SOUTH HOLLAND DISTRICT COUNCIL

Report of: **Development Manager**

To: **Planning Committee - 06 September 2023**

(Author: **David Grant - Planning Officer)**

Purpose: **To consider Planning Application H02-0899-22**

Application Number:	H02-0899-22	**Date Received:**	13 September 2022
Application Type:	FULL		
Description:	Erection of 3 bungalows & garages		
Location:	Site at Blackbird Close/Peterborough Road Crowland Peterborough		
Applicant:	Mr M Blackbird	**Agent:**	Sharman Architecture
Ward:	Crowland and Deeping	**Ward Councillors:**	Cllr B Alcock Cllr J Astill Cllr A Harrison

You can view this application on the Council's web site at
http://planning.sholland.gov.uk/OcellaWeb/planningDetails?reference=H02-0899-22

1.0 REASON FOR COMMITTEE CONSIDERATION

1.1 This application has been referred to Committee by the Chairman's Panel.

2.0 PROPOSAL

2.1 This is a full planning application on land at the junction of Blackbird Close / Peterborough Road, Crowland for the erection of 3 bungalows and garages. Plot 1 is the westernmost, sited closest to Peterborough Road and seeks to provide three bedrooms, two en-suites, a sitting room, utility, combined kitchen / eating area, and an integral single garage. Plot 2 is the middle of the three plots and contains two bedrooms, an en-suite, bathroom, combined kitchen / eating area, and a sitting room. The single garage for Plot 2 is detached from the dwelling and is connected by a side elevation wall to a detached garage serving Plot 3. The easternmost plot is Plot 3, which is a handed layout of Plot 2, and contains two bedrooms, an en-suite, bathroom, combined kitchen / eating area, and a sitting room. Materials of construction would be addressed by condition. All three plots will be bordered by a 1.8 metre high fence to the front and sides, with the existing 2 metre high rear brick wall retained, and 0.45 metres of privacy fencing above. The proposal has been amended four times, firstly to add site cross sections, secondly to show revised site plans, and thirdly to provide existing site levels. The finished floor levels of the dwellings will be set at 2.60m AOD. This is comparable to Peterborough Road to the west which is set at 2.55m AOD.

2.2 A fourth amendment has been submitted to address overlooking, overshadowing and maintenance concerns. With regard to maintenance, it will be written into the contract of each house sold, that all purchasers will be required to sign up to a joint management company and be responsible for maintenance of the roads, drainage, street lighting and soft landscaping areas (a condition to secure these details is included). Clarification of landscaping has been

provided, as well as the site levels of adjacent land to the north, and alterations to the northern boundary treatment to address overlooking concerns. A 0.45 metre high timber fence will be added to the top of the existing 2 metre high wall to prevent overlooking from the rear door access and rear fenestration. This fence will run to cover the length of the westernmost extent of the dwelling at Plot 1 and to the easternmost extent of the dwelling at Plot 3.

3.0 SITE DESCRIPTION

3.1 The site is within the defined settlement limits of Crowland, and the surrounding area is characterised by residential development of varying ages and design. Dwellings at 4, 4a and 4b Peterborough Road are located beyond a boundary fence / wall to the north of the site. Three large dwellings at Blackbird Close are located to the east of the site. 8 Peterborough Road is located to the south of the site beyond a boundary wall, with dwellings on the opposite side of Peterborough Road to the west of the site. The site is in Environment Agency Flood Zone 2. The 2115 South Holland Strategic Flood Risk Mapping hazard zones progress from no hazard in the east of the site, through to "Danger for Most" on the westernmost extent. The proposed flood depth mapping progresses from no depth on the westernmost extent to 1 metre maximum predicted flood depth on the easternmost extent of the site.

4.0 RELEVANT PLANNING POLICIES

4.1 **The Development Plan**

South East Lincolnshire Local Plan, March 2019

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

1 - Spatial Strategy
2 - Development Management
3 - Design of New Development
4 - Approach to Flood Risk
10 - Meeting Assessed Housing Requirements
11 - Distribution of New Housing
17 - Providing a Mix of Housing
36 - Vehicle and Cycle Parking
Appendix 6 - Parking Standards

4.2 **National Guidance**

National Planning Policy Framework (NPPF), 2021

5 - Delivering a sufficient supply of homes
12 - Achieving well-designed places
14 - Meeting the challenge of climate change, flooding and coastal change

Planning Practice Guidance (PPG)

5.0 RELEVANT PLANNING HISTORY

5.1 H02-1082-15

Full - Residential development 41 dwellings with associated parking and garages - Approved - 21 August 2017.

6.0 REPRESENTATIONS

6.1 Lincolnshire County Council - Highways & SUDS Officer

No objections. Requests a private road informative.

6.2 South Holland District Council - Environmental Health

"I request the full land contamination condition be applied at this location. Previous site investigations only considered this area as part of the driveway of the development to the rear, and did not consider fully the past industrial use nor the introduction of a residential receptor. I therefore advise the applicant consults with their environmental consultant before submitting their existing reports."

6.3 Environment Agency

The site is in Environment Agency Flood Zone 2 and not in our criteria for consultation.

6.4 North Level Internal Drainage Board

No comments.

6.5 Crowland Parish Council

"CPC have some concerns but no objections"

6.6 Members of the public

This application has been advertised in accordance with the Council's Statement of Community Involvement and the Development Procedure Order. In this instance, three letters of representation have been received. These can be summarised as:

Proximity
Overlooking
Overshadowing
Clarity over separation distances
Parking provision
Loss of light from 450mm high fencing above existing 2 metre high wall
Width and location of access road
Overflow parking provision
Number of vehicles using road
Potential noise
Pollution caused by air source heat pumps
Party wall agreement
Clarity over boundaries
Loss of property value
Impact from tree planting
Disturbance / damage during piling and Noise from rumble strips

7.0 CONSIDERATIONS

7.1 Evaluation

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

7.3 In this case, the adopted South East Lincolnshire Local Plan 2011-2036, adopted March 2019, forms the development plan for the District, and is the basis for decision making in South Holland. The relevant development plan policies are detailed above.

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

7.5 Furthermore, where a Neighbourhood Plan has been adopted, this alongside the adopted Local Plan, forms part of the Development Plan for the District, and must be considered when assessing development proposals. In this instance, no relevant neighbourhood plans have been

adopted.

7.6 Principle of Development

7.7 This proposal is assessed against SELLP Policy 1 titled - Spatial Strategy. The relevant section in this policy is titled Main Service Centre. This section of the policy states:

7.8 "Within the settlement boundaries of the Main Service Centres (as shown on the Inset Maps) 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."

7.9 The site is within the settlement boundary of the Main Service Centre of Crowland and will help supports its role as a main service centre, as well as helping to sustain existing facilities. On this basis the principle of residential development in this location is acceptable.

7.10 Character / Appearance

7.11 Paragraph 130 of the National Planning Policy Framework (NPPF), 2021 establishes that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area. That they are visually attractive, as a result of good architecture, and are sympathetic to local character. Likewise, Policy 2 of the SELLP, states that design which is inappropriate to the local area, or which fails to maximise opportunities for improving the character and quality of an area, will not be acceptable.

7.12 Since the previous Chairman's Panel meeting no alterations have been made to the location and layout of the dwellings, nor the side and frontage boundaries. The size, scale and layout of the proposal is considered to be acceptable for the site. The design is broadly in keeping with other dwellings in the vicinity of the site. Whilst there are not bungalows in the immediate vicinity, the requirement to raise finished floor levels to address flood risk means that two storey dwellings in this location would have a material impact on the character and amenity of the surrounding area.

7.13 The east / west orientation is in keeping with 21 and 21a Peterborough Road on the opposite side of the highway. No trees will be removed to facilitate this proposal and additional soft landscaping is being provided. A detailed planting schedule has been provided. The planting is native and in keeping with other planting in the area. A privet hedge will be located close to the front boundary but set 2.4 metres back as to not impact the visibility splay of vehicles exiting the site. Materials of construction would be addressed by condition, as will the management and maintenance arrangements for roads, drainage, street lighting and soft landscaping areas.

7.14 There is not considered to be a material adverse impact on character and appearance from this proposal which accords with the relevant criteria of Policies 2 and 3 of the SELLP.

7.15 Amenity

7.16 Paragraph 130 of the NPPF amongst other matters, seeks places with a high standard of amenity for existing and future users. Policies 2 and 3 of the SELLP set out residential amenity and relationship to existing development and land uses as main considerations when making planning decisions.

7.17 There is not considered to be a noise, odour or disturbance impact from the proposal. With regard to visual intrusion, the following can be observed:

PLOT 1
FFL - 2.60m AOD
Proposed ground level - 2.00m AOD at rear of site to 2.20m AOD at site frontage.
Existing northern boundary ground level - 1.87m AOD to north-west, 1.93m AOD to north, 1.69m AOD to northeast.
Height of FFL above existing boundary ground level - 0.67 metres where rear windows and

door are located.

PLOT 2
FFL - 2.60m AOD
Proposed ground level - 2.10m AOD at rear and frontage of site.
Existing northern boundary ground level - 1.75m AOD to north-west, 1.63m AOD to north, 1.66m AOD to northeast.
Height of FFL above existing boundary ground level - 0.97 metres where rear door is located.

PLOT 3
FFL - 2.60m AOD
Proposed ground level - 2.10m AOD at rear and frontage of site.
Existing northern boundary ground level - 1.84m AOD to north-west, 1.80m AOD to north, 1.84m AOD to northeast.
Height of FFL above existing boundary ground level - 0.6 metres where rear door is located.

7.18 Following a request for site levels of the adjacent land the ground level of the land adjacent 4b Peterborough Road is 2m AOD, the converted garage of 4 Peterborough Road is 2.16m AOD, and 4 Peterborough Road is 2.2m AOD.

7.19 The proposed ground level of Plot 1 to the south of 4 Peterborough Road is 2m AOD which is 0.2 metres lower than 4 Peterborough Road and 0.16 metres lower than the converted garage. Land adjacent to Plot 2 is 2.09m AOD with the proposed ground level 1 centimetre higher at 2.10m AOD. The proposed ground level of Plot 3 is 10cm higher than the adjacent land at 4b Peterborough Road.

7.20 Overdevelopment - The proposal is not considered to constitute overdevelopment. The three plot sizes are comparable to other plot sizes in the vicinity of the site.

7.21 Overshadowing - The proposed finished floor level of all three plots is 2.60 metres AOD. Once finished floor levels are taken into account the maximum height of the three proposed plots are as follows: The maximum height of Plot 1 is 4.37 metres, with a roof height of 4.05 metres on the projection closest to the rear boundary, which is located 2 metres away, with the nearest part of 4 Peterborough Road located 10.3 metres away. When right to light lines are drawn, the windows of 4 Peterborough Road are not materially impacted by a loss of light. This does not change when the addition of 0.45 metre high fence to the existing 2 metre high brick wall is taken into account.

7.22 The maximum height of Plot 2 is 4.6 metres, with a roof height of 3.87 metres on the projection closest to the rear boundary, which is located 0.9 metres away. There are no buildings immediately adjacent so there is not considered to be a material loss of light from this dwelling. This does not change when the addition of 0.45 metre high fence to the existing 2 metre high brick wall is taken into account.

7.23 The maximum height of the detached garage serving Plots 2 and 3 is 4.32 metres, with the rear boundary located 4.97 metres away. When right to light lines are drawn there is not a material loss of light to neighbouring dwellings. This does not change when the addition of 0.45 metre high fence to the existing 2 metre high brick wall is taken into account.

7.24 The maximum height of Plot 3 is 4.6 metres, with a roof height of 3.87 metres on the projection closest to the rear boundary, which is located 0.9 metres away. The nearest dwelling at 4b Peterborough Road is located 3 metres away. The south facing side elevation of 4b Peterborough Road has no side elevation ground windows. When right to light lines are drawn there is not considered to be a material loss of light. This does not change when the addition of 0.45 metre high fence to the existing 2 metre high brick wall is taken into account.

7.25 It is considered that the proposed site levels are acceptable when compared to the adjacent site levels to the north. It is also considered that the addition of the proposed 0.45 metre high screen fencing atop the existing 2 metre high boundary wall does not lead to a material loss of light when right to light lines are drawn to adjacent neighbouring fenestration.

7.26 Overlooking - Due to the separation distances and the 1.8 metre high fencing to the frontage

and sides of the site, there is not considered to be any significant overlooking impact between the proposed plots, nor the dwellings to the south, east or west. The existing 2 metre high wall with additional 0.45 metre high fencing at the rear boundary, once the site has been levelled will be approximately 1.95 metres in height to the rear boundary with Plot 1, 1.7 metres in height to the rear boundary with Plot 2 and 1.9 metres in height to the rear boundary with Plot 3. With regard to overlooking to the properties to the north at Peterborough Road the following can be observed:

7.27 The maximum height of Plot 1 is 4.37 metres, with a roof height of 4.05 metres on the projection closest to the rear boundary, which is located 2 metres away, with the nearest part of 4 Peterborough Road located 10.3 metres away. A utility room door and narrow window, as well as a narrow sitting room window will be sited in the rear elevation. A 0.45 metre high privacy fence is located above the 2 metre existing wall and will run the length of plot. Due to the narrow nature of the sitting room window, the 1.95 metre high boundary wall / fencing above the proposed ground level, and the 1.8 metre high wall serving 4 Peterborough Road, there is not considered to be a material overlooking impact to the rear garden of 4 Peterborough Road. The rear elevation windows of Plot 1 do not directly face any dwelling. There is not considered to be a material overlooking impact from this plot.

7.28 The maximum height of Plot 2 is 4.6 metres, with a roof height of 3.87 metres on the projection closest to the rear boundary, which is located 0.9 metres away. A kitchen door is located on the rear elevation. The boundary wall is approximately 1.25 metres adjacent to this door. The kitchen door does not directly face any properties. A 0.45 metre high privacy fence is located above the 2 metre existing wall and will run the length of plot. The frontage of the property 4b is visible from the highway at Peterborough Road as well as 4 Peterborough Road. This door is not considered to offer a material overlooking aspect, nor is the east facing window serving Bedroom 2, due to the 1.7 metre high wall / fence above the proposed ground level. There is not considered to be a material overlooking impact from Plot 2.

7.29 The maximum height of Plot 3 is 4.6 metres, with a roof height of 3.87 metres on the projection closest to the rear boundary, which is located 0.9 metres away. A north facing kitchen door and a west facing window serving Bedroom 2 are located along the rear elevation wall. The boundary wall is approximately 1.45 metres along the rear boundary of Plot 3. A 0.45 metre high privacy fence is located above the 2 metre existing wall and will run the length of plot. The bedroom window directly faces the rear amenity space of Plot 3, and the kitchen door faces the blank elevation wall of 4b Peterborough Road which is behind the wall / fence which is 1.9 metres above the proposed ground level. There is not considered to be an overlooking impact from Plot 3.

7.30 The submission of topographic data for land beyond the northern site boundary does not give rise to material overlooking concerns. The proposed ground level of Plot 1 to the south of 4 Peterborough Road is 2m AOD which is 0.2 metres lower than 4 Peterborough Road and 0.16 metres lower than the converted garage. Land adjacent to Plot 2 is 2.09m AOD with the proposed ground level 1 centimetre higher at 2.10m AOD. The proposed ground level of Plot 3 is 10cm higher than the adjacent land at 4b Peterborough Road.

7.31 It is considered that the proposed site levels are acceptable when compared to the adjacent site levels to the north. It is also considered that the addition of the proposed 0.45 metre high screen fencing atop the existing 2 metre high boundary wall will reduce overlooking from the proposed dwellings when compared to the previous boundary treatment.

7.32 There is not considered to be an unacceptable level of adverse impact on amenity from this proposal, which therefore accords with the relevant criteria of Policies 2 and 3 of the SELLP.

7.33 Housing Need

7.34 Policies 10 and 11 of the SELLP set out the required housing needs for Crowland. 524 new dwellings are required within Crowland, as of the publication of the SELLP, 205 dwellings have been approved. Therefore, there is a tangible need for housing within Crowland.

7.35 Policy 17 states that a mix of housing is required to meet the needs of the local population. The three proposed bungalows would help achieve this variation in property types. As the proposal

is small in nature, the actual benefit to the housing stock is minimal, but should still weigh positively in favour of the development.

7.36 The proposal therefore conforms to Policy 10, 11 and 17 of the SELLP by providing a suitable mix of housing to the area.

7.37 Parking / Highway Safety

7.38 The existing access is not being altered. Each dwelling has a maximum capacity of two off road parking spaces, This meets the minimum required amount of two spaces under Appendix 6 of the SELLP for dwellings with three bedrooms or fewer. When assessed against Policy 36 titled Vehicle and Cycle Parking there is ample space on each plot for secure cycle storage, parking is not immediately adjacent the private road, and there is ample space for the manoeuvring of vehicles to allow exiting onto Peterborough Road in a forward gear.

7.39 When assessed against Paragraphs 110, 111 and 112 of the NPPF the proposed dwellings are located close to a pavement allowing a five minute walk to the town centre, are close to public bus routes, and will not lead to an unacceptable impact on traffic or highway safety. Disabled access can be gained via the front of the property and future provision for electric car charging units can be made on site.

7.40 A member of the public has complained about the width and location of the access road, overflow parking provision, the number of vehicles using the private road, and there are rumble strips on the access road.

7.41 The width of the private road is 5 metres toward the entrance and 4.2 metres further into the site. This is comparable to the 4.35 metre wide road that serves the backland dwellings to the rear of 4 Peterborough Road. There is not considered to be material noise concerns from the two rumble strips. These strips will help to ensure vehicles are not driven at an unsafe speed on site. The number of dwellings served by the private road in total would be six. This is comparatively small when compared to the overall size of the land which serves the six plots. A previous permission for 41 dwellings on the site was granted in 2017 under H02-1082-15 served by an access road off Peterborough Road in a similar position. With regard to overflow parking provision, there should not be an expectation that each dwelling will have two cars each. Additionally, ample road parking is available along Peterborough Road, which is used by other dwellings in the area.

7.42 The County Highways & SUDS Officer has no objections to the submitted details and has requested a private road informative.

7.43 Flood Risk

7.44 The site is in Environment Agency Flood Zone 2. The 2115 South Holland Strategic Flood Risk Mapping hazard zones progress from no hazard in the east of the site, through to "Danger for Most" on the westernmost extent. The proposed flood depth mapping progresses from no depth on the westernmost extent to 1 metre maximum predicted flood depth on the easternmost extent of the site. The dwelling at Plot 3 is sited in a maximum flood depth area of 0.5 metres, therefore the finished floor levels of all three plots are to be sited at a height where they will not be impacted by maximum flood depth on the 2115 South Holland Strategic Flood Risk Mapping. Surface water will be addressed by a sustainable drainage system, with foul water addressed by mains sewer. The proposed drainage methods are considered appropriate for the site, with further details of surface water drainage to be addressed by condition.

7.45 The NPPF requires the application of the Sequential Test to steer new development to areas with the lowest probability of flooding. If, following the application of the Sequential Test, it is not possible, consistent with wider sustainability objectives, for the development to be located in an area with a lower probability of flooding, the Exceptions Test can be applied if appropriate.

7.46 The South East Lincolnshire Strategic Flood Risk Assessment (March 2017) is the basis for applying the Sequential Test. This concludes that the vast majority of South Holland District is in Flood Zones 2 and 3. Therefore, consistent with wider sustainability objectives, it is not

realistically possible to direct all development to zones with a lower probability of flooding. As such, the document outlines a methodology whereby the SFRA hazard and depth maps (in that order) are to be utilised when determining flood risk and applying the sequential test. Using this methodology it is possible to use the information to steer development towards the areas of lower flood risks as advised within Section 14 of the NPPF.

7.47 The site is located within Environment Agency Flood Zones 1 and 2, and the South East Lincolnshire Strategic Flood Risk Assessment (March 2017) (SFRA) shows that the site falls within a combination of the 'no hazard', 'low hazard', 'danger for some' and 'danger for most' hazard zones, with predicted flood depths of up to 0.5 metres at the eastern end of the site, with a depth of 1 metre beyond.

7.48 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.

7.49 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.

7.50 With regard to the above, the development would provide some wider sustainability benefits to the community 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.

7.51 The submitted flood risk assessment recommends that finished floor levels of the proposed houses should be at a minimum level of 2.60m ODN, which is between 600mm and 800mm above the existing ground level on the site. Taking into account the predicted flood depths previously identified, this should ensure that the development is safe for its lifetime.

7.52 In terms of drainage, the proposal is for surface water to be disposed of via a sustainable drainage system and for connection to be made to the existing Anglian Water network for foul water disposal. Notwithstanding concerns raised during the consultation process, there are no known ground permeability issues in this area that would preclude the use of soakaways and Anglian Water are obliged to accept foul water flows from new developments if proposed.

7.53 Given the above, the proposal is considered to be in accordance with Policies 2, 3 and 4 of the South East Lincolnshire Local Plan with regard to their provisions on flood risk and drainage.

7.54 Outstanding Matters from Representation

7.55 As is detailed within the relevant representation section above, letters of representation have been received during the application process that related to matters including party wall agreements, clarity over boundaries and a loss of property value.

7.56 These three matters are not material planning considerations that would carry material planning weight in this instance. Party wall agreements and disputes regarding boundaries are a civil matter between the relevant parties. Whilst a discrepancy or error regarding land ownership may require further evaluation by the Local Planning Authority, as this could lead to erroneous ownership certificates or alternative detail provided alongside the application, this is not the case in this instance.

7.57 The impact caused from tree planting is a further matter raised within representation submitted

to the Local Planning Authority. The proposal has been accompanied by a landscaping plan, which is recommended to be controlled by condition. This landscaping, as detailed, is considered to be acceptable and would not cause an unacceptable impact.

7.58 Furthermore, the resultant disturbance/damage during piling, and noise from rumble strips has also been raised as a matter for concern. It is acknowledged that some noise arising from construction and development is inevitable; however, given the scale and limited nature of the scheme, comprising three dwellings, the resultant noise impacts are not considered to give rise to an unacceptable level of adverse impact. Beyond planning legislation, further legislation is in place relating to noise nuisance. Construction companies or developers must take all reasonable steps to control noise and work within reasonable times (typically, but not always being 7.30am to 6pm). However, in this instance, it is prudent to include a construction management plan condition.

7.59 It is considered that the proposed frontage wall and fencing allows for a private garden space of acceptable size for each plot. To move the dwellings further forward in a southerly direction would leave small garden space to the front and rear that is not suitable as amenity space. To move the dwellings all the way to the front of the plot may reduce potential amenity concerns to the rear but then would increase amenity concerns such as overlooking and overshadowing to 8 Peterborough Road to the south. Additionally a bungalow immediately adjacent the southern boundary is considered to be far more imposing when they would be set at a maximum height of approximately 5.5 metres high once finished floor levels are taken into account. The wall and fencing is not a continuous flat feature and does recede to allow recessed parking provision for each dwelling. The proposed frontage wall and fencing is considered acceptable for the site and does not materially impact the character and amenity of the surrounding area.

7.60 **PLANNING BALANCE**

7.61 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.

7.62 The proposed dwellings by virtue of the siting, design and boundary treatment are not considered to have a material impact on the character and amenity of the surrounding area. The amendments to the application are considered to have satisfactorily addressed concerns expressed by consultees.

7.63 **CONCLUSION**

7.64 This application is considered to accord with Policies 1, 2, 3, 4, 10, 11, 17, 36 and Appendix 6 of the South East Lincolnshire Local Plan, 2019, as well as Paragraphs 110 to 112, and Sections 5, 12 and 14 of the National Planning Policy Framework, 2021.

7.65 **Additional Considerations**

7.66 Public Sector Equality Duty

7.67 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.

7.68 Human Rights

7.69 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 Approve subject to the Conditions listed in 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/or documents:
Application Form
BC/03/A
Flood Risk Assessment (Prepared by S M Hemmings - 07 October 2022)
BC/10/E
BC/11/D
BC/12/B
BC/13/B
BC/18/A
BC/14/B
BC/17/B
BC/04/D
BC/15/C
BC/16/B
BC/19/A

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

3. 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.

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

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

5. The development hereby permitted shall be carried out in accordance with the measures set out in the Flood Risk Assessment (Prepared by S M Hemmings - 07 October 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 ground floor level of the proposed new bungalows should be a minimum level of 2.60 metres above ordnance datum.

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

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

6. The site levels of the approved site are to be graded in accordance with the land levels details as shown on dwg. no. BC/15/C

Reason: To ensure that the development does not increase the risk of flooding or be at risk of flooding. To ensure that the approved development does not materially impact the character and amenity of the surrounding area.
This Condition is imposed in accordance with Policies 2, 3 and 4 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Sections 12 and 14 of the National Planning Policy Framework, 2021.

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

Reason: To ensure that the site is adequately drained, to avoid pollution, and to prevent increased risk of flooding.
This Condition is imposed in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 14 of the National Planning Policy Framework, 2021.

8. The scheme of landscaping and tree planting shown on dwg. no. BC/10/E 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.

Reason: To ensure that the development is adequately landscaped, in the interests of its visual amenity and that of the area in which it is set.
This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

9. Before the commencement of development hereby permitted beyond oversite, details of the management arrangements and maintenance schedule for the areas of roads, drainage, street lighting and soft landscaping areas. shall be submitted to and approved in writing by the Local Planning Authority. Thereafter these areas shall be maintained in accordance with the approved details.

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

10. A detailed scheme of construction management to minimise disturbance during the construction process through noise, dust, vibration and smoke shall be submitted to and approved in writing by the Local Planning Authority before the development commences and the construction process shall be carried out in accordance with the scheme so approved. It shall also include a method statement, detailing how construction traffic, site personnel vehicles, materials deliveries and site accommodation will be managed to safeguard highway safety, free passage along Peterborough Road and Blackbird Close and residential amenity.

Reason: In the interests of the amenity of local residents. This issue is integral to the development and therefore full details need to be finalised prior to the commencement of works.
This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

11. The boundary treatment shown on dwg. no. BC/04/D shall be carried out and completed in its entirety prior to the first occupation of the site.

Reason: To ensure that the development has the appropriate boundary treatment, in the interests of its visual amenity and that of the area in which it is set.
This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

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

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

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

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

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

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

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

14. 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.

15. 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

16. The road serving the permitted development is approved as a private road which will not be adopted as a Highway Maintainable at the Public Expense (under the Highways Act 1980). As such, the liability for the future maintenance of the road will rest with those who gain access to their property from it.

Background papers:- Planning Application Working File

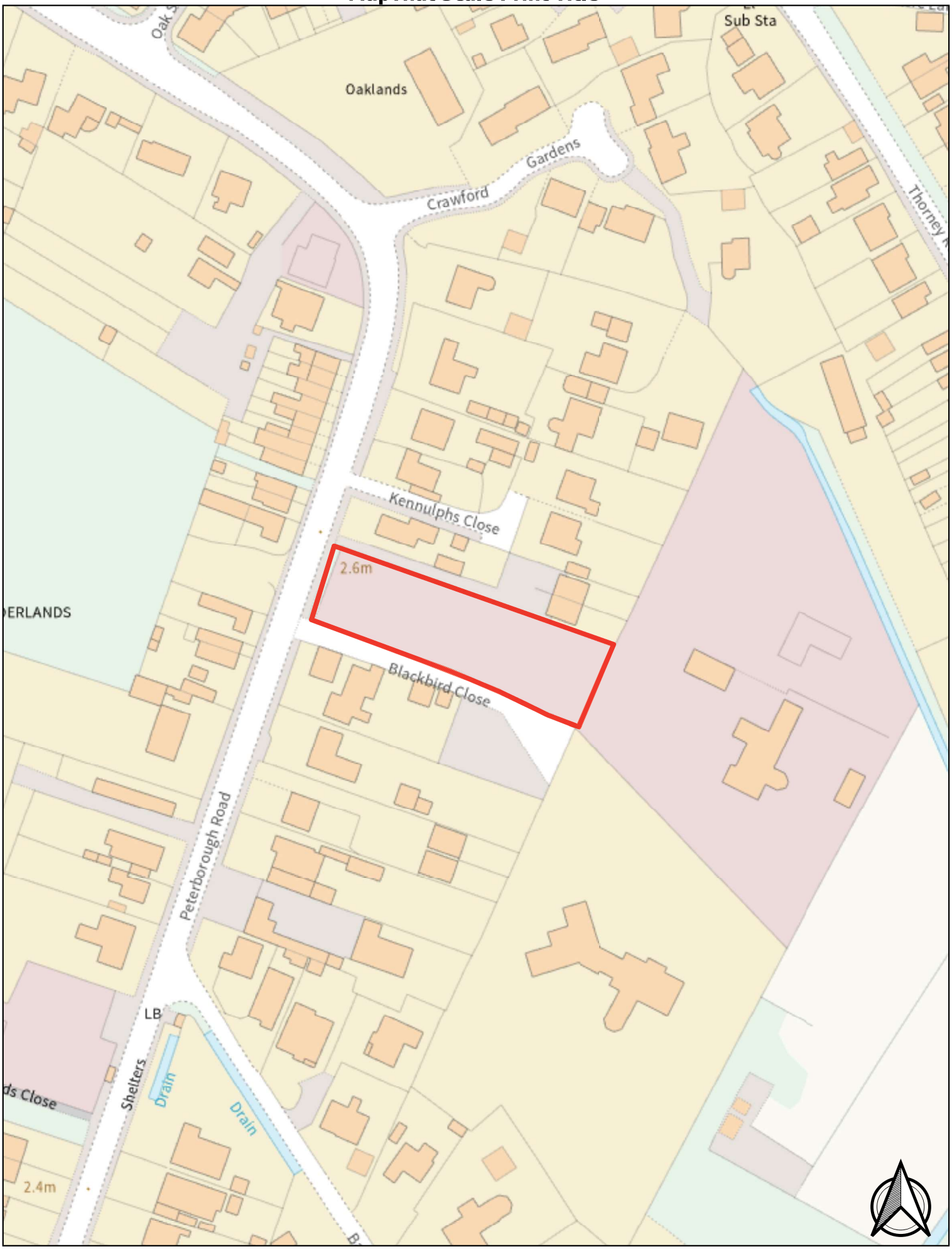
Lead Contact Officer

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

Appendices attached to this report:

Appendix A Plan A

MapThat Scale Print Title



SOUTH HOLLAND DISTRICT COUNCIL

© Crown copyright and database rights 2022 Ordnance Survey 100018351.

MAP SCALE 1:1250
CREATED DATE: 25/05/2023
PHOTOGRAPHIC COPY LIABLE TO DISTORTION IN SCALE