

SOUTH HOLLAND DISTRICT COUNCIL

Report of: Development Manager

To: Planning Committee - 08 March 2023

(Author: Polly Harris-Gorf - Principal Planning Officer)

Purpose: To consider Planning Application H02-0696-22

Application Number: H02-0696-22

Date Received: 11 July 2022

Application Type: FULL

Description: Residential Development of 40 dwellings, new site access, internal roads, footpath links and landscaping

Location: 17 Barbers Drove North Crowland Peterborough

Applicant: Lion Investment Group

Agent: Barmach Ltd.

Ward: Crowland and Deeping

Ward Councillors: Cllr B Alcock
Cllr J R Astill
Cllr N H Pepper

You can view this application on the Council's web site at

<http://planning.sholland.gov.uk/OcellaWeb/planningDetails?reference=H02-0696-22>

1.0 REASON FOR COMMITTEE CONSIDERATION

1.1 Issues relating to design that merit Committee consideration.

2.0 PROPOSAL

2.1 This is a full planning application for residential development of 40 dwellings, new site access, internal roads, footpath links and landscaping at 17 Barbers Drove North, Crowland.

2.2 The site forms part of a housing allocation in the South East Lincolnshire Local Plan (2019) (ref. Cro011) and already benefits from full planning permission for 41 dwellings, granted under application ref. H02-0064-21. This new application has come forward as no. 17 Barbers Drove North is now to be retained, rather than demolished as per the previous application. The site has also now been split into two parcels with 3 units fronting Barbers Drove North forming part of a separate application (ref. H02-0564-22). The intention behind this is to enable a quicker start on site as less infrastructure is required at the outset for a smaller scheme.

3.0 SITE DESCRIPTION

3.1 The site amounts to approximately 1.22ha and is largely grassed and with a fenced paddock to the northern side. Two new large properties are being constructed to the north-west beyond the tree line. The site adjoins a small number of properties at the south-western end and some bungalows on the opposite side of Barbers Drove North face towards the site. To the north-east are residential properties and Crowland Fire Station, with an IDB drain in between. The south-eastern boundary fronts James Road and is bordered by trees and a drain which runs the length of that boundary, joining the IDB drain at the northern end.

4.0 RELEVANT PLANNING POLICIES

4.1 The Development Plan

South East Lincolnshire Local Plan, March 2019

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

Policy 01 - Spatial Strategy
Policy 02 - Development Management
Policy 03 - Design of New Development
Policy 04 - Approach to Flood Risk
Policy 06 - Developer Contributions
Policy 11 - Meeting Assessed Housing Requirements Distribution of New Housing
Policy 17 - Providing a Mix of Housing
Policy 18 - Affordable Housing
Policy 28 - The Natural Environment
Policy 29 - The Historic Environment
Policy 30 - Pollution
Policy 32 - Community, Health and Well-being
Policy 36 - Vehicle and Cycle Parking
Appendix 6 - Parking Standards
Appendix 8 - Developer Contributions for Education Facilities
Appendix 9 - Developer Contributions for Health Care Facilities

National Guidance

National Planning Policy Framework (NPPF), 2021

Section 2 - Achieving sustainable development
Section 4 - Decision making
Section 5 - Delivering a sufficient supply of homes
Section 8 - Promoting healthy and safe communities
Section 9 - Promoting sustainable transport
Section 11 - Making effective use of land
Section 12 - Achieving well-designed places
Section 14 - Meeting the challenge of climate change, flooding and coastal change
Section 15 - Conserving and enhancing the natural environment
Section 16 - Conserving and enhancing the historic environment

Planning Practice Guidance (PPG)

5.0 RELEVANT PLANNING HISTORY

- 5.1 H02-0564-22 - Outline - Residential Development of 3 dwellings (approved).

H02-0064-21 - Full - Demolition of existing dwelling and erection of 41 dwellings, new site access, internal roads, and landscaping (approved February 2022).

6.0 REPRESENTATIONS

6.1 Crowland Parish Council

Dated 04/08/2022 - Requests a financial contribution from the development towards the replacement of The Pavilion and Young Building on Snowden Playing Field with a new combined sports pavilion, youth club facility and community building (estimated cost of around £1m in total).

Dated 23/08/2022 - CPC have concerns over the pedestrian access on to Barbers Drove North. This is a wide pathway which would easily allow motorcycles and small cars to go through. We would like to see bollards placed so as to avoid access to motor vehicles. This will be yet

another road accessing James Road. CPC would like to see a 40mph speed limit on James Road to improve safety to those entering and exiting the site. Other developments nearby have used the main carriageway for parking of contractors vehicles. This should not be allowed.

6.2 Lincolnshire Police

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

6.3 NHS

Evidence backed financial contribution request of £28,380 towards a new purpose built health centre/primary care centre or expansion to existing primary care facilities in Crowland. N.B. This figure takes into account the adjacent application ref. H02-0564-22.

6.4 LCC Education

The County Council has no comments on this consultation in relation to education as there is sufficient capacity in the locality for the children generated by this scheme.

6.5 LCC Historic Environment Officer

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

6.6 LCC Highways/SUDS

No objection subject to standard highway conditions and informatives.

The layout of the roads and footways on the proposed development is almost identical to that previously Consented under reference H02-0064-21 save for the footpath/cyclepath connection to Barbers Drove North, where measures will need to be put in place to prevent unauthorised use by motor vehicles. This can be managed when engineering details are submitted to the highway authority for technical approval. Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that subject to compliance with the Conditions and advice above the proposed development would not be expected to have an unacceptable impact upon highway safety and so does not wish to object to this planning application.

6.7 Anglian Water

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

6.8 North Level IDB

No objections in principle to this application.

Formal Land Drainage Consent will be required to construct the new outfall arrangement into our Greenbank Drain to the east of the site. In addition, a development levy in accordance with the enclosed will be payable for dealing with the increase in surface water run-off from the site. It should also be noted that our byelaws apply to this watercourse and, in particular Byelaw no.

10 which states that "no person without the previous consent of the Board shall erect any building or structure whether temporary or permanent within 9 metres of the drain". In addition, access to this watercourse is required to enable maintenance to take place. Finally, consent will also be required to form the new access to the site as this crosses a riparian drain.

6.9 Environment Agency

No objection subject to development being carried out in accordance with the recommended mitigation measures in the flood risk assessment.

6.10 SHDC Strategic Housing

First Homes should account for at least 25% of all affordable housing units delivered by developers through planning obligations. The new First Homes policy requirement does not apply for applications for full or outline planning permission where there has been significant pre-application engagement which are determined before 28 March 2022. Policy 18: Affordable Housing of the Local Plan indicates a tenure split of 70% in favour of Rented and 30% Intermediate housing for sale dwellings will be sought, whilst appreciating that this may vary on a site-by-site basis due to factors such as viability or affordable housing need. Policy 17: Providing a Mix of Housing in the Local Plan encourages a mix of house types and sizes to meet a range of needs. I note from the planning application form the developer proposes to deliver 10 affordable homes, 7 Affordable rented comprising 2 x 1 bed houses, 5 x 2 bed houses. 3 Shared ownership comprising 3 x 3 bed houses.

To meet the needs and adhere to local and national policy the applicant should consider for the S106 contribution to deliver 11 affordable homes.

The following mix is requested: 3 First Homes - 2 x 2 bed, 1 x 3 bed; and 8 Affordable rented homes - 4 x 1 bed, 3 x 2 bed, 1 x 3 bed.

6.11 SHDC Environmental Protection Officer (Noise and Odour)

No objection. Request a construction management plan.

6.12 SHDC Environmental Protection (Contaminated Land)

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

6.13 Public

2 objections received (summarised)
- Query re distance to a property in Thorney Road, intervening boundary treatment and responsibility for maintaining land in easement.
- Drawings suggest that a large Sycamore tree and a hedgeline are not in the ownership of the applicant are to be removed.
- In Crowland developers have removed trees without consent and before the public could object.

7.0 CONSIDERATIONS

7.1 Planning Considerations

7.2 Principle

7.3 The site is located within the settlement boundary for Crowland as set out in South East Lincolnshire Local Plan (2019) and is an allocated housing site (ref. Cro011). There is also an extant permission for residential development (ref. H02-0064-21). The principle of residential development on the application site has therefore already been established.

7.4 Design, layout and density

- 7.5 On this revised scheme the overall layout remains largely similar to that previously approved. The most obvious differences are the retention of 17 Barbers Drove North and the western plots that backed on to that road are now excluded from the boundary and are dealt with by a separate application. A mix of eight, rather than ten, house types are now proposed, with an increase in semi-detached properties, three short terraces and fewer detached dwellings. In terms of scale, the 1.5 storey dwellings have been removed so the development will now only include 2 and 2.5 storey properties. This is still generally in keeping with the scale of existing development in the vicinity, where there are a large number of 2 storey dwellings, some of which are substantial in size.
- 7.6 The application form and elevation drawings indicate only a single brick and roof tile type for the whole site. On a development of this size further variation in materials would be beneficial, therefore a condition to that effect would be added. The external appearance of the proposed dwellings now excludes the feature cladding originally proposed, that is more contemporary in nature than would usually be seen in Crowland and South Holland.
- 7.7 In terms of density, the site is approximately 1.22ha in size, which results in a density of approx. 33 dwellings/ha. Policy 11 of the Plan sets out all housing allocations and indicates that Cro011 has a capacity of 31 dwellings. However, no. 15 Barbers Drove North is included within the boundary of Cro011 in the Local Plan, therefore is slightly larger than the application site and the indicated capacity of Cro011 is based on approx. 20/ha. However, at paragraph 5.3.9 of the Local Plan, it is stated that this is only a 'broad indication' and that the 'stated capacity is not necessarily a maximum or, in some cases, a minimum capacity that would be expected on each site; viability, design, constraints and the most efficient use of land in delivering new homes should be the primary considerations in meeting housing needs. It was therefore not anticipated that 31 dwellings for Cro011 should be considered either a maximum or minimum, but rather a broad indication of what may be acceptable. 33/ha is an increase on the previously approved scheme (29/ha) but if a proposal is acceptable in all other regards, it could therefore follow that a higher capacity may be permitted.
- 7.8 The majority of dwellings are to be served by adoptable road with a small number of private drives (3 no.), offering a varied and more informal appearance to parts of the development. Easements have been taken into account where relevant. Properties have been orientated to face public open space or to provide overlooking of said spaces, and will therefore provide natural surveillance.
- 7.9 The submitted flood risk assessment recommends that finished floor levels are set at 2.3m AOD, which is around 1m higher than the existing ground level. Given that the site is reasonably well screened along James Road and dwellings would be set back from the boundaries, it is not considered that the raising of floor levels of the proposed properties would have a material adverse visual impact in the wider street scene.
- 7.10 Taking all of the above into account, it is concluded that the design, layout and density of the scheme satisfactorily accords with Policies 2 and 3 of the Local Plan. Policy 2 of the Local Plan requires development proposals to take into account sustainable development considerations such as: quality of design; and size, scale, layout, density, impact on character and appearance of the area and the relationship to existing development. Policy 3 requires development proposals to respect the density, scale and massing of neighbouring buildings and the landscape character of the location.
- 7.11 Open space and landscaping
- 7.12 The two areas of public open space remain in a similar location to that previously approved - at the north-eastern corner of the site and more centrally to the front of Plots 21-26. Both of these parcels will be multifunctional, forming part of the overall surface water drainage strategy for the development. In total, these spaces amount to around 0.07ha, which is in accordance with the level required by Policy 32 of the Local Plan.
- 7.13 No details on landscaping have been provided to date, but this can be secured by condition.

- 7.14 Highway matters and parking provision
- 7.15 The Highway Authority have not objected to the proposed access and road arrangements, and have not highlighted any highway capacity issues. It is therefore not considered that there is a defensible reason for refusal on these grounds and the proposal satisfactorily accords with Policy 2 of the Local Plan which requires it to be demonstrated that access and vehicle generation levels will be acceptable.
- 7.16 In terms of the internal road arrangements, there would be a combination of adoptable estate road and private drives. There is therefore a need to provide collection points for refuse/recycling and these points are indicated on the layout plan where relevant. Future maintenance and management details will be secured by condition.
- 7.17 The shared foot and cycle link is retained on the south-western side of the site to link with Barbers Drove North and the footway from Thorney Road will be extended to connect to the site. A barrier to prevent motorcycles traversing that space has been introduced and a bollard suggested, to still enable access for cyclists and pushchair and wheelchair users.
- 7.18 In terms of parking arrangements, Appendix 6 of the Local Plan sets out parking standards for residential dwellings and states that 2 vehicle parking spaces are required for dwellings with up to 3 bedrooms and 3 vehicle parking spaces are required for dwellings with 4 or more bedrooms. The proposed vehicle parking arrangements are in accordance with this.
- 7.19 The arrangements of the private drives comply with the Council's guidance note entitled 'Private Drives - Waste Vehicle Collection Service'.
- 7.20 Residential amenity
- 7.21 It is not considered that the proposed development would have a material adverse impact on the amenity of any properties off-site, subject to appropriate boundary treatments being installed.
- 7.22 There is a minimum of 29m to existing properties/buildings on Thorney Road - an acceptable separation distance in planning terms.
- 7.23 Two new dwellings have been built to the north-west of the site and a third is currently under construction. There is an approx. 30m+ separation distance between these dwellings and Plots 18-32 and there is established hedging and trees along the majority of this boundary. This would be supplemented by fencing.
- 7.24 The three plots that faced directly towards the rear projection of no. 11 Barbers Drove North no longer form part of the proposal in light of no. 17 being retained, which is a better situation. This will also mean that there will be no new dwellings directly to the rear of no. 15. The fronts of Plots 34 and 35 would face toward its rear garden but this would be at least 24m away due to the intervening road and garage. No. 9 Barbers Drove North is sufficiently far away not to be materially impacted.
- 7.25 Notwithstanding the above, consideration must also be had to the impact that raising finished floor levels might have on neighbouring amenity. The submitted flood risk assessment recommends that finished floor levels are set at 2.3m AOD, which is around 1m higher than the existing ground level.
- 7.26 It is not uncommon for new properties to be raised to this extent next to existing properties and adequate levels of amenity can typically be achieved by ensuring that appropriate boundary treatments are in place. Whilst full details of ground levels are yet to be confirmed, the drainage strategy indicates that the floor level of Plot 33 would be 2.3m AOD, with the existing floor level of 17 Barbers Drove North being 1.36m AOD. It will ultimately depend on the external levels, but higher fencing would be required in this location to ensure adequate privacy. The same applies to the far end of the site where screening is sparse to the rear of properties fronting Thorney Road. Full details of existing and proposed floor and ground levels (including cross-

sections where relevant) will be secured by condition, as can boundary treatment details.

- 7.27 Additional boundary treatment can be considered between the 'shared footpath/cycle path' as part of the above to assist with privacy for no. 15.
- 7.28 Given that the proposed dwellings are sited to the north-east or south-east of existing dwellings, and the separation distances that would be achieved, it is not considered that there will be a material overshadowing or loss of light impact.
- 7.29 Whilst loss of views is a consideration, it is one that carries very limited weight in the overall planning balance.
- 7.30 Within the site, at least a 12m separation distance has been observed where the front/rear of properties face a side elevation of another. This is typically seen as an acceptable standard to apply. The orientation of dwellings and positioning of fenestration is such that there should be no material overshadowing or daylight issues to habitable spaces.
- 7.31 In terms of external space, the sizes of rear gardens are comparable to those provided on other new developments in the district.
- 7.32 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.
- 7.33 Flood risk and drainage
- 7.34 The site is part of a housing allocation in the Local Plan and is therefore a sequentially preferable site in flood risk terms. The submitted Flood Risk Assessment identifies that finished floor levels of dwellings should be set at a minimum of 2.3m AOD as a flood mitigation measure, with all dwellings having at least two storeys and flood resilient construction being incorporated up to a height of 300mm above the finished floor level. The Environment Agency have no objection to the application on flood risk grounds subject to the development being carried out in accordance with the measures specified in the Flood Risk Assessment.
- 7.35 The proposed surface water drainage strategy is based on SUDS techniques to provide source control and attenuate flows from the site. The attenuated flows will ultimately be discharged to the adjacent IDB drain. North Level Internal Drainage Board and the Lead Local Flood Authority have no objections to the principle of the proposed surface water drainage strategy.
- 7.36 In terms of foul water disposal, connection would be made to the existing Anglian Water system. They have advised that the foul drainage from this development is in the catchment of Crowland Water Recycling Centre that will have available capacity for these flows. The sewerage system at present also has capacity for flows from the site. Given the above, it is considered that the proposed drainage scheme and flood mitigation measures accord with Policies 2, 3 and 4 of the Local Plan which require proposals to provide appropriate means of drainage and flood defence.
- 7.37 Viability and developer contributions
- 7.38 This site forms part of a wider allocation for residential development in the Local Plan and sits adjacent to an area of land that is subject to planning application ref. H02-0564-22 for the development of 3 dwellings. Policy 6 of the Local Plan states that: "The Local Planning Authorities will not accept any proposals that artificially reduce capacity or floorspace to circumvent the proper operation of this policy." The supporting text (para 3.7.5) goes on to say: "Where it is proposed to phase developments, sub-divide sites or where recent subdivision has taken place, or where there is a reasonable prospect of adjoining land being developed in tandem, the whole site will be considered for the purpose of determining whether the scheme meets the site and/or floorspace thresholds identified by Policy 6."

- 7.39 The total number of units across both sites is 43 and in the context of the above, the developer contributions are required to reflect that. As part of application ref. H02-0564-22, the applicant is entering into a s106 agreement to secure the delivery of 25% of the overall 43 units as affordable housing on this application site (i.e. 11 affordable dwellings to be delivered on this site), plus an NHS contribution of £660 per dwelling.
- 7.40 In terms of this application, in addition to the 25% affordable housing, the following requests have been made:
 NHS - £26,400
 Crowland Parish Council - £1,000,000 (the estimated cost of the replacement of The Pavilion and Young Building on Snowden Playing Field with a new combined sports pavilion, youth club facility and community building)'
- No request has been made this time from the Education Authority. The rationale behind this being that using the 2024/2025 projections, the Secondary planning area for this development is predicted to have places available.
- 7.41 In regard to the Parish Council request, clearly £1,000,000 is a significant contribution for any developer to pay for a development of this scale and the NPPF sets out 3 tests that planning obligations must meet:
- 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.
- Arguably such a sum does not comply with criterion (c), working out at around £23,000 per dwelling, which is significantly more than any other financial contribution such as education or NHS typically represents.
- 7.42 The approach in application ref. H02-0064-21 was to redirect the requested £120,375 education contribution to the Parish Council on the basis that the education contribution would be spent at The Deepings School, thus outside South Holland district. However, the Education Authority are not requesting a financial contribution from this application therefore an alternative approach must be taken.
- 7.43 Policy 6 of the Local Plan makes reference to contributions towards "sports facilities, recreational open space and other green infrastructure" being "made in accordance with Local Plan Policy 32: Community, Health and Well-being". Policy 32 sets out standards for the provision of community infrastructure based on the number of additional persons a development generates. Given that the replacement building proposed by the Parish Council would include facilities that could be used by the wider population in the settlement, not solely for a sporting purpose, it is considered that the building could be considered a 'village hall', which has a standard of 1 hall / 2,500 persons. Based on the population that would be expected to be generated by the overall scheme (2.4 persons per household), this would indicate a contribution of £41,200 which is more proportionate to the size of the development.
- 7.44 On the basis of the above, officers have agreed a package of developer contributions comprising of:
 -11 affordable units (25%)
 -£26,400 NHS contribution
 -£41,200 Parish Council contribution
- 7.45 Affordable housing provision
- 7.46 Policy 18 of the Local Plan requires the provision of about 25% affordable housing on-site on market schemes in South Holland. As it has been agreed that the adjoining 3-unit scheme will not include any affordable housing units to assist in facilitating early delivery of those units, the full affordable housing contribution required is now to be based on the 40 units proposed in this application, plus the 3 that are the subject of the adjoining application. 11 affordable units are therefore required.
- 7.47 Strategic Housing's preferred affordable mix is 3 x First Homes (2 x 2 bed and 1 x 3 bed) and 8 x Affordable Rent (4 x 1 bed, 3 x 2 bed and 1 x 3 bed).

7.48 The affordable housing scheme proposed accords with the above mix.

7.49 Ecology

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

7.51 There are no protected trees on/adjoining the site that would be impacted by the development. Appropriate conditions will be added to ensure the retention and protection of existing trees during and after construction works.

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

7.53 Other considerations

7.54 A condition would be added requiring the submission of details for the management and maintenance of areas of open space, incidental landscaping, drainage features and any easements if permission were to be granted.

7.55 Planning Balance

7.56 The principle of residential development on this site has already been established by virtue of the housing allocation in the Local Plan and the previous consent. It is not considered that the proposal would materially harm the character or appearance of the locality or amenity of nearby residents, and flood risk and drainage matters are considered to have been appropriately addressed. A package of developer contributions has been agreed and there is no objection from the Highway Authority.

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

Conclusion

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

7.59 **Additional Considerations**

7.60 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.

7.61 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 **Authorised to Grant Permission subject to the applicant entering into a Section 106 Agreement to secure the delivery of 25% affordable housing on-site (11 dwellings), a £26,400 NHS contribution, a £41,200 Parish Council contribution 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:

Application Form
Planning, Design & Access, and Affordable Housing Statement. June 2022
Flood Risk Assessment. ECL0020a/SEAGATE HOMES. July 2022
Site Investigation Report. C15122
Archaeological Desk-Based Assessment - September 2020. O A Report No: 2444.
Tree Survey. Caroline Hall Arboriculture. December 2020
BARB-SH-PD-LP-01-A
BARB-SH-PD-SL-02-F
BARB-SH-PD-DS-03
HT2-02-Elevations Rev A
HT9-01-Plans & Elevations Rev A
HT8-01-Plans-Rev A
HT8-02-Elevations Rev A
HT7-01-Plans Rev A
HT7-02-Elevations Rev A
HT6-01 Rev A
HT5-01-Plans Rev A
HT5-02-Elevations Rev A
HT3-01-Plans & Elevations Rev A
HT2-01-Plans Rev A
HT2-02-Elevations s/o Rev A
HT2-01-Plans Rev A
HT1-02-Elevations Rev A
HT1-01-Plans Rev A

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

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

The Construction Management Plan and Method Statement shall indicate measures to mitigate against the adverse impacts of vehicle movements and vehicle parking and shall include;

- the phasing of the development to include access construction;
- the parking of vehicles of site operatives and visitors;
- the loading and unloading of plant and materials;
- the storage of plant and materials used in constructing the development;
- wheel washing facilities;
- a strategy stating how surface water run off on and from the development will be managed during construction

Reason: In the interests of the safety and free passage of those using the adjacent public highway and to ensure that the permitted development is adequately drained without creating or increasing flood risk to land or property adjacent to, or downstream of, the permitted development during construction.

This Condition is imposed in accordance with Policies 2, 3 and 4 of the South East Lincolnshire Local Plan, 2019.

4. The development hereby permitted shall not be occupied before a 2.0 metre wide footway, to connect the development to the existing footway network on James Road and a 3.0m wide footway/cycleway to connect the development to Barbers Drove North, has been provided in accordance with details that shall first have been submitted to, and approved in writing by, the Local Planning Authority. The works shall also include appropriate arrangements for the management of surface water run-off from the highway.

Reason: To ensure the provision of safe and adequate pedestrian access to the permitted development, without increasing flood risk to the highway and adjacent land and property. This Condition is imposed in accordance with Policies 2, 3 and 33 of the South East Lincolnshire Local Plan, 2019.

5. Before any dwelling is occupied, all of that part of the estate road and associated footways that forms the junction with the main road and which will be constructed within the limits of the existing highway, shall be laid out and constructed to finished surface levels in accordance with details to be submitted and approved by the local planning authority.

Reason: In the interests of safety, to avoid the creation of pedestrian trip hazards within the public highway from surfacing materials, manholes and gullies that may otherwise remain for an extended period at dissimilar, interim construction levels.

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

6. The permitted development shall be undertaken in accordance with an Estate Road Phasing and Completion Plan, which shall first be approved in writing by the Local Planning Authority. The Plan shall set out how the construction of the development will be phased and standards to which the estate roads on each phase will be completed during the construction period of the development.

Reason: To ensure that a safe and suitable standard of vehicular and pedestrian access is provided for residents throughout the construction period of the development.

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

7. The permitted development shall be undertaken in accordance with a surface water drainage scheme which shall first have been approved in writing by the Local Planning Authority.

The scheme shall:

- be based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development;
- provide details of how run-off will be safely conveyed and attenuated during storms up to and including the 1 in 100 year critical storm event, with an allowance for climate change, from all hard surfaced areas within the development into the existing local drainage infrastructure and watercourse system without exceeding the run-off rate for the undeveloped site;
- provide attenuation details and discharge rates which shall be restricted to 1.4 litres per second;
- provide details of the timetable for and any phasing of implementation for the drainage scheme; and
- provide details of how the scheme shall be maintained and managed over the lifetime of the development, including any arrangements for adoption by any public body or Statutory Undertaker and any other arrangements required to secure the operation of the drainage system throughout its lifetime.

No dwelling shall be occupied until the approved scheme has been completed or provided on the site in accordance with the approved phasing. The approved scheme shall be retained and maintained in full, in accordance with the approved details.

Reason: To ensure that the permitted development is adequately drained without creating or increasing flood risk to land or property adjacent to, or downstream of, the permitted development.

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 14 of the National Planning Policy Framework, 2021.

8. The development hereby permitted shall be carried out in accordance with the measures set out in the Flood Risk Assessment (ELLINGHAM CONSULTING LTD. ECL0020a/SEAGATE HOMES. JULY 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 levels of the dwellings will have a minimum level of +2.3m OD; and
- there will be 0.3m of flood resilient construction above finished floor level.

Reason: To ensure that the development does not increase the risk of flooding or be at risk of flooding.

This Condition is imposed in accordance with Policies 3 and 4 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 14 of the National Planning Policy Framework, 2021.

9. 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 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.

10. 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.

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

No works shall be undertaken to G16 (Hawthorn) other than to clear any brambles, ivy or ground cover in order to establish the exact boundary line.

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

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

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

No works shall be undertaken to G16 (Hawthorn) other than to clear any brambles, ivy or ground cover in order to establish the exact boundary line.

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

Reason: In the interests of the character and appearance of the development and the amenity of the area in which it is set including the amenity of nearby occupiers.

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

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

Reason: To ensure that adequate provision is made for the management and maintenance of the those areas.

This Condition is imposed in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019.

14. The development hereby permitted shall be carried out in accordance with the recommendations set out in Section 7.0 of the submitted Preliminary Ecological Appraisal (prepared by Hillier Ecology Limited, dated November 2020).

Reason: In the interests of biodiversity.

This Condition is imposed in accordance with Policy 28 of the South East Lincolnshire Local Plan, 2019.

15. 3 swift nest bricks shall be incorporated within the external walls of each 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.

16. Where trees are shown on drawing reference BARB-SH-PD-SL-02-F to be retained on site they shall be protected during construction work as follows:
- i) chestnut pale or similar fencing 1.5 metres in height shall be provided around the trees to be retained before development is commenced at a minimum distance from the trunks equal to the spread of the crowns of the trees. No materials, equipment, site huts, fuels or other items shall be placed or stored within the areas enclosed by the fencing so erected and the ground levels within those areas shall not be altered, nor shall any excavation be made,
 - ii) no burning of materials or other items shall take place within 3 metres of the crown spread of any of the trees to be retained;
 - iii) no services shall be routed under the spread of the crowns of the trees to be retained;
 - iv) no retained tree shall be cut down, up-rooted, destroyed, topped or lopped unless first agreed in writing by the Local Planning Authority;
 - v) if any tree which is to be retained dies or is to be removed it shall be replaced within six months thereafter with a tree of such size and species which shall be first be agreed in writing by the Local Planning Authority.
- 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, 2021.
17. None of the existing trees on the site shall be cut down, up-rooted, destroyed, topped or lopped unless first agreed in writing by the Local Planning Authority. If any tree which is to be retained dies or is to be removed it shall be replaced within six months thereafter with a tree of such size and species which shall be first be agreed in writing by the Local Planning Authority.
- Reason: To ensure the protection of existing trees on the site, in the interests of the visual amenity of the locality.
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, 2021.
18. The water consumption of each dwelling hereby permitted should not exceed the requirement of 110 litres per person per day (as set out as the optional requirement in Part G of the Building Regulations 2010 and the South East Lincolnshire Local Plan, 2019). The person carrying out the work must inform the Building Control Body that this duty applies. A notice confirming the requirement for the water consumption has been met shall be submitted to the Building Control Body and Local Planning Authority, no later than five days after the completion of each individual dwelling.
- Reason: To protect the quality and quantity of water resources available to the district.
This Condition is imposed in accordance with Policy 31 of the South East Lincolnshire Local Plan, 2019.
19. 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>
20. This planning permission is subject to an Agreement under Section 106 of the Town & Country Planning Act 1990 dated ***** and can only be implemented as a consequence of meeting the provisions of that Agreement

21. All roads within the development hereby permitted must be constructed to an engineering standard equivalent to that of adoptable highways. Those roads that are to be put forward for adoption as public highways must be constructed in accordance with the Lincolnshire County Council Development Road Specification that is current at the time of construction and the developer will be required to enter into a legal agreement with the Highway Authority under Section 38 of the Highways Act 1980. Those roads that are not to be voluntarily put forward for adoption as public highways, may be subject to action by the Highway Authority under Section 219 (the Advance Payments code) of the Highways Act 1980. In all cases, the developer is advised to undertake early discussions with statutory undertakers to co-ordinate the laying of utility services under the highway.
22. Please contact the Lincolnshire County Council Streetworks and Permitting Team on 01522 782070 to discuss any proposed statutory utility connections and any other works which will be required within the public highway in association with the development permitted under this Consent. This will enable Lincolnshire County Council to assist in the coordination and timings of these works.
- For further guidance please visit our website via the following links:
Traffic Management - <https://www.lincolnshire.gov.uk/traffic-management>
Licences and Permits - <https://www.lincolnshire.gov.uk/licences-permits>
23. The highway improvement works referred to in Condition 4 are required to be carried out by means of a legal agreement between the landowner and the County Council, as the Local Highway Authority.
24. The existing ground level of the site must not be raised above the ground level of any surrounding land without further consultation with the Lead Local Flood Authority and Local Planning Authority, to consider suitable mitigation measures to ensure that surface water flood risk is not created or increased to land adjacent to the permitted development.
25. Under the Wildlife and Countryside Act 1981 (as amended) all birds, their nests and eggs are protected by law and it is an offence to damage or destroy the nest of any wild bird while it is in use or being built. In the event of query please contact Natural England at their Lincoln office on 03000 603900.
26. Bats are protected species under the Wildlife and Countryside Act 1981 (as amended) and in the event that bats are living in any cavities in the tree(s), or if they are discovered while the works are taking place please inform Natural England at their Lincoln office on 03000 603900 before works proceed.

Background papers:- Planning Application Working File

Lead Contact Officer

Name and Post:	Richard Fidler , Development Manager
Telephone Number:	01775 764428
Email	rfidler@sholland.gov.uk

Appendices attached to this report:

Appendix A Plan A

MapThat Scale Print Title

