

## SOUTH HOLLAND DISTRICT COUNCIL

**Report of:** Development Manager

**To:** Planning Committee - 10 March 2021

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

**Purpose:** To consider Planning Application H04-0879-20

**Application Number:** H04-0879-20

**Date Received:** 08 October 2020

**Application Type:** RESERVED MATTERS

**Description:** Residential Development - Erection of 6 dwellings (outline approval H04-0395-17)

**Location:** 12 Market Place Donington Spalding

**Applicant:** Tidy Rentals Ltd.

**Agent:** Framework

**Ward:** Donington, Quadring and  
Gosberton

**Ward Councillors:** Cllr H J W Bingham  
Cllr S C Walsh  
Cllr J L King

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

<http://planning.sholland.gov.uk/OcellaWeb/planningDetails?reference=H04-0879-20>

### **1.0 REASON FOR COMMITTEE CONSIDERATION**

1.1 As a result of the planning and conservation matters raised.

### **2.0 PROPOSAL**

2.1 Reserved matters application for the erection of six dwellings, together with the associated garages and amendments to the access to the highway (outline approval H04-0395-17). This application also proposes the partial demolition of No. 12 Market Place as well as demolishing the former agricultural barns on the site.

2.2 The application proposes a significant area of landscaping and a pond area to provide attenuation pond/storage to collect 65m<sup>3</sup> of surface water.

2.3 Since submission the application has been revised to change house types, garage types, to clarify site levels and boundary treatments, as well as alterations to the access details and drive widths.

2.4 The application now proposes the following dwellings:

Plot 1 - Detached two storey 4x bedroom dwelling. Cart shed style garage.

Plot 2 - Detached two storey cottage style 2x bedroom dwelling. Domestic style double garage.

Plot 3 - Detached two storey cottage style 3x bedroom dwelling. Domestic style double garage.

Plot 4 - Detached 3x bedroom bungalow. Domestic style double garage.

Plot 5 - Detached two storey 4x bedroom dwelling. Domestic style double garage.

Plot 6 - Detached two storey cottage style 3x bedroom dwelling. Cart shed style garage.

2.5 The proposed materials palette sets out the use of:

- Red facing brick - light and dark red
- Lincolnshire pantile roof tiles
- Details to verge and eaves in facing brick
- Artstone and facing brick heads and cills
- Upvc Windows - colour to be confirmed.
- Black Upvc rainwater goods

2.6 It is to be noted that the Outline consent to which this Reserved Matters application relates indicates that No.12 Market Place would be remodelled and retained.

2.7 The application is supported by a Design and Access Statement, Landscaping & Planting Scheme, Boundary Treatment Plan, Sections through the site, Topographical plan, Schedule of Maintenance Operations, Drainage Strategy and Site Management Statement - Bin Collection.

### 3.0 SITE DESCRIPTION

3.1 The application site consists approximately 0.6 ha of land, located within the settlement and partially within the conservation area of Donington. The Conservation Area only extends in to the front part of the site, which would predominantly be the access, which is gained from Market Place.

3.2 The land sits within Flood Zone 1.

3.3 The dwelling of 12 Market Place is situated in the Conservation Area and is of standard late 60's/early 70's standard design.

3.4 Historically the majority of the site was garden and a wider arable area to St Heliers and possibly the Rose and Crown (demolished) on the Market Place, but now it is put to rough grass and has areas of hardstanding. There are a handful of lean-to agricultural style buildings and garages on the site. There are a number of mature trees on the boundaries of the site, and further to the north-east are a number of protected trees associated with the churchyard of the Grade I Listed Church.

3.5 Adjacent to the site are a number of listed buildings, specifically the Grade I listed St Mary and the Holy Rood Church, the Grade II listed St Heliers on the Market Place, the Grade II listed 14 Market Place, the Grade II 18 Market Place and Grade II listed Town Farm House.

### 4.0 RELEVANT PLANNING POLICIES

#### 4.1 The Development Plan

South East Lincolnshire Local Plan, March 2019 (SELLP)

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

Paragraph 2. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The

National Planning Policy Framework must be taken into account in preparing the development plan, and is a material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements.

Paragraph 10. The presumption in favour of sustainable development.

Section 2. Achieving sustainable development

Section 4. Decision-making

Section 5. Delivering a sufficient supply of homes

Section 6. Building a strong, competitive economy

Section 7. Ensuring the vitality of town centres

Section 8. Promoting healthy and safe communities

Section 9. Promoting sustainable transport

Section 11. Making effective use of land

Section 12. Achieving well-designed places

Section 14. Meeting the challenge of climate change, flooding and coastal change

Section 15. Conserving and enhancing the natural environment

Section 16. Conserving and enhancing the historic environment

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 sets out the requirement to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess and section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

#### Planning Practice Guidance (PPG)

## **5.0 RELEVANT PLANNING HISTORY**

- 5.1 H04-0169-20. OUTLINE. Residential development of up to 9 dwellings, including demolition of existing dwelling (Access, Layout and Scale to be considered) - REFUSED for the following reasons:

Reason 1:

Due to the number, form, layout and scale of the dwellings proposed, the application would fail to preserve or enhance the character and/or setting of the Donington conservation area, and would have a detrimental impact on views in to and from the conservation area.

It is considered that the development of 9 properties on a site of this size and setting constitutes overdevelopment, which is a site to the rear of St Heliers which is a locally prominent listed building and would harm the setting of St Heliers, Nos 14 and 18 Market Place and No. 2 Church Street and also the Grade I Listed Church of St Mary & Holy Rood which is easily visible from within the proposal site.

It is thus considered that the proposals would be contrary to the requirements of Policy 29 of the South East Lincs Local Plan and the guidance set out in the NPPF 2019. Further the proposals would not have special regard to the desirability of preserving listed buildings or their setting or any features, contrary to the provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Reason 2:

This application due to the number, form, layout and scale of the dwellings proposed, fails to demonstrate that this proposal could be accommodated on this site, as it would have a detrimental impact on the residential amenity of St Heliers, Market Place and Parkwood, Park Lane, by reason of overlooking and the perception of overlooking of the rear elevations and private garden areas, contrary to Policies 2 and 3 of the South East Lincs Local Plan 2019 and the provisions of the NPPF 2019.

- 5.2 An appeal has been submitted and is under consideration by the Planning Inspectorate. No starting date for the appeal has been received.

- 5.3 H04-0395-17. OUTLINE. Residential development of up to 6 detached dwellings. Approved 20-

#### 10-17. Access was set at time of approval.

This application was reduced from 7 to 6 dwellings, in order to take in to account the concerns of Historic England.

This permission includes conditions relating to the following matters, that are yet to be submitted and discharged:

- Details of the proposed boundary treatments
- Contaminated Land - pre commencement
- Archaeological Scheme- pre commencement
- Construction Process Management Plan - pre commencement
- Management and Maintenance of the proposed streets road/s within the development - pre commencement
- Full engineering, drainage, street lighting and constructional details of the extent of the road proposed for adoption - pre commencement
- Surface Water Run-Off - pre commencement
- Open Space Management - pre commencement
- Details of Refuse Storage Open Space Management
- Details of the design and positions of all external boxes for gas and electricity supplies and of any gas flues and soil vent pipes

5.4 H04-0356-15. OUTLINE. Demolition of existing buildings and erection of dwelling. Approved. 06-07-15.

5.5 H04-0912-13. Residential development - erection of 2 dwellings. Approved. 16-12-13.

## 6.0 REPRESENTATIONS

### 6.1 Donington Parish Council

No response received.

### 6.2 SHDC Ward Members

Cllr S C Walsh

- Note the plans for the collection of refuse.
- Remain concerned as to the safety of the access to from the development and am surprised that LCC Highways have no observations or concerns.
- LCC Highways need to pay particular attention to the likelihood of accidents with regard to the increased traffic flow.
- Unsure whether current sewage & drainage capacity is sufficient to meet the needs of the development. Unsure that the access to Market Place can safely be made.

Cllr J L King

- Agrees with the observations made by Cllr Walsh but am sure that highways will not see a problem with this even though it on a dangerous junction.

### 6.3 SHDC Conservation Officer

Raise no concerns with the development from a conservation perspective. As the site does sit partly within the Conservation Area, and well within the Conservation Area's setting, it is understood that a development at this site will have an influence upon how this central portion of Donington is appreciated by the public. Therefore, it is important that development at this site does not have a negative impact upon the qualities of the adjacent Conservation and Listed building, in terms of, especially, design and scale.

Six properties is an appropriate number within this plot to provide a development which does not interfere with the character of the area in terms of scale, density and massing.

Furthermore, it is appreciated that the proposal elevation show that the proposed final designs will feature traditional design details, such as arch filleted windows, pitched dormer windows, glazing bars on windows, flat arch lintels, brickwork dentilation etc. Features such as these help the proposed properties to avoid appearing as featureless modern development and as

such aid sympathy with the Conservation Area-adjacent site. Whilst some included materials such as UPVC windows and doors aren't the preferable option over timber, given that the majority of the site is outside of the Conservation Area, to the point that only 1 of the proposed 6 properties would actually sit partially within its boundary, it would not be reasonable to require the applicant to use vernacular materials throughout.

#### 6.4 SHDC Trees and Nature Conservation Officer

On-going landscape management - It would be a good idea to produce a brief leaflet detailing how best to maintain the trees and shrubs within the landscaping scheme, for potential buyers

Comments on species and positions - A good selection of small varieties of trees suitable for a new development. It was noted that the potentially large growing *Quercus robur* is of the variety 'Fastigiata,' and will be situated on an amenity area.

This landscaping proposal indicates the planting of an *Acer campestre* 'Elegant' (potential height when mature 10-15 metres) and a *Euonymus europaeus* 'Red cascade' (Potential height when mature 3 to 5 metres) in the garden of Plot One immediately to the north of the drive entrance. The *Acer campestre* 'Elegant' will be very close to the walnut in the adjacent property. There will inevitably be conflict between the proposed trees and the existing, in years to come. It is therefore suggested that just the *Euonymus europaeus* 'Red cascade' is planted in a position to the north of the drive entrance to limit such potential conflict.

Would not recommend a *Pyrus calleryana* 'Chanticleer' and a *Sorbus thuringiaca* 'Fastigiata' to be planted in the vicinity of the north eastern corner of the dwelling at Plot One, either one or the other in the proposed position of the *Pyrus* would be sufficient.

#### 6.5 SHDC Environmental Protection Officer

No objection subject to a full land contamination condition being appended to any approval.

#### 6.6 LCC Highways & SUDS Support

Does not wish to restrict the grant of permission.

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 and accordingly, does not wish to object to this planning application.

The dimensions of the proposed access are adequate to enable two cars to pass in opposing directions and the proposal would therefore not result in an unacceptable impact on highway safety. 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 is classified as a Minor Application and it is therefore the duty of the Local Planning Authority to consider the drainage proposals for this planning application.

#### 6.7 Black Sluice Internal Drainage Board

No objection received.

Rainfall Runoff - It is understood from the documentation provided that surface water from the development is to be discharged, via a system of sustainable drainage, into a watercourse on the northern boundary of the site. If this is the case, then prior written consent from the Board is required.

Discharge Outfalls - If the proposed surface water discharge outfall is into a watercourse as stated, the prior written consent will be required for any structures placed in the bank, as per Section 23 of the Land Drainage Act 1991.

Filling in or Culverting Watercourses - The watercourse on the northern boundary of the site is NOT a Board-maintained watercourse. The applicant is reminded that within common law, the ownership and maintenance responsibility for any watercourse lies with the adjacent landowners, regardless of whether the watercourse is maintained by the Board.

The applicant is reminded that under Section 23 of the Land Drainage Act 1991, the prior written consent of the Board is required for any proposed permanent or temporary works or structures, within any watercourse, including infilling or diversion. This includes the replacement of any existing structures.

Site Ground Levels - The existing ground level of the site should not be raised above the level of any surrounding land unless suitable mitigation measures is put in place, to the satisfaction of the local planning authority, to prevent possible flooding or waterlogging of any neighbouring land or properties.

6.8 Anglian Water

No response received.

6.9 Historic England

Do not wish to offer any comments.

6.10 Public

Objections have been received from four households, raising the following issues (summarised):

- Development precedence for a phase 2 of development
- Road noise and security
- Conservation concerns
- Land contamination
- Access, visibility and highway safety
- Ecology conservation
- Issues of the ownership of boundary walls with properties in Market Place
- The proximity of the turning point towards the end of the development to the boundary of Town Farm
- Potential drainage concerns, including drainage and anticipated flooding onto Town Farm land
- Allowing access for border maintenance adjacent to Town Farm perimeter
- Construction potentially effecting the fruit trees along with the fruit on them
- Concern of light for the orchard fruit trees/green house especially from plot 5
- Overlooking by plot 6
- Boundary to rear of St Heliers - no soundproofing is being proposed
- Bin collection point location
- Concerns about digging down the side of Grade II Listed Building for services, as the listed building has no foundations.
- Boundary walls to Heliers should be put in place rather than fencing
- Boundary wall detailing to properties in Market Place
- Plot 1 and the leylandii hedge
- Planting of large shrubs and maintenance responsibilities
- Soil/turf should not be allowed up to the boundary of property in Market Place
- Disturbance and damage during construction
- Compensation for local residents

**7.0 CONSIDERATIONS**

**7.1 Planning Considerations**

7.2 The key material issues for considerations in this application are:

- The principle of development and matters of sustainability
- Character and impact upon the historic environment
- Demolition works proposed
- Impact upon residential amenity
- Highway and access matters
- Drainage
- Refuse collection arrangements
- Impact on trees
- Land Contamination
- Ecology conservation

### 7.3 Principle and Sustainability

7.4 Policy 1: Spatial Strategy of the SELLP identifies Donington as a Main Service Centre, where 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.

7.5 The application site is within the settlement boundary of Donington and has been granted outline planning permission for up to 6 dwellings via three separate outline planning permissions that are listed above, one of which is extant. When seen in this context the principle of development within an established settlement is considered acceptable.

7.6 This application would not set a precedent for further development, as each application is to be considered on its merits.

### 7.7 Character and impact upon the historic environment

7.8 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 sets out the requirement to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess and section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

7.9 The application site is partially within the Donington conservation area. In addition, St Heliers, which bounds the access, is a locally prominent listed building, and Nos 14 and 18 Market Place, No. 2 Church Street and also the Grade I Listed Church of St Mary & Holy Rood are easily visible from within the proposal site.

7.10 The requirements of Policy 29 of the SELLP and the guidance set out in the NPPF 2019 set out special regard to the desirability of preserving listed buildings or their setting or any features, which reflect the provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990.

7.11 The application has been amended since submission to reduce the scale of the dwellings on certain plots, and improve the form of garages. It is considered that the development would not have a detrimental impact on setting of the adjacent listed buildings and would accord with the Act.

7.12 Objection has been raised on the grounds that the works may impact on the structure of St Heliers. The outline consent requires the formal submission via discharge of condition for a Construction Process Management Plan and full engineering, drainage, street lighting and constructional details of the extent of the road proposed for adoption. These submissions would inform the construction works, and an informative regarding impact to the listed building is recommended.

7.13 The proposed access arrangements of development following the remodelling of the dwelling at 12 Market Place would have a visual impact on this part of the conservation area, however this feature was agreed by the outline consent. The landscaping now being proposed at the entrance point would necessitate the exclusion of a footway, but would introduce a softening feature to minimise the impact of the refuse collection point.

7.14 The access would be a 5.0m wide shared pedestrian and vehicular access to the 6 dwellings. It is considered that the access and landscaping arrangements would have a positive visual impact on the character of the conservation area, in that landscaping is proposed to be installed, and can be controlled via a management company.

7.15 The dwellings proposed are of a pleasant domestic form and scale, and would be glimpsed from the conservation area. It is considered that the proposals would have a neutral overall impact on the character and appearance of the conservation area, including views to and from the conservation area, and the setting of nearby listed buildings, including St Mary and the Holy Rood Church. The proposals accord with Policy 29 of the SELLP, the provisions of the

7.16 Demolition works proposed

7.17 The dwelling of 12 Market Place is situated in the Conservation Area and is of standard late 60's/early 70's standard design. Within the site are former agricultural buildings of limited amenity. The demolition of these buildings is accepted by the outline permission already granted on the site, to which this Reserved Matters application relates.

7.18 A condition is suggested to be appended to this decision to seek the submission of the remodelling of No.12 Market Place.

7.19 Impact upon residential amenity

7.20 The application site has existing dwellings on several sides, including the access point and road. A Topographical Survey and Site levels plan has been submitted to show the impact of the development on the site. In addition sectional drawings have been submitted to demonstrate the relationships.

7.21 To the west of the access is St Heliers, a Grade II Listed two storey dwelling, that has a flanking side boundary to the site. This side boundary is marked by the brick flank wall of the dwelling and brick wall extending along the side boundary, until it is replaced with a timber close boarded fence. The submitted boundary treatment plan for this development shows the retention of the existing boundary treatments, which are in the ownership of St Heliers. It has been suggested that an acoustic fence be installed along the boundary with St Heliers, however this would mask the listed boundary wall, leading to maintenance issues. The close boarded timber fencing to St Heliers is to the furthest side boundary of the garden, and would not be impacted by the development. In addition, the use of landscaping would pull the access road away from the boundary with St Heliers, and soften the impact of the access. It is not considered that an acoustic fence could be reasonably insisted upon, in the light of the level of development being proposed.

7.22 Plot 1 would be to the north of St Heliers, with the garage to the south. It is not considered that overlooking or a loss of light would be caused to St Heliers.

7.23 Plots 1 and Plot 2 of the development are respectively a detached two storey 4x bedroom dwelling with a cart shed style garage and a detached two storey cottage style 2x bedroom dwelling with a domestic style double garage. The dwellings on these plots are orientated in such a way that overlooking to the garden area of No.1 Park Lane would be minimised.

7.24 Plots 3 and 4 would house a detached two storey cottage style 3x bedroom dwelling with a domestic style double garage and a detached 3x bedroom bungalow with a domestic style double garage. These dwellings would share a boundary with Parkwood, a two storey property. It is not considered that these dwellings would have a detrimental impact on the amenities of Parkwood.

7.25 Plot 5 would be a detached two storey 4x bedroom dwelling with a domestic style double garage, and would share a boundary with Town Farm, which is currently demarked by vegetation. The dwelling of Town Farm is located to the south, with a facade to Market Place. It is not considered that the development would impact upon the residential amenities of this property.

7.26 Plot 6 would provide a detached two storey cottage style 3x bedroom dwelling with a cart shed style garage. This plot is the location of existing buildings on the site which are proposed to be demolished, although the rear wall is to be retained in part. This plot would have a boundary with 14 and 18 Market Place. It is not proposed to alter the boundaries in the ownership of the adjoining dwellings.

7.27 The cottage style dwelling has been designed and located so as not to result in a loss of residential amenity to the adjoining dwellings.

- 7.28 In order to protect the future amenity of adjoining residents a condition removing permitted development rights from these 6 dwellings is proposed.
- 7.29 The impact of security to adjoining residents has been raised. At present this site is openly accessible and a development of the type proposed would increase the security of the locale.
- 7.30 The bin collection point location has been raised as an objection. As the outline consent has been granted for this development, the refuse collection arrangements are to be considered in the light of this principle of development. As the access is not to be adopted highway along its length, the refuse collection point is proposed to be located within the access, near to the highway. No refuse collection points are ideal, but this is proposed to be landscaped to reduce its impact.
- 7.31 It is considered that the development would not result in a loss of amenity, security, privacy daylight or sunlight to the adjoining residents and would accord with policies 2 and 3 of the SELLP and the provisions of the NPPF.
- 7.32 Highway and access matters
- 7.33 Access to the site, which has been granted planning permission at the outline stage, is from Market Place. The roadway is proposed to be 5.0m wide, and LCC have not raised objection at the outline or at this detailed stage. The outline consent granted permission for up to 6 dwellings, which this reserved matters application accords with. There has been no material change in the circumstances of traffic use within Donington to warrant refusal of this application on highway safety grounds and it would be unreasonable to do so. The turning facilities within the site are ample. The application accords with the provision of the SELLP and the NPPF in this regard.
- 7.34 The access road passes centrally through the site to serve the 6 dwellings. It has been requested that access through the site to Town Farm is included within the application, however this is not part of the development proposal, and would have the potential for additional vehicular movements via the access on to the highway access point, that would need further careful consideration. As this is not part of the proposal this suggestion can be set aside.
- 7.35 Drainage
- 7.36 The site is located within Flood Zone 1. The Topographical Survey and Site levels plan submitted to show the impact of the development on the site gives an indication that largely level access is to be achieved across the site. The application is supported by a Drainage Strategy.
- 7.37 The nearest IDB drain indicated on the Black Sluice Internal Drainage Board district map is Drain No.12 of Catchment 2 - the branch south from Wykes Drain to Donington Church, which terminates half way across the field to the rear of the site. The site topography falls to an unnamed body of water indicated on the north boundary which is assumed to be connected to the IDB drain in some manner, however this is to be confirmed.
- 7.38 There is a significant area of landscaping proposed on the north of the site. Detailed Surface Water Run-Off details are required to be submitted as a result of the condition appended to the outline consent, as well as contaminated land information, so this shall be considered in greater detail in due course. In the light of this requirement an informative is suggested to highlight this matter to the applicant. In addition, it has been suggested that the landscaping details are changed to lessen impact on neighbouring dwellings to include the possibility of French drains, and this is to be considered at that time.
- 7.39 The request for changes to the drainage and landscaping regime by a neighbouring property owner is supported by photographic evidence of localised surface water flooding and as such the requirement of further submission to take in to account current circumstances is required. This would be covered by the outline condition.

- 7.40 Impact on trees and landscaping
- 7.41 Notwithstanding the landscaping details submitted, it is considered that further work can be undertaken to alter certain plant and tree types, in accordance with the views of the SHDC Trees and Nature Conservation Officer, as set out above, and for the reasons stated. For this reason a condition is suggested.
- 7.42 An objection has been received regarding potential impact on fruit trees along with the fruit on them, and concerns of light for the orchard fruit trees/green house especially from plot 5. it is not considered that the development, which is separated from Town Farm, would have a detrimental impact on this land. Any impacts regarding drainage would be covered at the Discharge of Condition stage.
- 7.43 Land Contamination
- 7.44 A pre commencement Contaminated Land condition was appended to the outline consent and this is to be discharged. Any findings would require a scheme of remediation in the usual way. The condition requires that a desk-top study is carried out to identify and evaluate all potential sources of contamination and the impacts on land and/or controlled waters, relevant to the site. If identified as being required following the completion of the desk-top study, a 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. Thereafter, a written method statement detailing the remediation requirements for land contamination and/or pollution of controlled waters affecting the site shall be submitted to and approved in writing by the Planning Authority.
- 7.45 Ecology conservation
- 7.46 Policy 28: The Natural Environment, of the SELLP covers biodiversity. It is recommended that a condition be appended to this decision to seek a net increase in biodiversity across the site. This can be incorporated within the landscaping matters.
- 7.47 Other Matters
- 7.48 A suggestion of compensation to adjoining residents has been made. This is not a planning matter and cannot be given weight.
- 7.49 Allowing access for maintenance of other land would be a private matter with the applicant.
- 7.50 Disturbance and damage during construction are also private matters. A Construction Process Management Plan is required via the pre commencement mentioned above, and this would mitigate against the excess of long hours of working in the usual way.
- 7.51 **Planning Balance**
- 7.52 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.
- 7.53 The outline consent on this site set the principle of a development of up to 6 dwellings on this land, with access from an agreed point from Market Place. This accords with Policies 1 10, 11 and 17 of the South East Lincolnshire Local Plan and the provisions of the NPPF.
- 7.54 The detailed form of the development has been considered in the light of the SELLP policies and NPPF matters relating to Development Management, the Design of New Development, Approach to Flood Risk, The Natural Environment, The Historic Environment and Pollution, as well as the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 7.55 Conclusion

- 7.56 Officers consider that there are no significant factors in this case that indicate against the proposal and outweigh factors in favour of the proposal and the policies referred to above. It is recommended that this Reserved Matters application is approved.
- 7.57 **Additional Considerations**
- 7.58 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.
- 7.59 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 7.60 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.
- 7.61 It is not considered that the recommendation in this case will have a disproportionately adverse impact on a protected characteristic.
- 7.62 Human Rights
- 7.63 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).
- 7.64 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 conditions and informatives listed at Section 9.0 of this report.**
- 9.0 **CONDITIONS**

1. The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

Application Form  
Design and Access Statement. JG/PL/J1930  
Schedule of Maintenance Operations - September 2020  
Drainage Strategy. 6550 Rev A  
Site Management Statement - Bin Collection - January 2021. JG/PL/J1930  
J1930 00150  
J1930 00151  
J1930 00152  
J1930 00153 A  
J1930 00154 A  
J1930 00155 A  
J1930 00156 A  
J1930 00157 A  
J1930 00158  
J1930 00159  
J1930 00160  
J1930 00161 A  
J1930 00162 A  
J1930 00163 A  
J1930 00164 A  
J1930 00165 A  
J1930 00166  
J1930 00167  
Plant Schedule. JG/PL/J1930\_Rev A  
SK001  
SK002

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

2. Notwithstanding the submitted plans and schedules, before the commencement of the development hereby permitted beyond oversight, the approval of the Local Planning Authority is required to a scheme of landscaping and tree planting for the site indicating, inter alia, a scheme to increase net biodiversity across this site, the number, species, heights on planting and positions of all the trees, together with details of post-planting maintenance. Such schemes and details as are 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 applicant is recommended to employ a qualified and experienced landscape designer to produce a landscaping scheme for the development.

Reason: To ensure that the development is adequately landscaped, in the interests of its visual amenity and that of the area in which it is set.

This Condition is imposed in accordance with Policies 2, 3 and 28 of the South East Lincolnshire Local Plan, 2019.

3. Details of the remodelling of No.12 Market Place shall be submitted to the Local Planning Authority before the occupation of the first dwelling hereby approved. The works shall be undertaken within one year of the detailed approval, and shall be undertaken in accordance with the approved details.

Reason: To ensure that the development is adequately landscaped, in the interests of its visual amenity and that of the area in which it is set.

This Condition is imposed in accordance with Policies 2, 3 and 29 of the South East Lincolnshire Local Plan, 2019.

4. 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 appearance of the development, and the character and visual amenity of this part of the Conservation Area in which it is set and is adjacent to, as well as impact on the setting of adjoining listed buildings.

This Condition is imposed in accordance with Policies 2, 3 and 29 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 16 of the National Planning Policy Framework, 2019.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, (or any Order or Statutory Instrument revoking and re-enacting that Order), none of the following developments or alterations shall be carried out.

- i) the erection of freestanding curtilage buildings or structures including car ports, garages, sheds, greenhouses, pergolas or raised decks;
- ii) the erection of house extensions including dormer windows, conservatories, garages, car ports, porches or pergolas;
- iii) alterations including the installation of replacement or additional windows or doors and the installation of roof windows.

Reason: To ensure that the Local Planning Authority retains control over the future extension and alteration of the development, in the interests of its architectural and visual integrity, levels of residential amenity and the visual amenity and character of this part of the Conservation Area within which it is set, and the proximity to listed buildings.

This Condition is imposed in accordance with Policies 2, 3 and 29 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 16 of the National Planning Policy Framework, 2019.

6. Your attention is drawn to the conditions on outline permission H04-0395-17, that require formal discharge prior to the commencement of development.

Please note the location of the adjacent Listed Building of St Heliers, that shall require protection during construction works and the formation of the access.

7. 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>

---

Background papers:- Planning Application Working File

---

**Lead Contact Officer**

|                   |                                                                      |
|-------------------|----------------------------------------------------------------------|
| Name and Post:    | Richard Fidler , Development Manager                                 |
| Telephone Number: | 01775 764428                                                         |
| Email             | <a href="mailto:rfidler@sholland.gov.uk">rfidler@sholland.gov.uk</a> |

**Appendices attached to this report:**

Appendix A Plan A

# MapThat Scale Print Title

