and maintenance of this area of land' the Local Planning Authority therefore take the view that we are unable to enforce that the land remain as the open space for the other dwellings.
- 7.54 In light of this, it is not considered that the land can reasonably be protected for the purpose of 'Public Open Space' and its redevelopment cannot justifiably be resisted on that basis and can therefore not be seen as a reason for refusal.
- 7.55 Planning Balance

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

The proposal represents appropriate development within the defined settlement boundary. The development hereby proposed does not materially harm the character or appearance of the locality, or amenity of nearby residents, and provides adequate parking, whilst conforming with the South East Lincolnshire Local Plan and the provisions of the National Planning Policy Framework when viewed as a whole.

7.57 Conclusion

- 7.58 Taking into consideration these factors, the proposal is considered to comply with Policies 1, 2, 3, 4, 10, 11 and 36 and Appendix 6 of the South East Lincolnshire Local Plan (SELLP), 2019, plus advice within the National Planning Policy Framework (NPPF), 2023. Notwithstanding the aforementioned minor conflicts, there are no significant factors in this case that would outweigh the benefits of the proposal; therefore, in considering all the matters raised above the planning balance is in favour of the proposal and the policies referred to above.

Additional Considerations

Public Sector Equality Duty

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

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

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

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

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

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

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

Human Rights

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

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

8.0 RECOMMENDATIONS

- 8.1 Based on the assessment detailed above, it is recommended that the proposal should be

approved under Delegated Authority.

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:

P-22-2251-101

P-22-2251-102-A

P-22-2251-104-A

P-22-2251-105-B

P-22-2251-103-C

Flood Risk Assessment by Ellingham Consulting Ltd dated November 2022

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

3. The proposed first floor window in the eastern elevation serving the landing shall be obscure glazed using Grade 4 glass and thereafter so maintained.

Reason: To prevent overlooking in the interests of the amenity of nearby residents.

This Condition is imposed in accordance with Policy 3 of the South East Lincolnshire Local Plan, 2019 and with national guidance contained in Section 12 of the National Planning Policy Framework 2023.

4. The proposed 1.8 metres and 2 metre high boundary fences shall have trellising on the top.

Reason: To prevent overlooking in the interests of the amenity of nearby residents.

This condition is imposed in accordance with Policy 3 of the South East Lincolnshire Local Plan, 2019 and with national guidance contained in Section 12 of the National Planning Policy Framework 2023.

5. The development hereby permitted shall be carried out in accordance with the measures set out in the Flood Risk Assessment (Ellingham Consulting Ltd dated November 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:

- the finished floor level of the dwelling is at a minimum level of +3.4m OD; and

- there will be 0.3m of flood resilient construction 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, 2023.

6. Notwithstanding the submitted details 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: Site levels and finished floor levels have not been approved. 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 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.

7. Notwithstanding the submitted details 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.

8. Before the commencement of the development hereby permitted beyond oversight, 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 2023.

9. Two swift nest bricks shall be incorporated within the external walls of the dwelling 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.

10. The water consumption of the 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 the 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.

11. 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 subsequently determining to grant planning permission.

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

12. North Level Internal Drainage Board has advised that as the surface water sewers serving Crowland discharge into the Boards drainage network, a development levy will be payable for dealing with the increase in surface water run-off from the site. The Applicant is advised to contact the Drainage Board.

13. 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

14. 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:
Traffic Management - <https://www.lincolnshire.gov.uk/traffic-management>
Licences and Permits - <https://www.lincolnshire.gov.uk/licences-permits>

Background papers:- Planning Application Working File

Lead Contact Officer

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Appendices attached to this report:

Appendix A Plan A

MapThat Scale Print Title

