SOUTH HOLLAND DISTRICT COUNCIL

Report of: **Development Manager**

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

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

Purpose: **To consider Planning Application H02-1006-21**

Application Number: H02-1006-21 **Date Received:** 23 September 2021

Application Type: FULL

Description: Erection of 42 dwellings with associated parking, garages, roads and sewers

Location: Land to South West of Harrington Drive Crowland

Applicant: Ashwood Homes **Agent:** Ashwood Homes

Ward: Crowland and Deeping **Ward Councillors:** Cllr B Alcock
Cllr J R Astill
Cllr A Harrison

You can view this application on the Council's web site at
http://planning.sholland.gov.uk/OcellaWeb/planningDetails?reference=H02-1006-21

1.0 REASON FOR COMMITTEE CONSIDERATION

1.1 Major development, objections received and policy issues merit Committee consideration.

The case has also been deferred from March Committee - the previous report is not appended here due to it's similarity, but can be found on the Council's website for reference. The issues are considered again here in full.

2.0 PROPOSAL

2.1 The proposal seeks full planning permission for the erection of 42 dwellings with associated parking, garages, roads and sewers.

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

2.3 H02-0166-22 - Land to North West of Harrington Drive - 5 dwellings
H02-0167-22 - Land to South East of Harrington Drive - 5 dwellings

3.0 SITE DESCRIPTION

3.1 The site is located on the southern extent of Crowland between Peterborough Road, Harrington Drive and James Road. The site measures some 1.239ha and is predominantly open paddock land, forming part of a wider land holding.

3.2 There are a range of house types and sizes in the area, most being either single or two storey. The site formerly accommodated agricultural type buildings to the rear of 14 Harrington Drive.

4.0 RELEVANT PLANNING POLICIES

4.1 The Development Plan

South East Lincolnshire Local Plan, March 2019

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

Policy 1 - Spatial Strategy
Policy 2 - Development Management
Policy 3 - Design of New Development
Policy 4 - Approach to Flood Risk
Policy 5 - Meeting Physical Infrastructure Needs
Policy 6 - Developer Contributions
Policy 10 - Meeting Assessed Housing Requirements
Policy 11 - Distribution of New Housing
Policy 17 - Providing a Mix of Housing
Policy 18 - Affordable Housing
Policy 28 - The Natural Environment
Policy 29 - The Historic Environment
Policy 30 - Pollution
Policy 32 - Community, Health and Well-being
Policy 36 - Vehicle and Cycle Parking
Appendix 6 - Parking Standards
Appendix 8 - Developer Contributions for Education Facilities
Appendix 9 - Developer Contributions for Health Care Facilities

National Guidance & Policy

National Planning Policy Framework (NPPF), 2021

Section 4 Decision-Making
Section 5 - Delivering a sufficient supply of homes
Section 9 - Sustainable transport
Section 12 - Achieving well-designed places
Section 14 - Meeting the challenge of climate change, flooding and coastal change
Section 15 - Conserving and enhancing the natural environment

Planning Practice Guidance (PPG)

5.0 RELEVANT PLANNING HISTORY

5.1 H02-0166-22 - Full - Erection of 5 dwellings with associated garages and external works (undecided)

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

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

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

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

6.0 REPRESENTATIONS

6.1 Crowland Parish Council

The Parish Council feel that there should be a more sympathetic boundary treatment in place of the proposed 2.3 metre fencing. This would be particularly oppressive for the future residents of the properties backing on to James Road.

With this development, added to existing new developments, all exiting onto James Road, we would like to see some traffic calming measures introduced on this road. The current limit is 50mph, which could be reduced to 30mph, with speed cameras or mini roundabouts on the main junctions.

Request 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 £800,000 in total).

6.2 SHDC Building Control

No comments.

6.3 SHDC Strategic Housing

Should the development be permitted the current policy requires about 25% of the development to be provided as affordable housing to meet district wide housing needs; for a development of 53 new homes (this application of 42 and the two adjacent applications) this equates to 13 dwellings.

The affordable housing should be delivered in accordance with the affordable housing as described in Annex 2 of the National Planning Policy Framework dated July 2021, or any Planning Policy Statement, Guidance Notes or Circulars which may amend, supplement or supersede this. From 28 June 2021, a home meeting the criteria of a First Home will also be considered to meet the definition of affordable housing for planning purposes.

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.

The affordable housing requirement is to be provided on the site as indicated on Site Location Plan 132-SL-01. I note from the site plan that the developer proposes to deliver 13 affordable dwellings as set out below: -

First Homes -
3 x 3 bed houses on plots 10,11,12

Affordable Rented Homes -
4 x 1 bed houses on plots,1,6,8,9
3 x 2 bed houses on plots 3,4,5
2 x 3 bed houses on plots 13,14

Shared ownership Home -
1 x 3 bed house on plot 17

6.4 SHDC Environmental Protection (contaminated land)

I have reviewed the Ground Engineering Limited report 'Site investigation report, Land off Harrington Drive, Crowland, Lincolnshire' ref C15350 dated June 2021, and whilst I am in general agreement with the findings, I consider that the engineering works has not been considered in sufficient detail - there is no detail given in the site walkover of the former process, nor was any indication as the use of the buildings given. I would suggest that further consideration of this area is required, potentially post demolition, prior to the commencement of construction.

I therefore request that the standard land contamination condition be applied, with part i omitted.

6.5 SHDC Environmental Protection (noise and odour)

Verbally advised no objection.

6.6 Lincolnshire County Council, Local Highway and Lead Local Flood Authority

As Lead Local Flood Authority, Lincolnshire County Council is required to provide a statutory planning consultation response with regard to Drainage on all Major Applications. This application shows a piped system with filter drains discharging via a hydrobreak limiting to 1.4l/s/ha into the adjacent drain - said drain requires some attention and maintenance which is to be provided at detailed stage - the proposal is acceptable in principle. Therefore the Lead Local Flood Authority does not consider that this proposal would increase flood risk in the immediate vicinity of the site.

There is no precise definition of "severe" with regards to NPPF Paragraph 111, which advises that "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe." Planning Inspector's decisions regarding severity are specific to the locations of each proposal, but have common considerations:
· The highway network is over-capacity, usually for periods extending beyond the peak hours
· The level of provision of alternative transport modes
· Whether the level of queuing on the network causes safety issues.

In view of these criteria, the Highways and Lead Local Flood Authority does not consider that this proposal would result in a severe impact with regard to NPPF.

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 these flows. 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 in the suitability of the surface water management.

6.8 Environment Agency

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

6.9 North Level Internal Drainage Board

My Board has no objection in principle to the above development, however I would ask for clarification of the following points.

1. There are currently riparian drains, as highlighted on the attached plan, running from the road culvert adjacent to my Board's Riddington Drain in a north-western direction. These open drains do not appear on any plan nor are they dealt with in the Flood Risk Assessment or Drainage Strategy. A formal application to alter a watercourse will be required unless they are to be retained in their current form.
2. An application to discharge will also be required for the proposed new outfall arrangement and a development levy in accordance with the enclosed will be payable for dealing with the increase in run-off from the site.

I cannot comment on the suitability of the SUDS system proposed as this is a matter for the Lead Local Flood Authority.

6.10 Lincolnshire County Council, Historic Environment Officer

This office agrees with the developer's Heritage Statement which has reviewed the available evidence and concluded that there is a low archaeological potential for this site. Therefore, in this instance we would not recommend that any further archaeological input be required.

6.11 NHS

Requests a financial contribution of £34,320 (taking into account H02-0166-22 and H02-0167-22 also) towards the expansion in capacity through remodelling/changes to layout or extension to existing facilities within the South Lincolnshire Rural Primary Care Network (PCN) at Abbeyview Surgery. Alternatively, the funding may, where appropriate, be used to support expansion in capacity at an alternative general practice site as required to meet the local population health need.

6.12 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.

6.13 Public (13 objections/comments received, summarised)

- site is at high risk of flooding
- drainage infrastructure, surface water and flooding
- current sewers system inadequate
- raising the area of development by 300mm will multiply the flood risk significantly
- single storey dwellings would be more sympathetic
- loss of amenity and proximity to existing residential boundaries - overlooking, loss of privacy, light
- over development of the site
- existing traffic levels already exceed capacity at busy times
- loss of greenspace as an amenity for Crowland
- impact on schools, GP surgery, community services, shops.
- impact on wildlife
- impact on communications/broadband
- street lighting will cause light pollution
- Peterborough Road in disrepair
- site boundaries inaccurate
- historic rights to access land for maintenance
- noise from play space
- damage to house if pilling will be necessary
- noise during construction
- noise after construction
- noise impact assessment undertaken during a quiet period when people not going out due to Covid and no school traffic
- construction noise will cause stress and health problems
- vibration during construction period
- site cleared prior to application being submitted
- provision should be made for swift nest bricks
- impact on property prices
- fence no longer shown to east of 42 Peterborough Road next to open space

6.14 Public (1 comment in support received, summarised)

6.15 - development will add much needed housing to the area whist helping to diversify the ageing population of Crowland by attracting younger people and families to the area.

6.16 **Representation received following previous committee deferral**

6.17 Historic Environment Officer

6.18 Having reviewed the revised plans and documents, our advice of 6th October 2021 remains the same and no further archaeological input is required

6.19 LCC Education

6.20 There is no change to the amount of dwellings in the application; consequently, LCC Education has no comments in relation to education.

6.21 Internal Drainage Board

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

6.23 LCC Highways/SUDs

6.24 No objection, with conditions.

6.25 Environment Agency

6.26 We have no additional comments to make and therefore refer you to our previous response dated 20 May 2022 (AN/2021/132348/02-L01), which includes the condition we recommend should planning permission be granted.

6.27 Anglian Water

6.28 Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

6.29 The foul drainage from this development is in the catchment of Crowland Water Recycling Centre that will have available capacity for these flows.

6.30 The sewerage system at present has available capacity for these flows. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991.

6.31 Public/Third Party received following previous committee deferral

6.32 Rec-consultation took place on this proposal, following the submission of amendments in accordance with the Council's Statement of Community Involvement and the Development Procedure Order. In this instance, five further letters of representation have been received. These can be summarised as:

-Adverse impact to No.42 Peterborough Road.
-Overlooking and adverse impact/harm to bunglaows along Peterborough Road and Harrington Drive.
-Boundary treatment concerns
-Access for existing residents for maintenance
-Query regarding provision of swift nesting bricks
-Highway and traffic concerns
-Parking concerns
-Impact on existing properties from development, i.e. digging, piling and associated building works
-Noise and disturbance from construction work
-Impact on privacy to occupiers of No.44 Peterborough Road
-The site is at high risk of flooding and drainage concerns
-Impact on character and appearance of the area
-Impact on wildlife

7.0 CONSIDERATIONS

7.1 Planning Considerations

7.2 Evaluation

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

7.4 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.

7.5 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.

7.6 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.

7.7 The Authority is able to demonstrate a supply of deliverable sites equivalent to in excess of 5 years through the latest Housing Land Supply Assessment.

7.8 Principle

7.9 The SELLP sets out the settlement hierarchy in respect of delivering sustainable development that meets the social and economic needs of the area, whilst protecting and enhancing the environment; to provide enough choice of land for housing to satisfy local housing need, whilst making more sustainable use of land and to minimise the loss of high-quality agricultural land by developing in sustainable locations and at appropriate densities.

7.10 Policy 1 of the SELLP sets out a spatial strategy for delivering sustainable development across South East Lincolnshire to 2036. Policy 1 (Spatial Strategy) expresses this sustainable framework of settlements, ranking the settlements deemed to be most sustainable in descending order. The most sustainable locations for development are situated within the Sub-Regional Centres, followed by Main Service Centres. Lower down the sustainable development hierarchy are areas of limited development opportunity including Minor Service Centres, with areas of development constraint comprising of Other Service Centres and Settlements. The countryside is at the bottom of the settlement hierarchy and represents the least sustainable location in sustainability terms.

7.11 The proposal in this instance lies within Crowland, a settlement identified as being a 'Main Service Centre'. Policy 1 (Spatial Strategy) of the SELLP indicates that within Main Service Centres, "development will be permitted that supports their role as a service centre for the settlement itself, helps sustain existing facilities or helps meet the service needs of other local communities".

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

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

7.14 Whilst the application site is not one which is allocated for housing within the South East Lincolnshire Local Plan (2019) (SELLP), the site lies within the settlement boundary for

Crowland as defined. Policy 1 (Spatial Strategy), as illustrated above, indicates that within Main Service Centres, such as Crowland, development will be permitted that supports its role as a service centre for the settlement itself, helps sustain existing facilities or helps meet the service needs of other local communities.

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

7.16 This is subject to the assessment against site specific criteria; including (but are not limited to) the impact of the proposal on the character or appearance of the area, impact on the residential amenities of neighbouring occupiers, the potential flood risk and impact on highway safety, which are discussed below.

7.17 Previous Deferral - Committee March 2023

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

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

7.20 Matters in respect of the Parish Council Contribution have been added to the relevant section within this report below.

7.21 The applicant has provided further drawings and amendments to alleviate concerns previously raised. The amended plans, which provide a substitute of house types within plots; comprising the replacement of 2x semi-detached dwellings with a single detached dwelling (with semi-detached dwellings being provided in place of a single dwelling elsewhere on site as detailed further below) and provides increased separation to the neighbouring dwelling of No.58 Peterborough Road (Plots 10 and 11 have been repositioned along with a lowering of ground level adjacent No.58 Peterborough Road), have also been accompanied by CGI imagery to clearly illustrate the indicative relationship between the proposed dwellings and those immediately neighbouring the proposed development and by streetscene drawings that illustrate the relationship of the proposed development.

7.22 In respect of the streetscene drawings, it is noted that committee highlighted matters relating to the relationship of the proposed development with James Road, with the point raised in relation to the development 'turning its back' on James Road. A long streetscene drawing has been provided, following these comments, which illustrates this relationship. The proposal has not been amended in this respect, with officers considering the relationship to be acceptable.

7.23 These additional drawings have been submitted as a direct result of the matters previously raised at planning committee, with a view to further illustrate the appropriate relationships that would be formed as a result of the proposed development and to provide a betterment to specific relationships to neighbouring residents.

7.24 It is also noted that comments were raised regarding boundary treatments, with these matters having also been addressed by the applicant within amendments. However, these are also subject to a recommended condition and therefore, the exact detail would be secured at a later date through an Approval of details application.

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

7.26 Design, layout and density

7.27 Part 12 of the NPPF (Achieving well-designed places) states that good design is a key aspect of sustainable development and new development should be visually attractive as a result of good

architecture and appropriate landscaping. It is important that new residential development should be of the highest quality to enhance and reinforce good urban design characteristics. It is generally accepted that good design plays a key role towards sustainable development. Regard must be had towards the impact that the proposed dwelling would have on local character, including topography, street patterns, building lines, boundary treatment and through scale and massing.

7.28 Specifically, paragraph 130 of the National Planning Policy Framework (NPPF), 2021 establishes that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area; are visually attractive as a result of good architecture and sympathetic to local character and history, including the surrounding built environment and landscape setting; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users, among other considerations.

7.29 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.

7.30 A mix of twelve of the developer's usual house types are proposed, consisting of detached, semi-detached, short terraces and cluster houses. All properties would be 2 storey in terms of scale and would be in keeping with the scale of existing development in the vicinity, where there are a large proportion of 2 storey detached and semi-detached dwellings. Overall, the visual appearance of the development would be generally similar to other schemes constructed by the developer in the district more widely. In terms of materials, the proposal is for red and cream/buff brick types and a combination of roof tiles of terracotta and slate in colour.

7.31 Concern has been raised regarding the overall density of the scheme and that it constitutes overdevelopment. The application site is approximately 1.24ha in size, which results in a density of approx. 34 dwellings/ha. Whilst not a housing allocation, Policy 11 of the Plan sets out the indicative capacity of housing allocations based on densities of 30/ha for the Sub-Regional Centres and 20/ha for the Main and Minor Service Centres. As Crowland is a Main Service Centre, densities of 20/ha have been applied for sites in the town. Notwithstanding this, there have been a number of developments permitted in Crowland over the last few years with densities in the low 30s per hectare. Furthermore, if the density is calculated in conjunction with the applicant's two adjacent sites, this results in a density of 29/ha. On that basis, it is not considered that there is a clear reason for refusal in terms of density.

7.32 In terms of layout, the majority of dwellings are to be served by adoptable road with private drives predominantly at the edges of the site, 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 and will therefore provide natural surveillance.

7.33 There is a requirement to raise finished floor levels of any new properties on site by virtue of flood risk. The submitted flood risk assessment recommends that finished floor levels be set at a minimum of 2.1m AOD. Site levels slope down from above 2m AOD at the Peterborough Road side, down to less than 1m AOD near James Road. Submitted drawings give an indication as to the extent to which levels will be raised where the site adjoins existing properties. The site layout has been amended during the course of the application to remove a dwelling adjacent to 42 Peterborough Road as it dominated the neighbouring property (prior to the application appearing before committee in March 2023). There is now a much greater separation distance to the neighbouring dwelling and the relationship between the two is now acceptable in visual terms.

7.34 The previous report to planning committee highlighted that the "relationship between Plot 10 and No.58 Peterborough Road is also debatable. Whilst these properties are at an angle to one another, and there is a slightly greater separation distance and scope for a landscaped buffer, the floor level would also be raised by a greater extent in comparison. There would be an approx. 4.8m gap at the closest point, however, given that there is scope in this location to provide some landscape screening from James Road, the visual impact is, on balance, considered acceptable". As has been briefly highlighted above, in light of this and the comments raised during the previous committee meeting, the applicant has actively proposed minor amendments to this scheme to enhance the relationships to neighbouring residents, whilst

retaining the appropriate assimilation to the surroundings from a visual and character perspective.

7.35 Streetscene drawings have been submitted, following the previous committee, along with CGI imagery that illustrates the resultant development throughout the proposed scheme, comprising a number of specific points within the proposed development. This includes a CGI image of the relationship between the proposed development and No.58 Peterborough Road, along with site sections showing the differing land levels between existing and proposed plots.

7.36 Taking all of the above into account, it is concluded that the proposed development satisfactorily complies with Policies 2 and 3 of the South East Lincolnshire Local Plan and Section 12 of the National Planning Policy Framework in design terms. 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.

7.37 Open space and landscaping

7.38 A large proportion of the 'open space' in the site is given over to the 'dry' detention basin in the centre of the site. Whilst it is accepted that such areas do not always provide an opportunity for activities such as football, they are multifunctional and have a visual benefit. In total, this area amounts to around 0.09ha. This level of open space exceeds the 0.07ha required by Policy 32 of the Local Plan based on 42 dwellings. If the other two neighbouring sites are taken into account, the amount required would be exactly what is being provided on the application site. There are other areas at the edges of the site which are marked as public open space but these have not been included within the open space calculation due to their narrowness and limited functionality.

7.39 Full landscaping details would be conditioned.

7.40 Highway matters and parking provision

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

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

7.43 Concerns have been raised in relation to highway matters - specifically, highway capacity and the condition of Peterborough Road. The Highway Authority have been consulted as part of the application process and have not objected to the proposed access and road arrangements. It is not considered, therefore, that there is a defendable reason for refusal on these grounds and the proposal satisfactorily accords with Policy 2 of the Local Plan which requires it to be demonstrated that access and vehicle generation levels will be acceptable.

7.44 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. These points are to be managed/maintained by an appointed management company.

7.45 The arrangements of the private drives comply with the Council's guidance note entitled 'Private Drives - Waste Vehicle Collection Service'.

7.46 Policy 36, to be read in conjunction with Appendix 6 of the Local Plan, sets out minimum vehicle parking standards and requires at least two spaces for dwellings of up to three bedrooms and

three spaces for dwellings with four or more bedrooms. The properties have adequate provision for parking and the proposal accords with this requirement.

7.47 The proposal would therefore be acceptable and would not have an unacceptable adverse impact on highway safety in accordance with Local Plan Policies 2, 3 and 36, and Section 9 of the National Planning Policy Framework.

7.48 Residential amenity

7.49 Paragraph 130 of the National Planning Policy Framework (2021) states that development should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

7.50 Policies 2 and 3 of the South East Lincolnshire Local Plan (2019) sets out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

7.51 Notwithstanding the need to raise levels, it is not considered that the proposed development would have a material adverse impact on the amenity of any properties off-site.

7.52 The only windows facing towards the rear of dwellings on Harrington Drive are bathroom windows and would therefore be obscure glazed. There is also at least a 12m separation distance between the side elevation of any dwelling on-site and the rear of those off-site. The garages are closer (8m min.) but the site section drawing shows that the ridge heights would be less than a bungalow even with the difference in levels. 1.8m high fencing with 300mm privacy trellis above would be installed along the north-eastern boundaries of Plots 25, 26 and 33 which would be sufficient to avoid a material overlooking issue based on the intended levels.

7.53 Plots 12-20 and 25 adjoin the boundary of existing dwellings fronting Peterborough Road. There is at least a 21m separation distance between any dwellings on this side, therefore there would be no material overbearing impact. Moreover, as the new dwellings would be sited to the south-west of any existing dwelling here there is unlikely to be any detrimental overshadowing impact. In terms of privacy, site section drawings and further detail indicates that there would be no material overlooking impact with additional boundary treatment in place; although conditions have been attached in relation to both land levels and boundary treatments. Worst case scenario, the top of any boundary treatment needed to be erected along that boundary would need to be 0.7m above the top of the existing fencing in place. Given that the properties fronting Peterborough Road have generous rear gardens, it is not considered that a boundary treatment of this height would have a material overbearing effect.

7.54 The previous report to planning committee highlighted that the "relationship between Plot 10 and No.58 Peterborough Road is also debatable" which in respect of visual amenity and character of the area has been addressed above. This went on in respect of residential amenity to detail that "in terms of no. 58 Peterborough Road, there would be a minimum of 5m and maximum of 15m separation distance to Plot 11 (due to the orientation and footprint of each property), with a landscape buffer in between. It is noted that the existing dwelling has a patio on the site side of the building and there are 2 x bathroom and a bedroom window facing toward the site. There is a minimum of 12m separation distance from these windows to the side elevation of Plot 11, which is acceptable in planning terms. Given this separation distance, any impact on the patio to No.58 on that side would, on balance, be acceptable".

7.55 As has been briefly highlighted above, in light of this and the comments raised during the previous committee meeting, the applicant has actively proposed minor amendments to this scheme to enhance the relationships to neighbouring residents. With particular focus on this aforementioned relationship, the proposal has been amended since the previous committee as to alter the roof design of plots 10 and 11 to hipped roof design, whilst also repositioning the plots as to increase the separation distances to the immediately neighbouring property of No.58 Peterborough Road; with the applicants detailing that these amendments have "moved the plots out of direct line of sight from the windows of No.58 Peterborough Road". This is considered to be adequate as to not cause an unacceptable impact upon the residential amenities of the

existing occupiers of this neighbouring property.

Furthermore, as stated within the applicants submission, "the ground level adjacent to No.5 Peterborough Road has been lowered" in response to "the comments raised at the March Committee" and now form part of the most recent amendments.

7.56 Streetscene drawings have been submitted, following the previous committee, along with CGI imagery that illustrates the resultant development throughout the proposed scheme, comprising vantage points from a number of specific points within the proposed development. This includes a CGI image of the relationship between the proposed development and No.58 Peterborough Road.

7.57 In response to further concerns, namely the relationship to No.12 Harrington Drive with particular focus upon the separation distance, amendments have been forthcoming following committee which substitutes the previously proposed pair of semi-detached properties, with a detached dwelling (single plot), which comprises a hipped roof and increases the separation distance to this neighbouring property.

7.58 It is worth noting that the exact levels with specific details of any retaining elements would be conditioned if permission were to be granted.

7.59 There are no particular concerns in regard to amenity for new occupants. The orientation of dwellings and positioning of fenestration is such that there should be no material overshadowing or daylight issues to habitable spaces. The garden sizes are comparable to other new build developments in the area and to have a smaller garden is personal choice.

7.60 The site adjoins James Road, which is still well used despite the A16 nearby and has a 50mph speed limit. The submitted Noise Assessment concludes that an acceptable noise situation should occur for residents of the proposed dwellings provided recommendations in the report are carried out. Acoustic fencing in specific areas is recommended and higher specification glazing and trickle vents are likely to be required to some plots. These measures will be conditioned. SHDC's Environmental Protection Officer has no objection to the proposal on noise grounds.

7.61 Overall, there are not considered to be any significant or demonstrable adverse impacts relating to residential amenity that would warrant refusal of this proposal, when also taking account of the conditions recommended. As such, the proposal is considered to accord with the provisions of Section 12 of the National Planning Policy Framework, and Policies 2 and 3 of the South East Lincolnshire local Plan, on residential amenity.

7.62 <u>Flood risk and drainage</u>

7.63 The site is located within Flood Zone 3, therefore consideration is to be given to safety, and the sequential test is to be applied. The National Planning Policy Framework (2021) (NPPF) requires the application of the Sequential Test to steer new development to areas with the lowest probability of flooding. If, following the application of the Sequential Test, it is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding, the Exceptions Test can be applied if appropriate.

7.64 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.

7.65 The site is located within Environment Agency Flood Zone 3 and the South East Lincolnshire Strategic Flood Risk Assessment (March 2017) identifies the site as a combination of 'Danger for Most' and 'Danger for All'. The depth mapping indicates potential depths in a flood event of up to 2.0m.

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

7.67 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.

7.68 The development would provide some wider sustainability benefits to the community through its ability to help meet the housing need (including affordable housing), and other benefits including generating employment during the construction period, the provision of public open space and its proximity to a range of services and facilities.

7.69 The County Council as Lead Local Flood Authority, Internal Drainage Board and the Environment Agency have considered this application and raise no objection subject to conditions regarding the Flood Risk Assessment.

7.70 Given the above, it is considered reasonable to conclude that the Exceptions Test can be passed.

7.71 The proposed surface water drainage strategy is based on SUDS techniques and will collect runoff from the roofs, driveways and access roads and convey it via filter drains alongside the access roads to a normally dry detention basin in the public open space at the north-east corner of the site. The attenuated flow will be discharged to the adjacent IDB drain via a flow control device at the standard IDB runoff rate of 1.4 l/s/ha. The North Level Internal Drainage Board and the Lead Local Flood Authority have no objections in principle to the proposed surface water drainage strategy. The developer should seek the relevant drainage consents outside of the planning process.

7.72 In terms of foul water disposal, connection would be made to the existing Anglian Water system in Peterborough Road. Anglian Water have advised that the Crowland Water Recycling Centre and sewerage system in the locality has available capacity to treat the flows from the site.

7.73 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.

7.74 <u>Viability and developer contributions</u>

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

7.76 This application site is adjacent to two further parcels of land that are subject to planning applications that are being progressed by the same developer. In the context of the above, the developer contributions should reflect the number of dwellings across all three sites i.e. H02-

1006-21, H02-0166-22 plus H02-0167-22. There is a total of 52 dwellings across these three sites, therefore 25% affordable housing provision amounts to 13 units. All 13 units are indicated on the larger parcel of land that is the subject of this application.

7.77 In addition to the 25% affordable housing, the following requests have been made:
NHS - £34,320
Parish Council - £800,000 (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)

7.78 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.

7.79 The previous report detailed that in regard to the Parish Council request, that "clearly £800,000 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.

7.80 Arguably such a sum does not comply with criterion (c), working out at around £15,400 per dwelling, which is significantly more than any other financial contribution such as education or NHS typically represents.

7.81 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 combination of a 'village hall' and 'sports hall', which have standards of 1 village hall / 2,500 persons and 1 sports hall / 20,000 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 £8,800 which is more proportionate to the size of the development".

7.82 In addition to this and following the debate at March Planning Committee, further detail has been provided by way of a supporting statement in respect of the Parish Contribution. This further clarifies the applicants justification for the previously details developer contributions and the lesser amount afforded to the Parish than requested. In specific response to the matters raised at Committee the supporting statement further details that:
"the recent Barbers Drove, Crowland planning application applied the same Policy 32 calculation method but the developer agreed a higher parish contribution by reducing their education contribution. Members accepted this,
and Ashwood Homes have confirmed that we would be happy to agree a similar arrangement if SHDC considers it appropriate to reduce affordable housing provision or NHS contribution amounts.

7.83 Either way, we agree with the planning officers that it is appropriate to clearly explain to members the method of calculation, policy provisions under Policy 32 and to detail why the Barbers Drove parish contribution was higher in this case".

7.84 On the basis of the above, officers remain of the opinion that the previously agreed package of developer contributions comprising of the following is appropriate:
- 13 affordable units (25%)
- £34,320 NHS contribution
- £8,800 Parish Council contribution

7.85 <u>Affordable housing provision</u>

7.86 Policy 18 of the Local Plan requires the provision of about 25% affordable housing on-site on market schemes in South Holland. Taking into account the number of units the three adjoining sites would deliver, 25% affordable housing provision amounts to 13 units. All 13 units are indicated on the larger parcel of land.

7.87 The proposed tenure split is in accordance with that requested by SHDC's Strategic Housing Officer, namely:
- 3 x first homes (3 bed)
- 9 x affordable rent (4 x 1 bed, 3 x 2 bed and 2 x 3 bed)
- 1 x shared ownership (1 x 3 bed)

7.88 Strategic Housing have no objections to the proposed affordable housing scheme.

7.89 Other considerations

7.90 The submitted Preliminary Ecological Appraisal concludes that trees have negligible potential / low suitability to support bats and birds. There was no evidence of badger activity or that reptiles were present on site. It is recommended that bat, bird and hedgehog boxes / homes are installed.

7.91 The site is not allocated open space and was not publicly accessible, therefore there is no detriment in its reuse.

7.92 Issues such as noise and air pollution during the construction period is a consideration, however it is one that carries limited weight in the overall planning balance. A condition can be added requiring the submission of a Construction Management Plan prior to commencement of development, which covers matters such as working hours and measures for controlling noise, vibration, dust and mud. If any damage is caused to existing dwellings through piling, this would be a civil matter between landowners.

7.93 Noise from future occupants is not a material planning consideration and, whilst it is inevitable that play areas generate noise, it is unlikely to be at such levels as would constitute a statutory nuisance.

7.94 Street lighting is part and parcel of residential development and is switched off in such areas late evening to early morning, thus there would not be significant light pollution. Furthermore, a development of this nature is unlikely to have a negative impact on communications infrastructure.

7.95 Both the NHS and Education Authority have been consulted on the application, with the former requesting a financial contribution towards improving healthcare. The Education Authority advise that there is currently capacity within local schools to serve the development. Additional residents in Crowland would have a positive, rather than negative, impact on local shops in terms of viability.

7.96 Whilst it is a consideration, impact on property prices is a matter which carries very limited weight in the overall planning balance.

7.97 A condition will be included to secure details of the maintenance/management of SUDS features, landscaping, open space (including play area) and refuse collection points.

7.98 The installation of three swift nest bricks per dwelling can be conditioned if permission were to be granted.

7.99 It is understood that the red line boundary indicated on the site layout plan is correct and reflects the position of the post and wire fencing to the rear of properties fronting Peterborough Road.

7.100 No works that would have required planning permission appeared to have been carried out prior

to the application being submitted. Any historic rights to access land for maintenance of adjoining properties is not a matter for the planning process and is a civil issue.

7.101 Planning balance

7.102 Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, states that the determination must be made in accordance with the development plan unless material considerations indicate otherwise.

7.103 The principle of residential development on this site is acceptable given its location within Crowland's settlement boundary. It is not considered that the proposal would materially harm the amenity of nearby residents nor the character of the area, 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.

7.104 In light of the above, the planning balance is considered to lie in favour of the proposal.

7.105 Conclusion

7.106 The proposal is considered to generally accord with Policies 1, 2, 3, 4, 5, 6, 10, 11, 18, 28, 29, 30, 32, and 36 of the South East Lincolnshire Local Plan (2019), as well as Sections 4, 5, 12, 14, 15 and 16 of the National Planning Policy Framework (2019).

7.107 **Additional Considerations**

Public Sector Equality Duty

In making this decision the Authority must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions) to:
A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).
C. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

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

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

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

Human Rights

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

It is not considered that the recommendation in this case interferes with local residents' right to respect for their private and family life, home and correspondence, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general

public interest and the recommendation is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

8.0 RECOMMENDATIONS

8.1 **Grant Permission subject to the applicant entering into a Section 106 Agreement to secure the delivery of 25% affordable housing of the mix set out above, an NHS contribution of £34,320 and £8,800 to the Parish Council towards the replacement of The Pavilion and Young Building on Snowden Playing Field, 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/or documents:

   132-LP-01
   132-SL-01 Rev K
   132-SL-02 Rev F
   132-BT-01 Rev K
   132-MSL-01 Rev I
   132-EV-01
   132-PV-01
   132-SS-JR-001
   132-JR-002
   132-MCCP-01
   16170381-SEA-HARR-3D-TOPO Rev A
   STAMFORD-001
   HUMBER-001
   OUSE-001
   RUTLAND-V-DS-001 Rev A
   AIRE-001
   CLYDE-001
   DEE-001
   LOCK-001
   MERE-001
   A575(R)-001
   A732(R)-001
   A902(R)-001
   4415.Harrington.Ashwood TCP
   Flood Risk Assessment & Drainage Strategy (prepared by Inspire Design & Development Ltd, Rev P9, dated December 2022)
   Preliminary Ecological Appraisal (prepared by Hillier Ecology Limited, dated August 2021)
   Noise Assessment (prepared by Spectrum Acoustic Consultants, dated 23rd September 2021)
   Site Investigation Report (prepared by Ground Engineering Limited, dated June 2021)
   Heritage Statement (prepared by Archaeological Project Services, dated August 2021)

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

3. The materials of the external surfaces (brickwork, finish, roof tiles and windows) of the development hereby permitted shall be carried out in accordance with those detailed within the Materials Schedule layout (dwg no. 132-MSL-01 Rev I).

   Reason: In the interests of the architectural and visual integrity of the overall 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. 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 flood exceedance routing for storm event greater than 1 in 100 year;
- 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.

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

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

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

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

6. No part of the development hereby permitted shall be occupied (apart from those works identified on drawing number 132-BT-01 Rev K or as specified) before the works to improve the public highway (by means of an uncontrolled Tactile Crossing Point on Peterborough Road) have been certified complete by the Local Planning Authority.

   Reason: To ensure the provision of safe and adequate means of access to the permitted development.
   This Condition is imposed in accordance with Policy 2 of the South East Lincolnshire Local Plan, 2019.

7. 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 in writing 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.

8. 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.

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

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

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

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

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

11. 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:
ii) 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.

12. If contamination of land and/or pollution of controlled waters has been identified as a result of investigation undertaken in accordance with Condition 10 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.

13. A management plan for the areas of publicly accessible open space and any outdoor play areas, including management responsibilities and maintenance schedules, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development hereby permitted beyond oversite. The management of these areas shall be carried out in accordance with the details so approved.

Reason: To ensure that adequate open space provision is made available for the occupiers of the development hereby permitted and that provision is made for the management and maintenance of the open space.
This Condition is imposed in accordance with Policy 32 of the South East Lincolnshire Local Plan, 2019.

14. 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.

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

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

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

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

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

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

17. 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.

18. The development hereby permitted shall be carried out in accordance with the recommendations set out in Section 6 of the submitted Noise Assessment (prepared by Spectrum Acoustic Consultants, dated 23rd September 2021).

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

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

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

20. 3 swift nest bricks shall be incorporated within the external walls of each of the dwellings hereby approved and shall be retained thereafter.

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

21. 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.

22. 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

23. In accordance with Section 59 of the Highways Act 1980, please be considerate of causing damage to the existing highway during construction and implement mitigation measures as necessary. Should extraordinary expenses be incurred by the Highway Authority in maintaining the highway by reason of damage caused by construction traffic, the Highway Authority may seek to recover these expenses from the developer.

24. All roads within the development hereby permitted must be constructed to a satisfactory engineering standard. 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. For guidance please refer to https://www.lincolnshire.gov.uk

25. 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

26. 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.

27. The highway improvement works referred to in the above condition are required to be carried out by means of a legal agreement between the landowner and the County Council, as the Local Highway Authority.

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

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

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Background papers:- Planning Application Working File

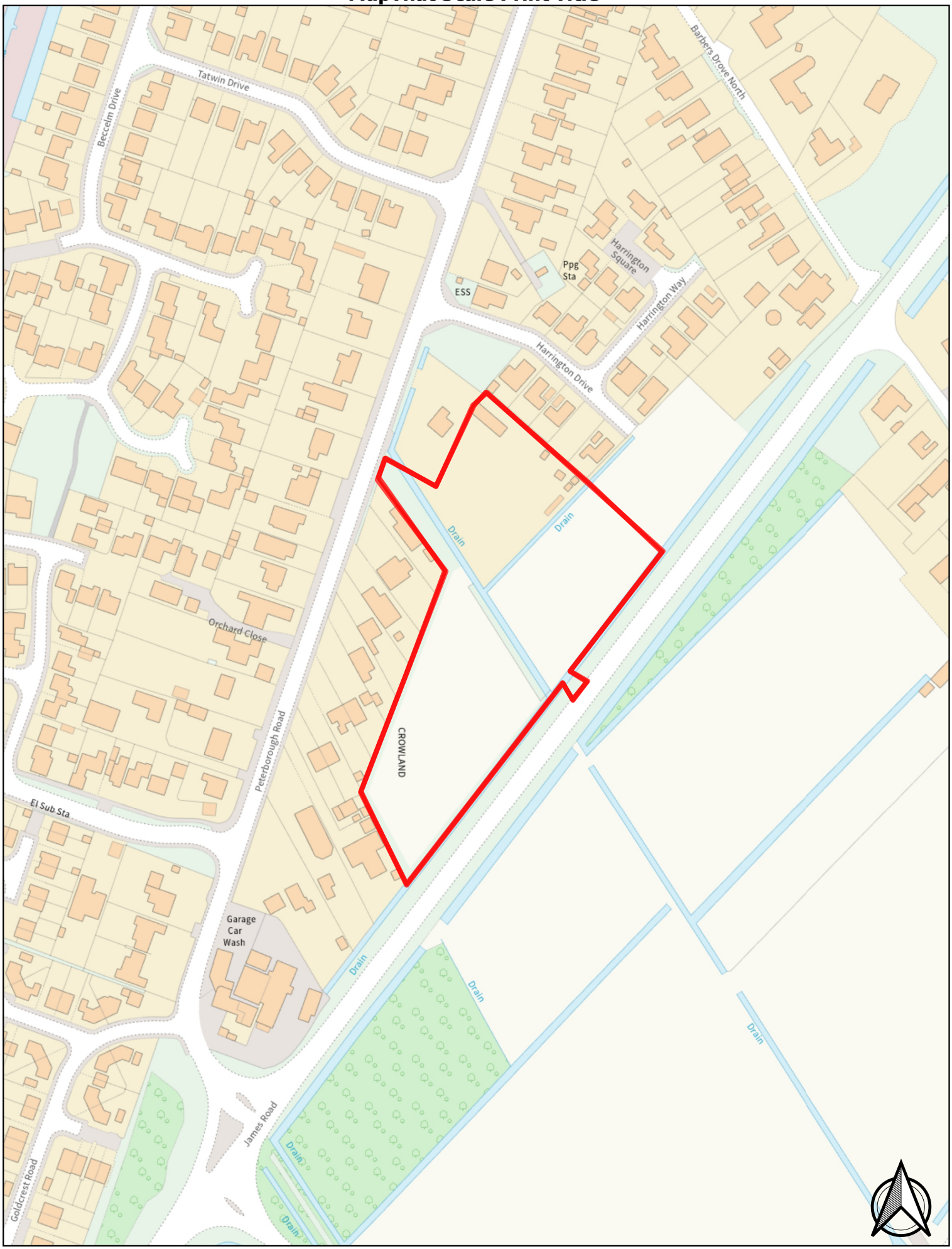
Lead Contact Officer

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

Appendices attached to this report:

Appendix A Plan A

MapThat Scale Print Title



SOUTH HOLLAND DISTRICT COUNCIL

MAP SCALE 1:2000
CREATED DATE: 15/02/2023
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