

SOUTH HOLLAND DISTRICT COUNCIL

Report of: Development Manager

To: Planning Committee - 06 March 2024

(Author: Mark Niland - Planning Officer)

Purpose: To consider Planning Application H22-0984-23

Application Number: H22-0984-23

Date Received: 03 November 2023

Application Type: FULL

Description: Erection of a self-build/custom build dwelling - Re-submission of H22-0750-23

Location: Land south-east of Broad Gate Weston Spalding

Applicant: Mrs N Gibson-Ebdon

Agent: Robert Doughty Consultancy Limited

Ward: Cowbit, Weston and Moulton

Ward Councillors: Cllr T E Sneath
Cllr A Casson
Cllr A R Woolf

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

<http://planning.sholland.gov.uk/OcellaWeb/planningDetails?reference=H22-0984-23>

1.0 REASON FOR COMMITTEE CONSIDERATION

1.1 The proposal represents a departure from the development plan Policy 1.

2.0 PROPOSAL

2.1 This application is for the erection of a self-build/custom build dwelling (resubmission of application ref: H22-0750-23). The proposed dwelling would be located in-between frontage properties on Broadgate. The proposed dwelling is two storey and barn style in appearance. It is made up of a buff multi facing brick with red brick string courses on ground and first floor. A central chimney stack and slate grey roof tiles. A detached garage is also proposed.

The dwelling is set back into the plot, landscaping is shown to both the rear and front of the plots.

An application for a dwelling on this site has previously been refused on principle grounds. However, the applicant has requested that the Local Planning Authority give weight to the proposal being 'self-build'. The applicant has signed up to the Council's register under the Self-Build and Custom Housebuilding Regulations 2016.

This represents a material consideration to the assessment.

3.0 SITE DESCRIPTION

3.1 The application site is located outside of the settlement of Weston (though does abut it along the northern boundary). The application site is located within Flood Zone 3 in accordance with EA Mapping systems. The present-day and for the climate change (2115), the Residual Flood

Hazard, Depth and Velocity District 1% fluvial and 0.5% Tidal Event Probability Maps show that the site where the proposed development is located is within an area of no hazard.

The existing site relates to the frontage an agricultural field that is located between numbers 102 and 118 Broadgate.

4.0 RELEVANT PLANNING POLICIES

4.1 The Development Plan

South East Lincolnshire Local Plan, March 2019

- 4.2
- 1 - Spatial Strategy
 - 2 - Development Management
 - 3 - Design of New Development
 - 4 - Approach to Flood Risk
 - 17 - Providing a Mix of Housing
 - 28 - The Natural Environment
 - 30 - Pollution
 - 36 - Vehicle and Cycle Parking
 - Appendix 6 - Parking Standards

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

4.3 National Guidance

National Planning Policy Framework (NPPF), December 2023

- 4.4
- Section 2 - Achieving sustainable development
 - Section 4 - Decision-Making
 - Section 5 - Delivering a sufficient supply of homes
 - Section 9 - Promoting sustainable transport
 - Section 12 - Achieving well-designed beautiful places
 - Section 14 - Meeting the challenge of climate change, flooding and coastal change
 - Section 15 - Conserving and enhancing the natural environment

Planning Practice Guidance (PPG)

5.0 RELEVANT PLANNING HISTORY

- 5.1 H22-0750-23 - Erection of two-storey detached dwelling and garage. Refused 16-10-23

6.0 REPRESENTATIONS

6.1 South Holland IDB

As Land Drainage Consent is required, the Board strongly recommends that this is sought from the Board prior to determination of this planning application. The Board will only consider the proposals in detail on receipt of an application for Land Drainage Consent. The annexe at the end of this letter outlines the Board's regulatory function and how to apply for Land Drainage Consent.

6.2 Highways & SuDS Support

No objection: The proposed dwelling is on plot of land lying between two existing dwellings at the southern end of this part of Broad Gate.

This part of Broad Gate no longer has access onto Beggars Bush Road, which is just a few metres to the south of the application site. Whilst access northwards into the village along

Broad Gate from Beggars Bush Lane and the remainder of Broad Gate is possible, this road is effectively a cul-de-sac when travelling southwards. The proposed new vehicular access onto Broad Gate would therefore provide safe and suitable access and egress for the proposed dwelling. Safe and suitable pedestrian access to the proposed dwelling is provided by the existing footway, on the opposite side of Broad Gate.

In view of the above and 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 would not be expected to have an unacceptable impact upon highway safety and therefore does not wish to object to this planning application.

7.0 CONSIDERATIONS

7.1 Planning Considerations

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

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

7.4 The policies and provisions set out in the National Planning Policy Framework (updated December 2023) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

7.5 The following issues are relevant to this assessment:

- Principle of Development
- Flood Risk and Drainage
- Character and Landscape
- Amenity
- Highways Safety

7.6 Principle of Development

7.7 The South East Lincolnshire Local Plan (2019) sets out the settlement hierarchy in respect of delivering sustainable development that meets the social and economic needs of the area whilst protecting and enhancing the environment; in order to provide enough choice of land for housing to satisfy local housing need, whilst making more sustainable use of land and to minimise the loss of high-quality agricultural land by developing in sustainable locations and at appropriate densities.

7.8 Policy 1 of the South East Lincolnshire Local Plan (2019) sets out a spatial strategy for delivering sustainable development across South East Lincolnshire to 2036. Policy 1 (Spatial Strategy) expresses this sustainable framework of settlements, ranking the settlements deemed to be most sustainable in descending order.

7.9 The most sustainable locations for development are situated within the 'Sub-Regional Centres', followed by 'Main Service Centres'. Lower down the hierarchy in respect of sustainable development are areas of limited development opportunity including Minor Service Centres, with areas of development constraint comprising 'Other Service Centres and Settlements'. The countryside is at the bottom of the settlement hierarchy and represents the least sustainable location.

7.10 The proposal site in this instance lies outside of any settlement boundary and is therefore identified as being in the countryside in policy terms. Policy 1 of the South East Lincolnshire Local Plan (2019) (SELLP) states that development in the countryside will only 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.

- 7.11 In light of the above, it is recognised that residential development within such a location would typically be resisted by the Local Planning Authority, being contrary to the Spatial Strategy contained within Policy 1, unless the sustainable development needs of the area can be demonstrated. In this case, these matters have not been specifically addressed or demonstrated.
- 7.12 Notwithstanding this, it is also noted that this plot, despite being located just outside the settlement limit for Weston, represents a plot that comprises characteristics of an infill plot, being located between two established built forms and the development is for frontage development; with the proposal not resulting in the extension or expansion of development beyond the established edge of the existing built form.
- 7.13 Paragraph 47 of the National Planning Policy Framework (December 2023) states that "Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing."
- 7.14 The Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016) Responsibility for keeping a self-build and custom housebuilding register falls to "relevant authorities" as set out in Section 1. The applicant signed up to the Council's register under the Self-Build and Custom Housebuilding Regulations 2016 in August 2022.
- 7.15 *Duty to grant permission*
- 7.16 Relevant 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.
- 7.17 The first base period begins on the day on which the register (which meets the requirement of the 2015 Act) is established and ends on 30 October 2016. Each subsequent base period is the period of 12 months beginning immediately after the end of the previous base period. Subsequent base periods will therefore run from 31 October to 30 October each year.
- 7.18 At the end of each base period, relevant authorities have 3 years in which to permission an equivalent number of plots of land, which are suitable for self-build and custom housebuilding, as there are entries for that base period.
- 7.19 This plot despite being located just outside the settlement limit for Weston represents a plot that has the characteristics of an infill plot and the development is for frontage development. On this basis the application site (or plot) is suitable for self-build or custom house building. In approving such a scheme South Holland District Council would be acting in accordance with the direction made by The Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016).
- 7.20 Furthermore, there is some support in the local plan for self-build projects, SELLP Policy 17 states 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." It is on this basis that, the development, although being a departure from SELLP Policy 1, is in this instance considered appropriate.
- 7.21 Flood Risk and Drainage
- 7.22 Policy 4 of the South East Lincolnshire Local Plan (2019) sets out the districts approach to Flood Risk. It requires that development proposals demonstrate that there are no other sites available at a lower risk of flooding. The sequential test will be based on a Borough or District wide search area of alternative sites within the defined settlement boundaries, unless local

circumstances relating to the catchment area for the development justify a reduced search area.

- 7.23 Section 8 of the SELSFRA 2017 states that 'the refined information in this SFRA (i.e. Hazard Mapping) incorporates the consideration of climate change and should be used when carrying out the sequential assessment'. Therefore based upon the hazard maps where it is shown that the site is in a low risk area then there are unlikely to be any more preferable sites located across the district. On this basis the sequential test is passed.
- 7.24 The proposal in providing needed self-build accommodation for local residents would also meet with the sustainability requirement of the exceptions test and the resilience measures set out within the FRA (FFLS to be 300mm above existing ground levels are considered acceptable).
- 7.25 The IDB has issued a holding objection based upon the access potentially diverting a watercourse. However, from the site visit, the watercourse is clearly located on the opposite side of the road and would remain unaffected by the new access.
- 7.26 Furthermore, comments are made regarding the disposal of surface water. The applicant states that this will be done through ground infiltration, though the IDB have stated that it has not been demonstrated whether ground conditions are suitable for such a strategy. Notwithstanding this if ground conditions are not suitable the applicant would need to channel to a watercourse or to the mains, both of which require a separate consenting process that provides sufficient mitigation but sits outside of planning. A condition is therefore not required in this instance. Similarly with foul disposal this is directed to the mains, there is a legislative right for the applicant to attach to the existing network and the process is consented by an external regime that sits outside of planning.
- 7.27 Therefore it is considered that the proposal would meet with the requirements of Policy 4 of the South East Lincolnshire Local Plan (2019).
- 7.28 Design, Consideration of the Character and Appearance of the Area and Landscape
- 7.29 Section 12 of the National Planning Policy Framework (December 2023) specifically relates to 'Achieving well-designed and beautiful places' and details that "The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve" and as such, it is generally accepted that good design plays a key role towards sustainable development.
- 7.30 Paragraph 135, contained within Section 12 of the National Planning Policy Framework (December 2023), states that new development should function well and add to the overall quality of the area (including beyond the short term) and should be visually attractive as a result of good architecture and appropriate landscaping. This goes on to establish that it is important that new development should be of the highest quality to enhance and reinforce good design characteristics, and that decisions must have regard towards the impact that the proposed development would have on local character and history, including the surrounding built environment and landscape setting such as topography, street patterns, building lines, boundary treatment and through scale and massing.
- 7.31 Development proposals should also ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users, among other considerations.
- 7.32 Policy 2 of the South East Lincolnshire Local Plan (2019) states that design which is inappropriate to the local area, or which fails to maximise opportunities for improving the character and quality of an area, will not be acceptable. Policy 2 point 1 states that proposals should meet with sustainable development considerations specifically in relation to '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'.
- 7.33 Policy 3 sets out the 'Design of new development' in part it states that "Design which is inappropriate to the local area, or which fails to maximise opportunities for improving the character and quality of an area, will not be acceptable".

- 7.34 Paragraph 180 (of Section 15) seeks to conserve and enhance the Natural Environment. Paragraph 'b' states that (proposals should contribute to and enhance the natural and local environment by) "recognising the intrinsic character and beauty of the countryside".
- 7.35 The application site is fairly described as an infill plot (despite being located outside of the settlement limit), it is also for frontage development. The applicant proposes a barn style dwelling that is two storeys and 4 bedrooms on the first floor. The main entrance is surrounded by glazing and this straddles up to the first floor presenting a large opening to the street scene. It is in-keeping with the aesthetic of the dwelling and commensurate with its countryside location. The palette of materials are also considered appropriate.
- 7.36 Given the scale and location of the dwelling close to other plots this proposal would not have an unacceptable impact upon the wider landscape and be experienced more in a localised way. That said the dwelling, which includes scale, appearance and landscaping is appropriate for a countryside dwelling.
- 7.37 On this basis it is considered that the proposal would accord with South East Lincolnshire Local Plan (2019) Policies 2 and 3, as well as Section 12 and Paragraph 180b of the National Planning Policy Framework (December 2023).
- 7.38 Impact on Residential Amenity/Land Users
- 7.39 Paragraph 135 of the National Planning Policy Framework (December 2023) states that development should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- 7.40 Policy 2 of South East Lincolnshire Local Plan (2019) sets out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions. Policy 30 of the South East Lincolnshire Local Plan (2019) is concerned with pollution and places impacts in relation to noise, disturbance and air quality as important consideration when considering proposals for planning.
- 7.41 The proposal is located at a sufficient separation distance from all other dwellings as to not give rise to unacceptable impacts through overshadowing and an overbearing impact. Furthermore, all openings are proposed in appropriate locations that would not give rise to unacceptable impacts in relation to visual intrusion.
- 7.42 The internal space standards are also acceptable as is the external amenity area. The applicant shows that the existing field access will be blocked up and soft planting treats the boundaries.
- 7.43 On this basis, the scale and design of the proposal is considered to be such that there would be no significant or unacceptable impact on the residential amenities of the occupiers of adjacent properties or land users. It is considered that the proposal would accord with Policies 2 and 30 of the South East Lincolnshire Local Plan (2019).
- 7.44 Highways Safety
- 7.45 Section 9 of the National Planning Policy Framework (December 2023) specifically relates to 'Promoting sustainable transport'. Paragraph 115 of the National Planning Policy Framework (December 2023) advises that "development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe".
- 7.46 Policy 2 details that proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to access and vehicle generation.
- 7.47 Policy 3 details that development proposals will demonstrate how accessibility by a choice of

travel modes including the provision of public transport, public rights of way and cycle ways will be secured, where they are relevant to the proposal.

- 7.48 Policy 36 is concerned with Vehicle and Cycle Parking it states that "All new development, including change of use, should provide vehicle and cycle parking, in accordance with the minimum Parking Standards adopted by the Local Planning Authorities (in Appendix 6)".
- 7.49 A new access is proposed, and the old field access is to be blocked up. The applicant proposes a garage (which could accommodate cycle storage) and shows ample off-street parking within the site. Vehicles can enter and leave the site in a forward gear. LCC Highways have been consulted and have no objections to the proposal.
- 7.50 On this basis then it is considered that the proposal would accord with Section 9 of the National Planning Policy Framework (December 2023) and Policies 2, 3 and 36 of the South East Lincolnshire Local Plan (2019).
- 7.51 Planning Balance
- Given the requirement for South Holland District Council to meet with the Self-build and Custom Housebuilding Act 2015, that the applicant has been on the self build register for some years and that Policy 17 of the South East Lincolnshire Local Plan (2019) makes allowances for such development, then this application is considered acceptable.
- 7.52 **Conclusion**
- 7.53 While the development lies outside of the settlement boundaries and as such would typically be resisted in principle, the proposal would provide a self-build dwelling on a suitable site and contribute towards South Holland District Council meeting the requirements set out by The Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016). The applicant has been on the self-build register for many years.
- 7.54 The design of the dwelling is in-keeping with the broader street scene and the wider landscape. There are limited amenity impacts and drainage is mitigated through external consenting processes.

7.55

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 of permission subject to conditions.

9.0 CONDITIONS

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: As required by Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

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

1564-2_PL_LP01

1564-2_PL_GA01

1564-2_PL_GA02

1564-2_PL_SP02

Flood Risk Assessment by RM Associates

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

3. The development hereby permitted shall be carried out in accordance with the measures set out in the Flood Risk Assessment (by RM Associates) 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 to be set at 300mm above average external ground levels.

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

Reason: To ensure that the development does not increase the risk of flooding or be at risk of flooding.

This Condition is imposed in accordance with Policies 3 and 4 of the South East Lincolnshire Local Plan, 2019 and Section 14 of the National Planning Policy Framework, December 2023.

4. The dwelling hereby permitted shall only be sold and developed as self build / custom provision in accordance with the definition within the Self- Build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016).

Reason: To ensure the development provides for self build / custom housing.

5. 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

6. 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:
Traffic Management - <https://www.lincolnshire.gov.uk/traffic-management>
Licences and Permits - <https://www.lincolnshire.gov.uk/licences-permits>

7. 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.
8. The Local Planning Authority has acted positively and proactively in determining this application by assessing it against all material considerations, including national guidance, planning policies and representations that have been received during the public consultation exercise, and subsequently determining to grant planning permission.

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

Background papers:- Planning Application Working File

Lead Contact Officer

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Appendices attached to this report:

Appendix A Plan A

MapThat Scale Print Title

