

SOUTH HOLLAND DISTRICT COUNCIL

Report of: Development Manager

To: Planning Committee - 14 December 2022

(Author: David Grant - Planning Officer)

Purpose: To consider Planning Application H17-0357-22

Application Number: H17-0357-22

Date Received: 01 April 2022

Application Type: FULL

Description: Residential development of 6 self-build dwellings

Location: Land off Thary Lane Surfleet Spalding

Applicant: NNA Surfleet Limited

Agent: Studio 11 Architecture

Ward: Pinchbeck and Surfleet

Ward Councillors: Cllr S A Slade
Cllr J Avery
Cllr E J Sneath

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

<http://planning.sholland.gov.uk/OcellaWeb/planningDetails?reference=H17-0357-22>

1.0 REASON FOR COMMITTEE CONSIDERATION

1.1 Policy issues raised and objections received.

2.0 PROPOSAL

- 2.1 This is a full application for the residential development of 6 properties on Land off Thary Lane, Surfleet. The agent wishes for this site to be viewed as providing custom or self-build plots. The submitted layout is illustrative, with the proposed designs detailed below.
- 2.2 Plot 1 will contain a double garage, utility, wc, study and an open plan kitchen/ dining/ lounge area at ground floor level. At first floor level five bedrooms, two en-suites, a dressing room and a bathroom will be sited. Six off road parking spaces will be provided for this plot.
- 2.3 Plot 2 will contain a detached double garage, dining room, study, utility, wc, lounge and an open plan kitchen/ dining area at ground floor level. At first floor level five bedrooms, two en-suites, two dressing rooms and a bathroom will be sited. Five off road parking spaces will be provided for this plot.
- 2.4 Plot 3 will contain a double garage, utility, wc, study and an open plan kitchen/ dining/ lounge area at ground floor level. At first floor level five bedrooms, two en-suites, a dressing room and a bathroom will be sited. Five off road parking spaces will be provided for this plot.
- 2.5 Plot 4 will contain a double garage, utility, wc, lounge and an open plan kitchen/ dining/ snug area at ground floor level. At first floor level five bedrooms, an en-suite, a dressing room and a bathroom will be sited. Five off road parking spaces will be provided for this plot.

- 2.6 Plot 5 will contain a double garage, utility, wc, lounge, store, cloakroom and an open plan kitchen/ dining / snug area at ground floor level. At first floor level five bedrooms, two en-suites, and a bathroom will be sited. Five off road parking spaces will be provided for this plot.
- 2.7 Plot 6 will contain a detached double garage, utility, wc, lounge, study, and an open plan kitchen/dining/ snug area at ground floor level. At first floor level four bedrooms, an en-suite, and a bathroom will be provided. Six off road parking spaces will be provided for this plot.
- 2.8 Proposed materials of construction for the properties are red multi facing brickwork and timber boarding with concrete slate effect tiles. Exact materials details would need to be addressed by condition.
- 2.9 The development is proposed to be served by a private road.
- 2.10 The application is supported by a Tree Protection and Method Statement, an Arboricultural Implications Assessment, Tree Constraints Plan and an illustrative ecology improvements plan.

3.0 SITE DESCRIPTION

- 3.1 The site is outside of defined settlement limits but is immediately adjacent to the boundary to the north, west and south. The proposal site is described as domestic garden but is in agricultural use, showing no signs of having ever been used for domestic purposes. Beyond the western boundary are arable fields.
- 3.2 The surrounding area is characterised by linear development of varying ages and designs. 60 dwellings have been granted planning under reference H17-0236-20 to the south of the site to be accessed off Coalbeach Lane South.
- 3.3 The site is in Environment Agency Flood Zone 3 and is in a Low Hazard Area with a maximum predicted flood depth of 500mm on the 2115 South Holland Strategic Flood Risk Mapping. However, this area is tiny when compared to the vast majority of the site which has a predicted flood depth of 250mm or none at all. The proposed finished floor levels are 300mm and this is the minimum height required by the Local Planning Authority on new dwellings. Given this requirement it is not considered that a sequential or exceptions test is required. Additionally, as the proposal is outside of defined settlement limits, there are other considerations that carry greater material planning weight.

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.

01 Spatial Strategy
02 Development Management
03 Design of New Development
04 Approach to Flood Risk
10 Meeting Assessed Housing Requirements
11 Distribution of New Housing
17 Providing a Mix of Housing
28 The Natural Environment
36 Vehicle and Cycle Parking
APPENDIX 6 - Parking Standards

National Guidance

National Planning Policy Framework (NPPF), 2021

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

Planning Practice Guidance (PPG)

Relevant Legislation

The Self-build and Custom Housebuilding Act 2015

The Act (as amended by the Housing and Planning Act 2016) provides a legal definition of self-build and custom housebuilding. The Act does not distinguish between self-build and custom housebuilding and provides that both are where an individual, an association of individuals, or persons working with or for individuals or associations of individuals, build or complete houses to be occupied as homes by those individuals.

In considering whether a home is a self-build or custom build home, relevant authorities must be satisfied that the initial owner of the home will have primary input into its final design and layout.

The Act also sets a 'duty to grant planning permission etc', specifically "...authorities must give suitable development permission to enough suitable serviced plots of land to meet the demand for self-build and custom housebuilding in their area. The level of demand is established by reference to the number of entries added to an authority's register during a base period."

To increase the number of planning permissions which are suitable for self-build and custom housebuilding, Councils are encouraged to work towards:

- developing policies in their Local Plan for self-build and custom housebuilding;
- using their own land if available and suitable for self-build and custom housebuilding and marketing it to those on the register;
- engaging with landowners who own sites that are suitable for housing and encouraging them to consider self-build and custom housebuilding and facilitating access to those on the register where the landowner is interested; and
- working with custom build developers to maximise opportunities for self-build and custom housebuilding.

The Self-build and Custom Housebuilding Regulations 2016

5.0 RELEVANT PLANNING HISTORY

- 5.1 H17-0236-20 - Development to south of proposal site
Full - Residential development of 60 dwellings - Approved - 15 September 2021.
- 5.2 H17-1138-21
Section 73 - Residential development of 60 dwellings - approved under H17-0236-20.
Modification of Condition 2 to allow amendments to previously approved plans. Amendment to new developer house type drawings - Approved 29 November 2022.

6.0 REPRESENTATIONS

6.1 Surfleet Parish Council

Consideration should be given to the increased volume of traffic accessing or leaving onto Thary Lane. There are also a number of mature trees on the site that should be preserved within any development.

6.2 Lincolnshire County Council - County Highways & SUDS Officer

No objections - Requests visibility and construction management plan conditions. Requests standard access, utility and private road informatives.

6.3 South Holland District Council - Environmental Protection

No comments or objections.

6.4 South Holland District Council - Trees & Conservation Officer

Awaiting final comments with regard to the Ecology Improvements Plan and Tree Protection Plan.

"Strongly recommend that more trees are retained as a landscape framework for a reduced number of spaciouly situated exclusive dwellings, rather than largely wasting an established parkland to cram in six. Consider the tree report which states that the silver birch 9273, walnut 9271 and lime 9269 'are worthy of retention'. If retained they could make a very attractive access/ amenity area to the site. Remember the need for Biodiversity Net Gain Not LOSS."

6.5 Environment Agency

Finished floor levels shall be no lower than 3.6 metres above Ordnance Datum.

6.6 Welland & Deepings Internal Drainage Board

Note from the application form that soakaways are proposed for surface water disposal. If this changes at any point in the future and a discharge is proposed into any watercourse, then the prior written consent of the Board will be required which is subject to the agreement of technical details and payment of the relevant fees.

6.7 Public

9 objections received raising the following points:

Outside of defined settlement limits.

Overdevelopment of plot. Overlooking

Does not constitute infill. Loss of view.

Loss of wildlife.

Loss of hedge and trees.

Site is not a residential garden.

Thary Lane is a narrow lane with no manoeuvring facilities.

Thary Lane is regularly used by agricultural vehicles.

Highway safety.

Poor vehicular visibility.

Proximity of Thary Lane to adjacent dyke and impact on road surface.

Pedestrian safety.

No footpaths.

Cumulative impact of development in vicinity of the site.

Surrounding area is bungalows.

Nearest bus route is a 20 minute walk away.

No refuse collection point.

Speed limit for most of Thary Lane is 60mph.

Are there newts on site?

Are there bats on site?

Proposal is within 20 metres of a dyke.

Trees on the site have preservation orders.

Impact on water supply as water pipe runs underneath application site - This matter would be addressed by Building Control should the application be approved.

- Water pipes run across the land - This is a matter that would be addressed by the Building Control section.

- Need for the development - This matter does not carry material planning weight.

- The developer does not live in the area - This matter does not carry material planning weight.

- Builders flouting construction plan for approved development off Coalbeach Lane South - This matter does not carry material planning weight.

- Lack of facilities in Surfleet - This application does not meet the threshold for Section 106 contributions.

- Disturbance during construction - This matter does not carry material planning weight.

- There is a covenant on the land as there is a grave on the site - This matter does not carry material planning weight.

- Requests that access agreement is continued with new owners - This matter does not carry material planning weight.
- The existing houses approved in the proposed housing area are not selling quickly - This matter does not carry material planning weight.
- Requests access for maintenance of boundary - This matter does not carry material planning weight.
- Submitted photographs do not accurately describe relationship of named and numbered properties to the site - This matter does not carry material planning weight. A site visit has been undertaken by the assigned Planning Officer and photographs have been taken.

6.8 Agent response to objections

Trees - "Simply constructing houses does not automatically mean wildlife is destroyed. The land is managed grassland with trees and hedges. The hedges will remain as will a large number of the trees. It is likely that with the introduction of more planting that the biodiversity on the site would be significantly improved and we would be happy to have a planning condition relating to the improvement of bio-diversity on site. The tree report highlights that most of the trees are generally very average and some are coming towards the end of their lives. The hedge will be reduced in height to allow a fully compliant visibility splay to the junction as agreed with LCC Highways"

Highway matters - "The comments relating to the width of Thary Lane and Coalbeach Lane are noted but Lincolnshire County Council Highways are happy with the proposals and raise no objection based on the geometry of the existing Highway infrastructure."

Pedestrian safety - "at Highways request we have incorporated a footpath connection through our site to allow pedestrians to leave the site along Coalbeach Lane rather than Thary Lane. "

Water pipe on site - "I am unaware of the suggested water service running across the site. If details can be provided I will look into the situation. If there is a water main running across the site this can be re-routed if required."

Lack of local services - "Siting a lack of infrastructure is no reason to refuse planning permission. The Adopted Local Plan and its analysis shows that Surfleet can support new housing. Moreover it is highly likely that new housing will be support the local facilities both in Surfleet and the surrounding villages."

Refuse collection - "South Holland operates a bag scheme and refuse/ recycling bags will be brought from the private gardens through to the kerbside on collection days."

Newts on site - 'A walkover inspection on site revealed neither newts or habitats capable of sustaining newts."

7.0 **CONSIDERATIONS**

7.1 **Planning Considerations**

7.2 Principle of self-build properties

7.3 The Self-build and Custom Housebuilding Act 2015 indicates that authorities must give suitable development permission to enough suitable serviced plots of land to meet the demand for self-build and custom housebuilding in their area. The level of demand is established by reference to the number of entries added to an authority's register during a base period. The Council currently has 81 entries on its register, 77 of these being for individual plots and 4 groups seeking 10 plots.

7.4 Explanatory text accompanying Policy 11 (Distribution of New Housing) of the South East Lincolnshire Local Plan specifically refers to self-build & custom build dwellings and indicates at paragraph 5.3.5 that "within the defined settlement boundaries there will be numerous opportunities for infill and larger-scale housing development that will be available to the local builder, self-builder, custom-builder and larger house-building companies. It is not practical to identify or anticipate all such opportunities; however, the positive tone of the Local Plan encourages such development provided that the material considerations of the Local Plan and particular sites can be met". This latter point is particularly pertinent as it makes clear that

permission should only be granted for such sites where there are no material considerations set out within the Local Plan that indicate otherwise. Similarly, an Inspector concluded in three recent appeal decisions in the District (APP/A2525/W/21/3270402, APP/A2525/W/21/3270404 and APP/A2525/W/21/3270308), despite acknowledging that the statutory requirement re self-build and custom-build is a material consideration, that the appeal sites were not a suitable location for that type of housing. This demonstrates the above point in practice.

- 7.5 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. The remainder of this report will therefore consider whether there are any material considerations that indicate permission should not be granted for the proposed development.
- 7.6 The site is not located within any defined settlement boundary as outlined in the South East Lincolnshire Local Plan, 2019 (SELLP). It is therefore in the countryside in planning policy terms. Development to the north, south and east of the proposal is within defined settlement limits, with 60 dwellings being approved under reference H17-0236-20 in an allocated Proposed Housing Area in the SELLP to the south-west of the site.
- 7.7 Policy 1 of the SELLP states that development in the countryside will only be permitted where it is necessary to such a location and/or where it can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community or environmental benefits.
- 7.8 The supporting text to Policy 1 states that "housing needs may also, by exception, be justified in the Countryside; for example, for Gypsy, Traveller and Travelling Showpeople accommodation (Policy 20: Accommodation for Gypsies, Travellers and Travelling Showpeople) or to meet the specific housing settlement needs of a settlement (see Policy 19: Rural Exceptions Sites)". The proposal is not considered to meet the provisions of either of these policies. It also does not fall under the provisions of either Policy 22 (Replacement Dwellings in the Countryside) or 23 (The Reuse of Buildings in the Countryside for Residential Use).
- 7.9 Policy 17 (Providing a Mix of Housing) sets out that the provision "of new houses will seek to meet the long term needs of the Plan area in order to maintain and provide mixed, inclusive and sustainable communities" and that the "Local Plan will also seek to meet the housing needs of non-travelling Gypsy and Traveller households and also custom and self-builders as they may come forward."
- 7.10 However, open market housing, which this self-build housing would be considered to be, is not a development type that requires a countryside location. This is particularly the case in this instance where the Council has a development plan in place with a spatial strategy setting out how the housing needs for the area will be met. In addition, the Council has an identified 5-year housing land supply (5.9 years as at 31st March 2022). Given that there is substantial development within defined settlement limits to the north, east and south it is considered that special consideration must be given to the proximity of the site to the defined settlement limits and how it relates to existing development and development currently under construction.
- 7.11 Returning to the requirements of Policy 1 of the SELLP, as previously mentioned, on balance it is considered to have been demonstrated that the development of dwellings is acceptable in this location. In terms of the 3 dimensions of sustainable development, the following has been considered:
- An economic role:
It is accepted that future occupants may work locally, support local services and therefore make a contribution to the local economy. There may also be employment opportunities associated with the construction, albeit in the short term.
 - A social/community role:
The proposal would make a contribution, albeit small, towards housing supply in the district (including helping the Authority to meet its statutory duties to maintain an adequate supply of plots to meet the demand for self-build/custom-build dwellings).

The site is not immediately served by a footpath. However, it is within walking distance of

goods, services and public transport, being located in closer proximity than dwellings further down Thary Lane and Coalbeach Lane South which are included within the defined settlement limits of Surfleet.

7.12 It is, therefore, considered that the proposal would be compliant with Paragraph 110 of the National Planning Policy Framework (NPPF), 2021 which states that it should be ensured that safe and suitable access to the site can be achieved for all users, and Paragraph 112 which states that priority should be given to pedestrian (and cycle) movements and that the scope for conflict between pedestrians and vehicles should be minimised. In locational terms therefore, it is considered to be appropriate for self-build housing.

7.13 - An environmental role:
Whilst there is not considered to be an environment necessity to have dwellings on this site, the location is considered to be environmentally sustainable with regardless to pedestrian and cycle travel times to goods and services. The proposal would introduce a substantial amount of build mass to the site, thereby eroding the sense of openness. The proposal, however, if permitted, would not be considered to be overly-dominant when compared to other development in the immediate vicinity of the site.

7.14 Assessment against SELLP Policy 1 - Spatial Strategy

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

The rest of the Local Plan area outside the defined settlement boundaries of the Sub-Regional Centres, Main Service Centres, Minor Service Centre and Other Service Centres and Settlements is designated as Countryside. In the Countryside development will be permitted that is necessary to such a location and/or where it can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community or environmental benefits.

When assessed against the above criteria the following can be observed:

Whilst the proposal site is immediately adjacent defined settlement limits to the north, east and south. None of the site falls within the defined settlement limits of Surfleet. When assessed against Policy 1 the following can be observed:

Economic - The site will provide short term construction employment.

Community - The proposal will provide potential customers for goods and service in Surfleet.

Environmental - The site whilst being outside of defined settlement limits is closer to the the main roads of Surfleet than other dwellings to the north of the site that are within defined settlement limits. Goods and services can be found within a sensible walking distance from the site.

7.15 Assessment against SELLP Policy 2 - Development Management

This proposal is assessed against SELLP Policy 2 titled - Development Management. This policy states:

"Proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to:

1. size, scale, layout, density and impact on the amenity, trees, character and appearance of the area and the relationship to existing development and land uses;
2. quality of design and orientation;
3. maximising the use of sustainable materials and resources;
4. access and vehicle generation levels;
5. the capacity of existing community services and infrastructure;
6. impact upon neighbouring land uses by reason of noise, odour, disturbance or visual intrusion;
7. sustainable drainage and flood risk;
8. impact or enhancement for areas of natural habitats and historical buildings and heritage assets;
9. impact on the potential loss of sand and gravel mineral resources."

- 7.16 When assessed against the relevant criteria the following can be observed:
1. The size, scale and layout of the proposed self-build plots would be addressed by condition. Some trees will be removed to facilitate the proposal, with the frontage hedge partially removed and lowered in height to aid visibility for vehicles entering and exiting the site.
 2. Quality of design and orientation would be assessed by condition.
 3. Proposed materials of construction would be assessed by condition.
 4. The proposed access has raised no objections from the County Highways Officer. Parking arrangements would be addressed by condition.
 5. There is not considered to be a material impact on existing community services and infrastructure. The site would be limited to a maximum of six dwellings in order to protect the character and amenity of the surrounding area.
 6. There is not considered to be a noise, odour, disturbance or visual intrusion impact from the proposal. The proposal site is in an established residential area and visual intrusion can be minimised when submissions for the individual self-build plots are assessed.
 7. The site is in Environment Agency Flood Zone 3 and is in a Low Hazard Area with a maximum predicted flood depth of 500mm on the 2115 South Holland Strategic Flood Risk Mapping. However, this area is tiny when compared to the vast majority of the site which has a predicted flood depth of 250mm or none at all. The proposed finished floor levels are 300mm and this is the minimum height required by the Local Planning Authority on new dwellings. Given this requirement it is not considered that a sequential or exceptions test is required.
- 7.17 This application is considered not to conflict with SELLP Policy 2.
- 7.18 Assessment against SELLP Policy 3 - Design of New Development
- 7.19 This proposal is assessed against SELLP Policy 3 titled - Design of New Development. This policy states:
- All development will create distinctive places through the use of high quality and inclusive design and layout and, where appropriate, make innovative use of local traditional styles and materials. 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. Development proposals will demonstrate how the following issues, where they are relevant to the proposal, will be secured:
1. creating a sense of place by complementing and enhancing designated and non designated heritage assets; historic street patterns; respecting the density, scale, visual closure, landmarks, views, massing of neighbouring buildings and the surrounding area;
 2. distinguishing between private and public space;
 3. the landscape character of the location;
 4. accessibility by a choice of travel modes including the provision of public transport, public rights of way and cycle ways;
 5. the provision of facilities for the storage of refuse/recycling bins, storage and/or parking of bicycles and layout of car parking;
 6. the lighting of public places;
 7. ensuring public spaces are accessible to all;
 8. crime prevention and community safety;
 9. the orientation of buildings on the site to enable the best use of decentralised and renewable low-carbon energy technologies for the lifetime of the development;
 10. the appropriate treatment of facades to public places, including shop frontages to avoid visual intrusion by advertising, other signage, security shutters, meter boxes and other service and communication infrastructure;
 11. residential amenity;
 12. the mitigation of flood risk through flood-resistant and flood-resilient design and sustainable drainage systems (SuDS);
 13. the use of locally sourced building materials, minimising the use of water and minimising land take, to protect best and most versatile soils;
 14. the incorporation of existing hedgerows and trees and the provision of appropriate new landscaping to enhance biodiversity, green infrastructure, flood risk mitigation and urban cooling;

15. the appropriate use or reuse of historic buildings.

7.20 When assessed against the relevant criteria the following can be observed:

1. Given that there is development to the north, south and east of the proposal site, a sense that the size, scale and layout of the proposed self-build plots would be addressed by condition. Some trees will be removed to facilitate the proposal, with the frontage hedge partially removed and lowered in height to aid visibility for vehicles entering and exiting the site.

4. The site is a short walk from Station Road to the south, upon which a bus route operates and a corneshop / post office is located.

5. If appropriately designed self-build plots are brought forward there should be adequate space on site for cycle and bin storage, as well as off road parking provision.

11. There is not considered to be a noise, odour, disturbance or visual intrusion impact from the proposal. The proposal site is adjacent to an established residential area and visual intrusion can be minimised when submissions for the individual self-build plots are assessed.

12. The site is in Environment Agency Flood Zone 3 and is in a Low Hazard Area with a maximum predicted flood depth of 500mm on the 2115 South Holland Strategic Flood Risk Mapping. However, this area is tiny when compared to the vast majority of the site which has a predicted flood depth of 250mm or none at all. The proposed finished floor levels are 300mm and this is the minimum height required by the Local Planning Authority on new dwellings. Given this requirement it is not considered that a sequential or exceptions test is required.

7.21 This application is considered to accord with SELLP Policy 3.

7.22 Highway Issues

7.23 There is no objection from the Highway Authority, the new access would have adequate visibility splays at the junction with Thary Lane. Within the site there would be more than adequate provision for car and cycle parking.

7.24 Flood Risk and Drainage

7.25 The site is in Environment Agency Flood Zone 3 and is in a Low Hazard Area with a maximum predicted flood depth of 500mm on the 2115 South Holland Strategic Flood Risk Mapping. However, this area is tiny when compared to the vast majority of the site which has a predicted flood depth of 250mm or none at all. The proposed finished floor levels are 300mm and this is the minimum height required by the Local Planning Authority on new dwellings. Given this requirement it is not considered that a sequential or exceptions test is required.

A condition is recommended to be imposed to require details of foul and surface water drainage to be submitted for approval.

7.26 Private Road & Refuse/Recycling

The proposed access road would not be adopted and thus would be private. As such the Council's refuse freighters would not enter the site. Given the carry distances involved some of the proposed dwellings would be more than 30 metres from the public highway and the provision of a collection point at the entrance would also detract from the character of the area. As such, it is considered that a private refuse solution would be required and a condition would be imposed to require the details of this.

7.27 Loss of trees and Biodiversity Net Gain

7.28 The proposal would retain a number of trees on the site but a number of other trees would be removed to enable the development to go ahead. The site layout has been updated to reflect the re-planting of a 'cow pine', together with an Ecological Enhancements Plan, which shows proposed planting, bird and bat boxes together with proposed insect habitats, plus the full tree report. This does demonstrate a biodiversity improvement to the site.

- 7.29 The Trees & Conservation Officer is not supportive of the current indicative layout and number of trees to be removed. Further comments are awaited with regard to biodiversity and the tree protection plan document.
- 7.30 Planning Balance
- 7.31 Whilst the proposal is outside of defined settlement limits, given that there is development to the north, south and east of the site that is within defined settlement limits, this proposal is not considered to be isolated or unsustainable when compared to existing development in the vicinity. The proposal is considered to accord with Policies 1, 2, 3, 4 10, 11, 17, 28, 36 and Appendix 6 of the South East Lincolnshire Local Plan, 2019, as well as Sections 5, 12 and 14 of the National Planning Policy Framework, 2021.
- 7.32 **Conclusion**
- 7.33 Within the context of the Council's duties under the Self-build and Custom Housebuilding 2015 Act, the provision of 6 self-build dwellings would be a modest contribution to the demand identified on the Council's register, and carries commensurate weight in favour of the proposal.
- 7.34 **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 Conditions in Section 9.0 of this report and the applicant entering into a Section 106 agreement to restrict the development to self build or custom build dwellings.**

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:

Application Form

524.PL.01

524.PL.02

Design and Access Statement - 524 (Prepared by Studio 11 Architecture - March 2022)

Flood Risk Assessment (Prepared by S M Hemmings - 07 April 2022)

524.PL.03A

524.PL.03 Rev A

524.PL.04 Rev A

524.PL.05 Rev A

524.PL.06 Rev A

524.PL.07 Rev A

524.PL.08 Rev A

4558.Thary.Studio11.TCP

524.PL.09 Rev C

524.IEIP.01

Arboricultural Implications Assessment (Prepared by Andrew Belson - 20 October 2022)

4558.Thary.Studio11.TPP

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

3. Prior to the commencement of works on site, full details of the self-build properties shall be submitted for assessment by the Local Planning Authority. The submitted plans should include floor plans, elevations and materials of construction.

Reason: To ensure that the proposed self-build properties do not have a material impact on the character and amenity of the surrounding area.

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

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

5. Finished floor levels shall be no lower than 3.6 metres above Ordnance Datum.

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 development does not increase the risk of flooding or be at risk of flooding and to protect surrounding amenity.

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

6. The 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, 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 no lower than 3.6 metres above Ordnance Datum.

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. 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 Policies 2, 3 and 4 of the South East Lincolnshire Local Plan, 2019.

8. Before the commencement of the development hereby granted beyond oversight, full details of the proposed means of foul and surface water disposal to separate systems 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.

Reason: To ensure that the site is adequately drained, to avoid pollution, and to prevent increased risk of flooding.

This Condition is imposed in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 14 of the National Planning Policy Framework, 2021.

9. 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 (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.

10. 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.

11. Prior to the occupation of any dwelling, full details of the arrangement for private refuse/recycling collection shall be submitted to and approved in writing by the Local Planning Authority. The approved management arrangements shall be implemented upon first occupation of any dwelling and thereafter retained for the lifetime of the development.

Reason: This application has been approved on the basis that waste collection will be carried out by a private company and to ensure appropriate arrangements are in place for the collection of refuse/recycling. This Condition is imposed in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019.

12. 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.

13. The development hereby permitted shall be undertaken in accordance with a Construction Management Plan and Method Statement which shall first be approved in writing by the Local Planning Authority. The Plan and Statement shall indicate measures to mitigate the adverse impacts of vehicle movements and how the drainage of the site is to be managed during the construction stage of the permitted development and shall include;
- the phasing of the development to include access construction;
 - the on-site parking of vehicles of site operatives and visitors;
 - the on-site loading and unloading of plant and materials;
 - the on-site 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 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.
- Reason: In the interests of the safety and free passage of those using Thary Lane 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.
14. Before the access is brought into use all obstructions exceeding 0.6 metres high shall be cleared from the land within the visibility splays illustrated on drawing number 524.PL.03A dated 18.05.22 and thereafter, the visibility splays shall be kept free of obstructions exceeding 0.6 metres in height. So that drivers intending entering the highway at the access may have sufficient visibility of approaching traffic to judge if it is safe to complete the manoeuvre.
- Reason: In the interests of safety of the users of the public highway and the safety of the users of the site.
- This Condition is imposed in accordance with Policy 2 of the South East Lincolnshire Local Plan, 2019.
15. The Local Planning Authority has acted positively and proactively in determining this application by assessing it against all material considerations, including national guidance, planning policies and representations that have been received during the public consultation exercise, and by identifying matters of concern within the application and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal.
- This decision notice, the relevant accompanying report and the determined plans can be viewed online at <http://planning.sholland.gov.uk/OcellaWeb/planningSearch>
16. 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
17. 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
18. The road serving the permitted development is approved as a private road which will not be adopted as a Highway Maintainable at the Public Expense (under the Highways Act 1980). As such, the liability for the future maintenance of the road will rest with those who gain access to their property from it.

19. 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>

20. Should unexpected contamination be discovered on the site at any time, the applicant is advised to contact the District Council's Environmental Protection department immediately.

Background papers:- Planning Application Working File

Lead Contact Officer

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

Appendices attached to this report:

Appendix A Plan A

MapThat Scale Print Title

