SOUTH HOLLAND DISTRICT COUNCIL

Report of: **Development Manager**

To: **Planning Committee - 09 March 2022**

(Author: **David Gedney - Senior Planning Officer)**

Purpose: **To consider Planning Application H09-1094-21**

Application Number:	H09-1094-21	**Date Received:**	21 October 2021
Application Type:	FULL		
Description:	Erection of 4 detached dwellings, 1 detached garage and demolition of existing bungalow		
Location:	47 Low Lane Holbeach Spalding		
Applicant:	Mr D & A Rulewski	**Agent:**	Mr D & A Rulewski
Ward:	Holbeach Town	**Ward Councillors:**	Cllr F Biggadike Cllr T Carter Cllr G T D Rudkin

You can view this application on the Council's web site at
http://planning.sholland.gov.uk/OcellaWeb/planningDetails?reference=H09-1094-21

1.0 REASON FOR COMMITTEE CONSIDERATION

1.1 The application was considered at Planning Committee on 9 February 2022 when it was resolved that the application be deferred for additional information concerning the likely impact upon the neighbouring property to the west. A condensed version of the submitted Daylight, Sunlight and Overshadowing Study, is therefore included as Appendix B to this report, along with a copy of the submitted Amenity Impact Assessment.

2.0 PROPOSAL

2.1 Full planning permission is sought for the erection of 4 detached dwellings, including the demolition of an existing bungalow. The plot layout is as follows:
Plot 1: 4 bed house with attached double garage;
Plot 2: 5 bed house with attached double garage;
Plot 3: 5 bed house with attached double garage;
Plot 4: 4 bed house with detached garage.

2.2 The proposal is essentially a revision of full planning permission H09-0801-20, which was originally for 5 detached dwellings but was subsequently reduced to 4. It was amended on a number of occasions at the request of the case officer following resident concerns. Plots 1 and 2 were eventually exchanged, whereby the two-storey bulk of the dwellinghouse on plot 1 was set back further from the boundary with "The Chestnuts" to the west and the nearest structure was a single-storey detached garage.

2.3 The current submission reverts back to a house on plot 1 closest to the boundary with "The Chestnuts". Similar discussions have taken place to those outlined above; however, the applicant has now declined to amend the scheme and has instead submitted additional

information attempting to demonstrate that the amenity of the neighbouring property would not be materially harmed. It therefore stands to be determined as submitted.

3.0 SITE DESCRIPTION

3.1 The site is located within the built-up area of Holbeach and is part of the north-eastern edge of the town. The area is predominantly residential, comprising a range of house types, ages, design and appearance.

3.2 The site currently hosts a large bungalow (No. 47) with a sizeable garden mainly laid to grass. It is served by a private roadway running between Nos. 45 and 49 which front Low Lane. Immediately to the west there is another access roadway which serves three detached dwellings (The Chestnuts, Rosella and The Willows). The Chestnuts, which is a large house, adjoins the main part of the site.

3.3 No. 45a is located to the north. It is a large two-storey detached house that backs onto No. 45 and which obtained full planning permission in 2013 (application ref. H09-0664-13). It is a few metres to the north of No. 47. There is no means of enclosure between these two properties.

3.4 A conifer hedge approximately 2 metres high runs along the rear of plots on Low Lane adjoining No. 45a. A drain borders the southern boundary of the site. The eastern and southern boundaries of the site are defined by a mature conifer hedge approximately 4 metres high. Fencing presently runs along the side boundary of The Chestnuts immediately to the west.

4.0 RELEVANT PLANNING POLICIES

4.1 **The Development Plan**

South East Lincolnshire Local Plan, March 2019

01. Spatial Strategy
02. Development Management
03. Design of New Development
04. Approach to Flood Risk
11. Distribution of New Housing
28. The Natural Environment
30. Pollution
31. Climate Change and Renewable and Low Carbon Energy
32. Community, Health and Well-being
36. Vehicle and Cycle Parking
APPENDIX 6 Parking Standards

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.

National Guidance

National Planning Policy Framework (NPPF), 2019

Section 2. Achieving sustainable development.
Section 3. Plan making.
Section 4. Decision making.
Section 5. Delivering a sufficient supply of homes.
Section 11. Making effective use of land.
Section 12. Achieving well-designed places.
Section 14. Meeting the challenge of climate change, flooding and coastal change.
Section 15. Conserving and enhancing the natural environment.

Planning Practice Guidance (PPG)

5.0 RELEVANT PLANNING HISTORY

5.1 H09-0801-20 - Full - Erection of four detached two-storey dwellings, two detached garages and demolition of existing bungalow - Granted 25 February 2021.

5.2 H09-0511-21 - C/C - Details of landscaping, maintenance measures for existing hedge along eastern & southern boundaries, landscape and site management plan, boundary treatment and means of foul & surface water disposal (Conditions 4, 5, 6, 7 & 9 of H09-0801-20) - Approved 3 August 2021.

6.0 REPRESENTATIONS

6.1 Holbeach Parish Council

Would like to comment on there being issues with traffic.

6.2 LCC Highways/SUDs

No objections subject to conditions.

6.3 South Holland IDB

Note that the applicant has indicated that they intend to dispose of surface water via infiltration. However, I cannot see that the viability of the proposed drainage strategy has been evidenced. We would recommend that the proposed strategy is supported by ground investigation to determine the infiltration potential of the site and the depth to groundwater. If on-site material were to be considered favourable then we would advise infiltration testing in line with BRE Digest 365 (or equivalent) to be undertaken to determine its efficiency. If (following testing) a strategy wholly reliant on infiltration is not viable and a surface water discharge is proposed to a watercourse, then the proposed development will require land drainage consent in line with the Board's byelaws (specifically byelaw 3).

6.4 Public

Objections (summarised):
- Proposed house on plot 1 would, as a result of its scale, proximity and rearward location, cause substantial and unsupportable harm to the amenities of The Chestnuts. This would arise by reason of visual intrusion, loss of outlook, overbearing and overshadowing impact, loss of privacy and loss of sunlight/daylight;
- Contravenes the nationally accepted 45 degree standard concerning blockage of sunlight/daylight;
- Council would carry out a complete volte-face in approving an arrangement already rejected by them in the context of recent application ref. H09-0801-20 and thus contravene the established 7 Principles of Public Life. Consistency is essential component of public life as set out in the Nolan Principles of Public Office. If this is approved it will obviously be maladministration;
- Resident objections have not been undermined or satisfactorily addressed within the Amenity Impact Assessment, which makes incorrect assumptions;
- The law on precedent rules out the use of the other examples to justify the proposals, none of which are identical to the current situation;
- Lack of infrastructure;
- Height of Conifers should be controlled;
- Request Swift nesting boxes.

6.5 Applicant (summarised):

Number of misconceptions and inaccuracies within the submitted Objection Statements.

7.0 CONSIDERATIONS

7.1 **Planning Considerations**

The main issues are:
- Housing policy/principle;

- Character and appearance;
- The likely affect upon the amenity of nearby residents;
- Highway safety;
- Other material considerations, including flood risk.

7.2 Principle

7.3 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.

7.4 The site is inside Holbeach Settlement Limit as defined in the South East Lincolnshire Local Plan (SELLP), 2019. Policy 1 indicates that within the settlement boundaries of the Main Service Centres, including Holbeach, 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. No objections are therefore raised on locational grounds.

7.5 Character and appearance

7.6 Policies 2 and 3 of the SELLP 2019 amongst other matters seek to ensure that development respects the character and appearance of the area and the relationship to existing development and land uses.

7.7 They are consistent with advice within the National Planning Policy Framework (NPPF), 2021. Paragraph 130 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.

7.8 The site is located within the built-up area of Holbeach and is part of the north-eastern edge of the town. The area is predominantly residential, comprising a range of house types, ages, design and appearance. The scheme layout shows three plots along the southern site boundary facing north and one adjacent No. 45a facing west. Overall, the backland nature of the proposed scheme is not at odds with the pattern in the vicinity, including the dwellings to the west. The density is appropriate in view of the site area and no overdevelopment would occur.

7.9 The existing private roadway would remain as vehicular access and would be accordingly improved to enter and egress the backland development to the main highway (Low Lane). It should be noted that there is an extant permission for 4 no. dwellings (H09-0801-20) and that this application is an alternative proposal for the same number of properties.

7.10 The proposed dwellings would be two-storey detached houses. The external facing brickwork would consist of red multi-stock facing bricks, the roof tiles would be pantiles (colour to be confirmed) and external openings UPVC and aluminium (colour to be confirmed). On balance, the external layout, appearance and in general the design standards of the buildings would not detract from the nearest properties and would be of good quality.

7.11 In summary, the proposed development is appropriate given the site features and pattern of development in the vicinity. It would not materially harm the character or appearance of the locality. The proposal therefore satisfactorily complies with the aims and objectives of Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 in this respect.

7.12 Amenity

7.13 Policies 2 and 3 of the South East Lincolnshire Local Plan (2019) set out residential amenity and the relationship to existing development and land uses as main considerations when making planning decisions. Policy 30 states that development proposals will not be permitted where, taking into account any mitigation measures, they would lead to unacceptable adverse impacts upon the amenities of the area. They are consistent with advice within the National Planning Policy Framework (2021). Paragraph 130, amongst other matters, seeks places with a

high standard of amenity for existing and future users.

7.14 In this case, the main concern is the relationship between the existing property known as The Chestnuts and the proposed house on Plot 1.

7.15 In terms of overlooking/lack of privacy, the only window on the western elevation of the house on plot 1 at first floor level would be associated with an en-suite and would therefore be obscure glazed. A utility door, study window and garage door would be situated on the ground floor. Boundary fencing is proposed. Although bedroom windows are situated on the southern (rear) elevation they would only overlook the rear section of the back garden of The Chestnuts at an obscure angle. Plot 3 only has en-suite and bathroom windows on its first floor facing east. Plot 4 has a blank elevation facing north at first floor level. It is considered that the amenity of neighbouring residents would not be materially harmed in terms of overlooking/lack of privacy.

7.16 The BRE guide entitled "Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice" is usually the accepted methodology used by Local Authorities for assessing daylight and sunlight in relation to new developments. It provides methods for the calculation of daylight and sunlight impacts of development upon existing surrounding properties. The BRE Guidelines state that they are intended for use for rooms in neighbouring dwellings where daylight is required, including living rooms, kitchens and bedrooms. Windows to bathrooms, toilets, storerooms, circulation areas and garages need not be analysed. It should be remembered that it is a "rule of thumb", or simply guidance, to help decide whether there will be an adverse effect upon the amenity of neighbouring residents.

7.17 The dwelling on plot 1 is a 4-bedroom house with pitched roof. The majority of the two-storey element would extend beyond the rear wall of The Chestnuts to the west, including a side gable which has a ridge height of approximately 8.4 metres. The side wall of the new house would be some 2.25m from the boundary. The rear elevation of The Chestnuts is orientated just west of due south and has a number of openings on its rear elevation, the nearest of which are associated with a study and utility at ground floor level and games room/bedroom at first floor level. It is understood that it is intended to use the latter as an annex for an elderly family member. The main rooms at the rear such as lounge and kitchen are located on the western side of the building. It should be noted that a number of existing garden trees within the site adjoining the boundary of "The Chestnuts" would be removed.

7.18 The application is accompanied by a Daylight, Sunlight and Overshadowing Study. It is essentially a detailed computer analysis to assess the development's potential impact on daylight and sunlight on the neighbouring property and relates to all the windows and glazed doors of rooms which face within 90 degrees of due south. The report concludes that the proposal would not have a significant impact on the existing neighbouring property (The Chestnuts) in relation to Daylight, Sunlight and Sun on the Ground (Overshadowing). The report has been challenged by the objector and the applicant has responded to the points raised.

7.19 When applying the 45 degree rule horizontally the only rooms directly affected in terms of blockage of morning sunlight are the study and utility at ground level and two windows at first floor level. From a perpendicular perspective, the latter would be affected to a lesser degree because of their height above ground level. The principal rooms within the house such as lounge and kitchen are positioned on the western side of the property away from plot 1. The rear of The Chestnuts presently suffers from some blockage of winter sunlight during the mornings due to existing garden trees within the site, which are to be removed. Taking all factors into account it is considered, on balance, that there is not sufficient reason to refuse the application on grounds of blockage of daylight/sunlight or overshadowing.

7.20 In terms of overbearing effect and outlook, the nearest windows on the rear elevation of The Chestnuts are associated with a study and bedroom. There would not be a direct line of sight of the new dwelling on plot 1 from these windows. Rather, it would be oblique. The side elevation of the new house on plot 1 would be visible whilst sat in the rear garden of The Chestnuts. However, the house on plot 1 is set some 2.25 metres from the boundary. Moreover, the patio area to the rear of the lounge is located on the western side of The Chestnuts away from the proposed house. Taking these matters into consideration it is considered, on balance, that there is not sufficient reason to refuse the application on grounds of overbearing effect or loss of outlook.

7.21 Concluding, therefore, it is considered on balance that the amenity of neighbouring residents would not be materially harmed in terms of overlooking, lack of privacy, blockage of daylight/sunlight, overshadowing, overbearing effect, loss of outlook, noise and disturbance, etc. Consequently, the proposal accords with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019 in terms of amenity.

7.22 Highway Safety

7.23 Policies 2 and 3 of the SELLP indicate that sustainable development considerations should be met in terms of access and vehicle generation levels and layout of car parking.

7.24 The existing private driveway serving the site is proposed to be improved by re-surfacing and widened to allow two-way vehicle movements. LCC Highways have indicated that its junction with Low Road has adequate visibility for drivers to enter safely into Low Road. It is also proposed that the construction of the driveway will be permeable so as to not increase surface water flood risk to the site or to neighbouring properties. The Highway Authority has indicated that the access arrangements are unlikely to have an unacceptable impact upon highway safety.

7.25 In conjunction with Policy 36 of SELLP 2019, Appendix 6 sets out the minimum standards for parking provision based upon the use class. Three spaces for dwellings with 4 or more bedrooms should be provided within the curtilage. Each plot has sufficient car parking provision in line with the aforementioned standards.

7.26 In terms of refuse collection, although the proposal doesn't accord with the Council's Guidance Note "Private Drives - Waste Vehicle Collection Service" because of the length of the drive (greater than 30 metres) the site has an extant permission for 4 properties (ref. H09-0801-20). The latter is a fallback position that outweighs the guidance in this case. The Design and Access Statement indicates that refuse collections would be made from the head of the access drive at Low Lane from a designated location. This could be made the subject of a condition if permission was forthcoming.

7.27 Consequently, having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development is acceptable on highway grounds and does not wish to object to this planning application.

7.28 The proposal satisfactorily complies with Policies 2, 3 and 36 of the South East Lincolnshire Local Plan, 2019 in terms of highway safety.

7.29 Flood Risk

7.30 The site is within Flood Zone 3a as per Environment Agency's Flood Map. According to South East Lincolnshire Strategic Flood Risk Assessment (March 2017), the flood depths would mostly range between 0.25m to 0.5m and 0.5m to 1.0m.

7.31 Section 14 of the National Planning Policy Framework, 2021 is aimed to provide the appropriate framework to prevent inappropriate development within the highest flood risk areas and encourage the implementation of SUDS to mitigate the impact of flood risk. Policy 4 of the SELLP, 2019 transposes the national policies into the Local Plan.

7.32 A site-specific flood risk assessment has been submitted with this application. A Sequential Test and Exception Test have been applied and successfully passed. Extensive research on potential sources of flooding has been carried out. Calculations have been made on anticipated flood levels, taking into account climate change effects. A range of resilience measures have been consequently proposed, including the following:
- Finished ground floor levels shall be raised at 3.5m AOD.
- Flood resilient construction shall be incorporated in the buildings to a height 300mm above ground floor level.
- Safe refuge would be provided at first floor level and future occupiers would be provided with

an emergency plan for safe evacuation depending on prevailing conditions.
- Surface water run-off from the roofs of the proposed dwellings and detached garage should be discharged into soakaway crates. The infiltration system together with associated drainage should be designed to BRE Digest 365 and meet the requirements of Part H of the Building Regulations.
- Permeable block paving and gravel driveways with a suitable base to allow the surface water to permeate into the ground.

7.33 In light of the flood vulnerability of the development against such flood risk, it is considered that the resilience measures are acceptable.

7.34 Concerns have been raised about the increasing frequency of flooding events from surface water over the last years. This has been reiterated by members of the public in the context of recent applications for residential development in the area. Furthermore, the Environment Agency anticipates low flood risk from surface water to the front of No. 45a and to the rear of No. 47. In view of the hydrological features of the site, it would be feasible to recommend the addition of a condition to submit full details of proposed means of foul and surface water disposal if permission was forthcoming.

7.35 Habitats and biodiversity

7.36 Paragraph 180 of the National Planning Policy Framework, 2021 states that when determining planning applications, permission should be refused if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for. It goes on to say that schemes should integrate biodiversity improvements.

7.37 The mature high conifers forming a hedgerow would remain on the eastern and southern boundaries of the site. Some young trees across the site and conifers in the south-western corner would be removed. Conditions are therefore recommended concerning landscaping and bio-diversity improvements if permission was forthcoming.

7.38 Other Matters

7.39 An objector has indicated that the Authority would be inconsistent if the current application was approved despite amendments being sought in relation to the previous application (ref. H09-0801-20) and considers this to be maladministration.

7.40 In response to the above, when application H09-0801-20 was considered the case officer opined that "some overbearing effect" could have been caused by the two-storey element of plot 1 in relation to The Chestnuts. Plots 1 and 2 were eventually exchanged, whereby the two-storey bulk of the dwellinghouse on plot 1 was set back further from the boundary with The Chestnuts and the nearest structure was a single-storey detached garage. The planning officer's report stated that the exchanging of plots 1 and 2 meant that the effect upon The Chestnuts would be "far less harmful" and that "any probability of overbearing impact would be clearly dissipated". It didn't indicate that it would have been so significant as to justify refusal if the plots weren't exchanged.

7.41 In relation to the current application, planning officers still consider that the proposal would have some impact upon the amenity of occupiers of The Chestnuts. However, the applicant has submitted studies demonstrating, on balance, that the extent would not be such as to justify refusal.

7.42 Planning Balance

7.43 The proposal represents infill development within the settlement boundary of Holbeach and is acceptable in locational terms. The proposed site layout provides a form of development which does not conflict with the pattern of existing development within the vicinity. It does not materially harm the character/appearance of the area.

7.44 Concerns about residential amenity have been raised during the neighbour consultation. Whilst

the proposal would have some impact upon the amenity of occupiers of The Chestnuts in term of blockage of daylight/sunlight, overshadowing and overbearing effect, the extent is not considered to be such, on balance, as to justify refusal. It is considered that the amenity of neighbouring residents would not be materially harmed in terms of overlooking, lack of privacy, blockage of daylight/sunlight, overshadowing, overbearing effect, loss of outlook, noise and disturbance, etc.

7.45 The development has been satisfactorily justified in terms of flood risk and the proposal is deemed adequate to prevent any flood risk exacerbation after the development has been built. Biodiversity enhancements are recommended.

7.46 On balance, the proposal satisfactorily complies with the most relevant planning policies. No adverse impacts of granting permission to the scheme would significantly and demonstrably outweigh the benefits of doing so, when assessed against the planning policies taken as a whole.

7.47 **CONCLUSION**

7.48 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.

7.49 For the reasons outlined above, this application is in accordance with Policies 1, 2, 3, 4, 10, 11, 28, 30, 36 and Appendix 6 of South East Lincolnshire Local Plan (2019) as well as Sections 2, 5, 12, 14 and 15 of National Planning Policy Framework (2021).

7.50 **Additional Considerations**

7.51 Public Sector Equality Duty

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

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

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

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

7.56 Human Rights

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

to respect for private and family life) and Article 1 of the First Protocol (protection of property).

7.58 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 conditions set out in Section 9.0 of the 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:
   1:1250 Location Plan;
   001;
   002;
   003;
   004;
   005;
   Design & Access Statement dated 12 October 2021;
   Daylight, Sunlight & Overshadowing Study - Neighbouring Property Assessment dated 6 October 2021;
   Amenity Impact Assessment dated 24 November 2021;
   Flood Risk Assessment and Appendices dated 1 October 2021.

   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. 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 3.0 (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.

5. 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 ensure that the Local Planning Authority retains control over the finished site and floor levels of the development, in the interests of the amenity of adjacent residents and its visual and architectural relationship with adjacent development. This issue is integral to the development and therefore full details need to be finalised prior to the commencement of works. This Condition is imposed in accordance with Policies 2, 3 and 4 of the South East Lincolnshire Local Plan, 2019.

6. The development hereby permitted shall be carried out in accordance with the measures set out in the Flood Risk Assessment forming part of this planning application, including/plus the following measures, which shall be fully implemented before the property is first occupied:

   - Finished floor levels shall be set at 3.5m AOD
   - Flood resilient construction to a height 300mm above ground floor level.
   - Emergency plan for safe evacuation
   - Permeable paviors for the construction of the private drive.

   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.

7. The existing hedge along the eastern and southern site boundaries as shown on Drawing No. 001 shall be retained and details of proposed maintenance measures shall be agreed in writing by the Local Planning Authority before the commencement of the development beyond oversite.

   Reason: To ensure the protection of the existing hedge, in the interests of the visual amenity of the locality.
   This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 15 of the National Planning Policy Framework, 2021.

8. Before the commencement of the development hereby permitted beyond oversite a detailed landscape, habitat and site management plan, including long term design objectives, management responsibilities, maintenance schedules for all landscape areas and details for habitat enhancement and protection (and including a monitoring programme) shall be submitted to and approved in writing by the Local Planning Authority. The landscape and site management plan shall thereafter be carried out in full accordance with the approved details in accordance with timings to be approved before work commences on site.

Reason: To ensure that site maintenance is not detrimental to use of the land by protected species/other wildlife and to ensure effective long term landscape and site management.
This Condition is imposed in accordance with advice within Section 15 of the National Planning Policy Framework, 2021.

9. Prior to its installation, full details of the proposed boundary treatment/screening, 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 ground and finished floor 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.

10. The ensuite window on the western elevation of the dwelling on plot 1 shall be obscure glazed and fitted with a restrictor device to restrict all opening parts to 100mm, unless emergency access is required. The obscure glazing and window restrictor device shall be retained in place at all times for the life of the development. Except in an emergency situation the window shall not be opened in excess of 100mm.

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

11. 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.

12. Before the commencement of the development hereby granted beyond oversite, full details of the proposed means of surface water disposal shall be submitted to and approved in writing by the Local Planning Authority and the details so approved shall be implemented in full before there are any flows into the receiving systems.

Note: the scheme should include a French drain along the western side of the private driveway plus appropriate outfall in accordance with the previous scheme.

Reason: To ensure that the site is adequately drained 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.

13. 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.

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

The Construction Management Plan and Method Statement shall indicate measures to mitigate against the adverse impacts of vehicle movements and vehicle parking and shall include;
- the phasing of the development to include access construction;
- the parking of vehicles of site operatives and visitors;
- the loading and unloading of plant and materials;
- the storage of plant and materials used in constructing the development;
- wheel washing facilities;
- a strategy stating how surface water run off on and from the development will be managed during construction

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

15. The development hereby permitted shall not be commenced beyond oversite before details of the means of storage and disposal of refuse and recycling, as well as appropriate management and maintenance, have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the first occupation of relevant dwellings and shall thereafter be retained.

Note: The scheme should include a designated refuse collection area at the site's entrance onto Low Road. For residential development, reference should be made to the Council's published "Private Drives - Waste Vehicle Collection Service - Guidance Note" when submitting these details.

Reason: To ensure that adequate facilities are made available for refuse storage and disposal to avoid pollution, to protect residential amenity, and in the interests of the appearance of the site and the area within which it is set.
This Condition is imposed in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019.

16. Note - The Local Planning Authority has acted positively and proactively in determining this application by assessing it against all material considerations, including national guidance, planning policies and representations that have been received during the public consultation exercise, and subsequently determining to grant planning permission.

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

17. Note - 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.

18. Note - The applicant is reminded that it is an offence under the wildlife and Countryside Act, 1981 (as amended) to kill, injure, or take (handle) any protected species occupying a place of shelter or protection and also to take, damage or destroy the nest of any wild bird while that nest is in use or being built. If evidence of bats is found before or whilst the work is carried out you are advised to contact Natural England at their Lincoln office (telephone 03000 603900).

Background papers:- Planning Application Working File

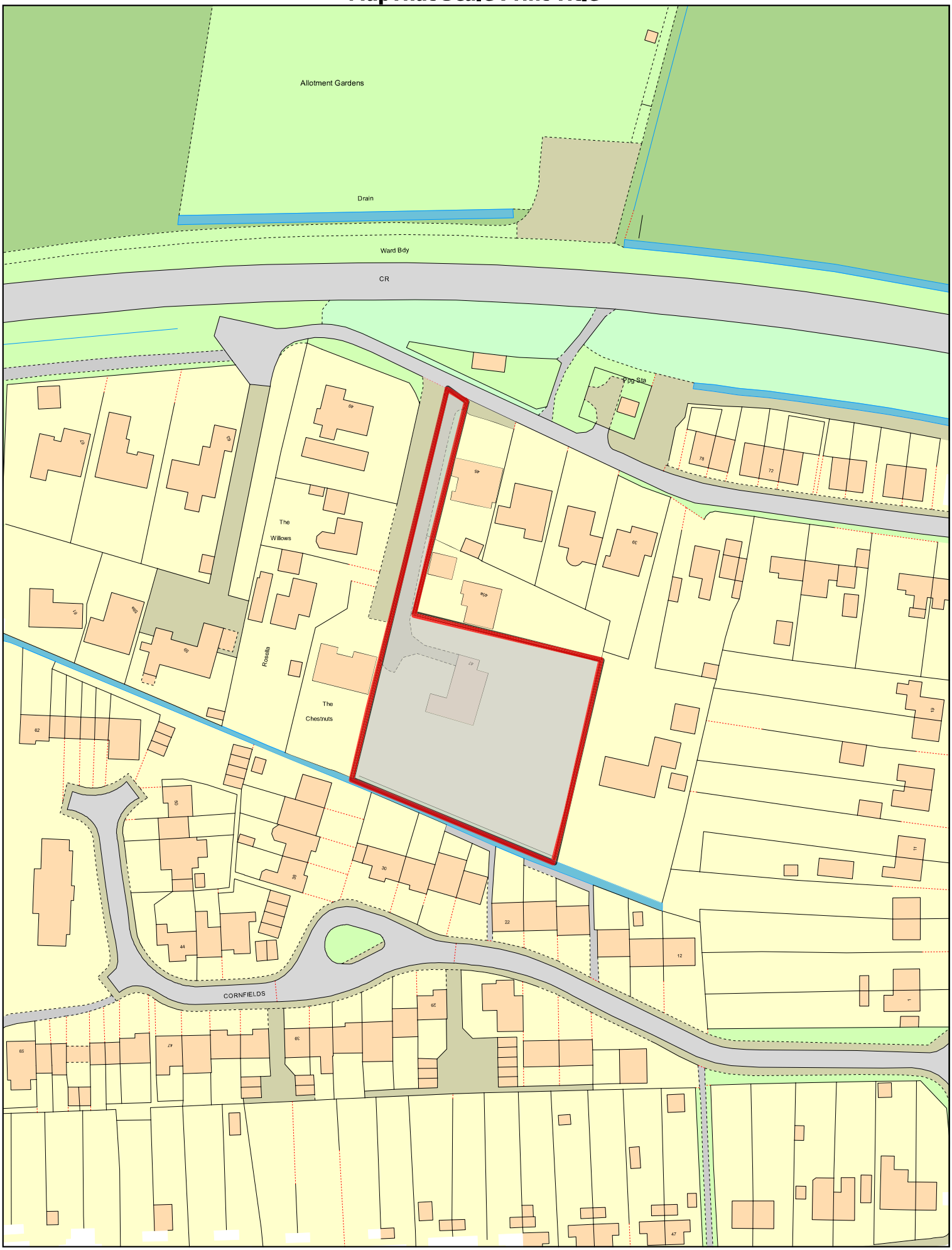
Lead Contact Officer

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

Appendices attached to this report:

Appendix A Plan A
Appendix B (a) Daylight, Sunlight & Overshadowing Synopsis
(b) Amenity Impact Assessment

MapThat Scale Print Title



SOUTH HOLLAND DISTRICT COUNCIL

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