

**Erection of 5 No Self Build Dwellings (Outline Application with all matters reserved except for access)**

**Report Item No  
A5**

**Land At Main Street Swannington Coalville Leicestershire  
LE67 8QL**

**Application Reference  
23/00740/OUT**

**Grid Reference (E) 441648  
Grid Reference (N) 316684**

**Date Registered:  
14 June 2023**

**Consultation Expiry:  
29 August 2023**

**Applicant:  
Mr S Boam**

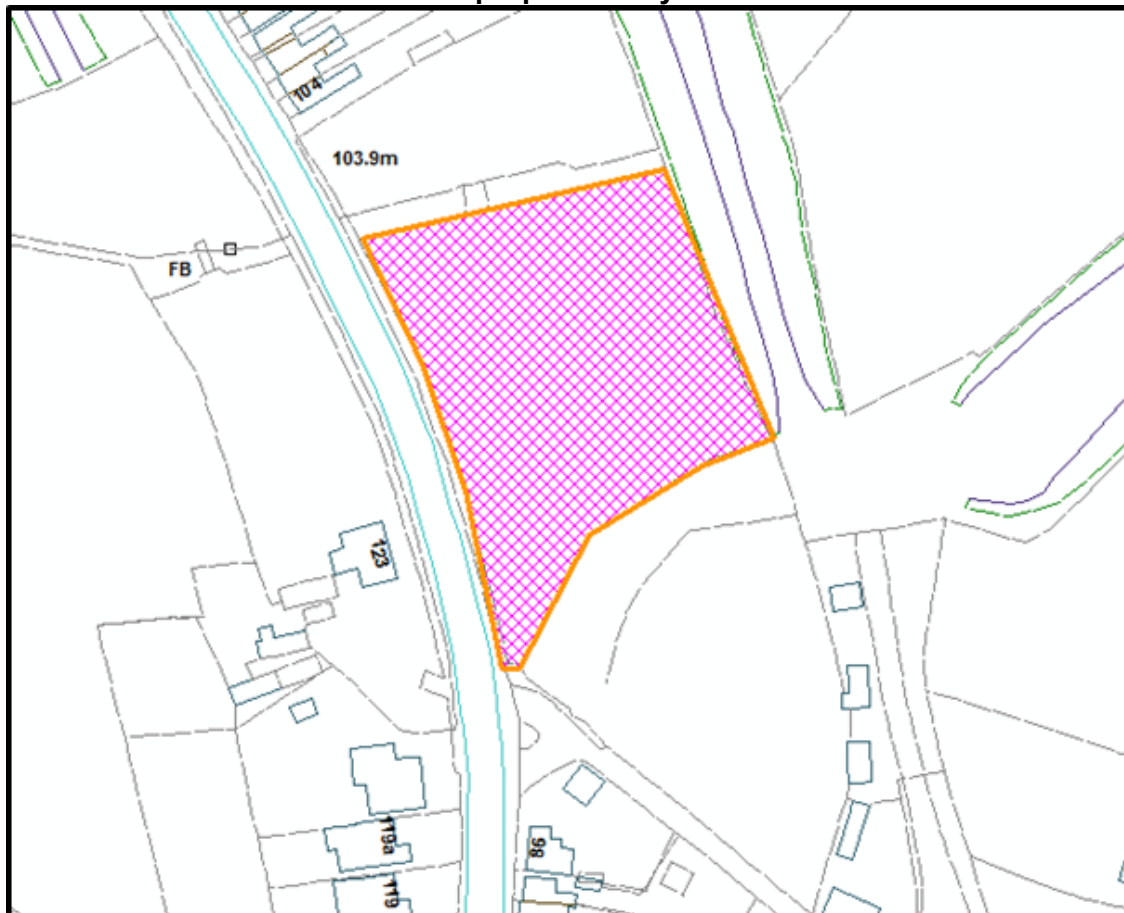
**Determination Date:  
9 August 2023**

**Case Officer:  
Chris Unwin-Williams**

**Extension of Time:  
14 November 2023**

**Recommendation: Permit, subject to conditions and S106 agreement**

**Site Location - Plan for indicative purposes only**



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The application is referred to the Planning Committee in line with the requirements of the council's constitution as the applicant is a relative of a serving Councillor (Councillor Russell Boam) and an objection has been received against the proposal.

**RECOMMENDATION - PERMIT, subject to a S106 agreement limiting the occupation of the dwellings as self-build properties and the following conditions:**

- 1 Time Limit for submission of Reserved Matters (application for approval of the reserved matters to be made before the expiration of three years and the development to begin before the expiration of two years from the date of approval of the last of the reserved matters)
- 2 Reserved Matters (prior to commencement of development) approval of reserved matters shall be obtained.
- 3 Approved Plans (access only)
- 4 Levels details including details of finished ground levels across site to be submitted at Reserved Matters
- 5 Sustainable drainage solution to be installed prior to external materials to the roof are installed.
- 6 Access width shall be a minimum 4.25m, gradient shall be no more than 1:20 for a distance of at least 5m behind highway boundary and shall be surfaced in a hard bound material.
- 7 Visibility Splays to be secured prior to occupation of development with no obstructions within the splays greater than 0.6m in height (compliance).
- 8 Ecological constraints and opportunities plan (to include a minimum 53% net gain in habitat units either onsite, offsite or a combination) (prior to commencement of development).
- 9 Landscape and ecological management plan to be secured prior to commencement of development.
- 10 Reptile Survey and Mitigation Strategy to be submitted prior to commencement of development.
- 11 Intrusive investigations and remediation work in relation to past coal mining activity to be submitted prior to commencement of development.
- 12 Signed statement and declaration to be provided to confirm methods and findings of intrusive site investigations and the completion of any remedial works and or/mitigation necessary to address risks posed by past mining activities to be secured prior to occupation of the development.
- 13 BS5837:2012 Arboricultural Impact Assessment and Tree Protection Plan for the development to be provided at reserved matters stage.
- 14 Permitted development rights removal (Classes A, AA, B, C and E).

## MAIN REPORT

### 1. Proposals and Background

The application seeks outline planning permission with all matters reserved except for access for the erection of five self-build dwellings.

The application site relates to a paddock on the northern side of Main Street within the parish of Swannington.

Additional information has been provided throughout the course of the application including a completed biodiversity net gain metric and an ecological appraisal report.

The application site is located outside limits to development although it is adjacent to the built-up area of the settlement. A water course is located on the northern part of the site.

Precise measurements of the proposal are available to view on the submitted plans.

#### Site Location Plan and Aerial Image (north indicated by arrow)



#### Relevant Planning History

None relevant.

### 2. Publicity

4 Neighbours have been notified.

Site Notice displayed 30 June 2023.

Press Notice published in the Leicester Mercury on the 5<sup>th</sup> July 2023.

### 3. Summary of Consultations and Representations Received

**Swannington Parish Council** - raises an objection as the site is outside of the settlement limits, the site is a local wildlife site, unsafe access, and harm to the settlement's character.

**LCC Highways** - initially raised concerns that it had not been demonstrated that safe and suitable access could be achieved in the absence of visibility splays informed by an up-to-date speed survey. Following further consultation, it was confirmed that subject to conditions, no objection is raised.

**LCC Ecology** - initially raised concerns on the grounds that the site is a Local Wildlife Site, it is potentially irreplaceable habitat, and no ecological information has been submitted as part of the application. Following further consultation, it was established that the grassland on the site which was originally designated as a Local Wildlife Site due to the species present when surveyed in 2006, however, in its present state, the site does not meet the required UKHabs criteria to be considered as lowland meadow, which is a priority Annex 1 habitat. It was clarified that the most likely reason for this reduction in species richness is due to the cessation of grazing within the last 10 years. The site is now a mixture of coarse grassland and fen, being encroached by scrub. As such, in its present state, the grassland would no longer be considered a priority habitat. It was however noted that the old native hedgerow along the main road would qualify as a priority habitat and approximately 20m of this would be lost to create the site access. In terms of species, the site has the potential to support reptiles, hedgehogs, and foraging bats but the risk to Great Crested Newts was considered low enough that Reasonable Avoidance Measures (RAMS) would be sufficient in this instance. Accordingly, based on the grassland no longer being considered a priority habitat, and subject to appropriate conditions in the form of an ecological constraints and opportunities plan, a landscape and ecological management plan and a reptile survey and mitigation strategy, no objections are raised to the development of the site.

**LCC LLFA** - No objection

**Coal Authority** - No objection subject to conditions

**National Forest Company** - No objection

**NWLDC Tree Officer** - No objection

**NWLDC Environmental Protection** - No objection

**NWLDC Environmental Protection (Contaminated Land)** - No objection subject to conditions  
**Third Party Letters of Representation**

Four neighbouring properties were consulted during the lifetime of the application and 2 no. comments have been received raising the following comments -

- Poor access
- Flooding
- Impact on trees
- Damage to adjacent property during construction due to local land instability

All responses from statutory consultees and third parties are available to view in full on the Council's website.

## **4. Relevant Planning Policy**

### **National Policies**

#### *National Planning Policy Framework (2023)*

The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. The following sections of the NPPF are considered relevant to the determination of this application:

Paragraphs 8, 11, 14 (Achieving sustainable development);  
Paragraphs 47, 48, 55, 56 and 57 (Decision-making);  
Paragraphs 78, 79, 80 (Delivering a sufficient supply of homes)  
Paragraphs 83,84 (Supporting a prosperous rural economy);  
Paragraphs 55, 56 (Planning conditions and obligations);  
Paragraphs 92 and 93 (Promoting healthy and safe communities);  
Paragraphs 104, 105, 110, 111 and 112 (Promoting sustainable transport);  
Paragraphs 119, 120 and 124 (Making effective use of land);  
Paragraphs 126, 130, 131, 132 and 134 (Requiring good design);  
Paragraphs 152, 154, 157, 159, 162-165 and 167 (Meeting the challenge of climate change);  
Paragraphs 174, 180, 183, 184, 185 and 187 (Conserving and enhancing the natural environment);

### **Adopted North West Leicestershire Local Plan (2021)**

The North West Leicestershire Local Plan forms part of the development plan and the following policies of the Local Plan are relevant to the determination of the application:

S2 - Settlement Hierarchy  
S3 - Countryside  
D1 - Design of New Development  
D2 - Amenity  
En1 - Nature Conservation  
IF1 - Development and Infrastructure  
IF4 - Transport Infrastructure and New Development  
IF7 - Parking Provision and New Development  
Cc2 - Water - Flood Risk  
Cc3 - Sustainable Drainage Systems

### **Swannington Neighbourhood Plan (2023)**

Policy H2 - Settlement Boundary  
Policy H3: Housing Mix  
Policy H4: Design Quality  
Policy H6: Windfall Sites  
Policy Env 3: Sites and Features of Natural Environment Significance  
Policy Env 4: Protecting and Enhancing Biodiversity  
Policy Env 5: Sites and Features of Historic Environment Significance  
Policy Env 8: Footpaths, Bridleways and Byways  
Policy Env 9: Flood Risk Resilience and Climate Change

## Other Policies/Guidance

National Planning Practice Guidance  
 Leicestershire Highways Design Guide (LHDG)  
 National Design Guide (2019)  
 Good Design SPD (2017)  
 Circular 06/05 (Biodiversity and Geological Conservation - Statutory Obligations and Their Impact Within the Planning System  
 The Self-Build and Custom Housebuilding Act 2015

## 5. Assessment

### Principle of Development

In accordance with the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the starting point for the determination of the application is the development plan which, in this instance, includes the adopted North West Leicestershire Local Plan (2021).

As of 21st November 2022, the adopted Local Plan became five years old and therefore an assessment is required as to whether the most important policies in the determination of the application are up to date having regard for their consistency with the National Planning Policy Framework. The most important policies in the determination of the matter of principle are Policies S2 and S3 as they relate to the provision and distribution of housing. The Council can demonstrate a five year housing land supply and has performed well against the Government's Housing Delivery Test. It is considered that Local Plan Policies S2 and S3 are effective, not out of date and carry significant weight.

The site is located on land falling outside the defined limits to development, designated as countryside within the adopted Local Plan and Neighbourhood Plan. On sites falling outside the defined limits to development, residential development is not a form of development that is permissible by Policy S3 save for limited exceptions as specified in the policy (e.g., re-use or adaptation of an existing building or the redevelopment of previously developed land). The proposal does not fall within any of these exceptions.

Further, Policy H2 of the Swannington Neighbourhood Plan states that land outside the settlement boundary will be treated as open countryside, where development will be carefully controlled, or supported as appropriate, in line with local and national strategic planning policies. The NPPF defines '*Previously Developed land*' (PDL) as *land which is or was occupied by a permanent structure, including the curtilage of the developed land and any associated fixed surface infrastructure*. However, this excludes land in built-up areas such as residential gardens. In this instance, the application site is an existing local wildlife site and would not fall under the NPPF's definition of PDL. As such, this development would not be supported under Policy S3 (e).

The concept of new development being directed to locations that minimise reliance on the private motorcar is contained within paragraphs 7 and 8 of the NPPF. Policy S2 is consistent with the core principle of the National Planning Policy Framework (the Framework) to actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.

The site is located adjacent to the Limits to Development of Swannington. It is also noted that whilst Policy S2 identifies Swannington as a sustainable village, this specifies that any 'growth' should be proposed on land within the Limits to Development. As such this proposal would not accord with the details listed in the hierarchy of settlements as per Policy S2 of the Local Plan.

For the reasons set out above, the proposal would not accord with the provisions of Policies S2 and S3 of the adopted Local Plan and the Swannington Neighbourhood Plan.

Development on land within the countryside is also required to be assessed against subparagraphs (i) - (vi) of Policy S3. An assessment of these subparagraphs is listed below:

***(i) The appearance and character of the landscape, including its historic character and features such as biodiversity, views, settlement pattern***

The site itself is an existing wildlife site bound by existing areas of woodland as outlined in Figure 8 (page 30) of the Swannington Neighbourhood Plan. The proposals would result in the partial loss of existing biodiversity (in the form of habitat units) but would be compensated for by condition through either onsite or offsite net gains (or through a combination of both). Further the proposals would result in onsite net gains in hedgerow units. As such, it is considered biodiversity would be enhanced as a result of the proposals.

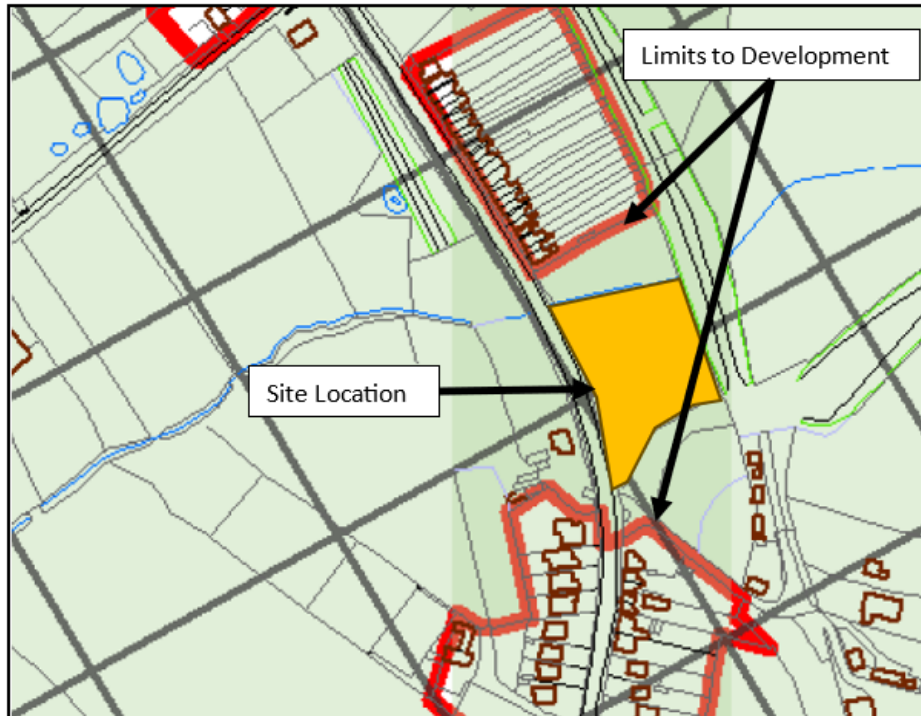
Swannington is defined by linear development that fronts the arterial routes that make up the settlement. Built development along the arterial routes are punctuated by meadows that extend up the edge of the highway which maintain its verdant and rural integrity.

The site itself contributes positively to the landscape setting and the predominantly rural character of the settlement. The proposal would result in a suburban form of development that would fail to respond to or enhance the built and natural character of the settlement thus would harm its immediate and wider landscape setting. This is demonstrated in further detail within the included site photographs and aerial imagery below:



***(ii) It does not undermine, either individually or cumulatively with existing or proposed development, the physical and perceived separation and open undeveloped character between nearby settlements***

The proposals would result in the infilling of an existing undeveloped site outside of the defined limits to development and would be sited between two areas of Swannington as demonstrated in the figure below. As such, it is considered the development would result in a partial loss of the physical and perceived separation and undeveloped character between these two areas of Swannington. However, it is considered that the harm resulting from this could be mitigated through appropriate landscaping and subsequent scale and layout details.



***(iii) it does not create or exacerbate ribbon development***

It is noted that the Planning Portal defines 'ribbon development' as "development, usually residential, extending along one or both sides of a road but not extended in depth" with the





dictionary definition being "*the building of houses along a main road, especially one leading from a town or village.*"

The proposals, whilst only illustrative at this stage would likely result in ribbon development across this section of Main Street given the proposed siting of the dwellings which would front onto Main Street as demonstrated above.

***(iv) built development is well integrated with existing development and existing buildings***

The proposed development would involve the erection of 5 no. new dwellings, but it is considered a form of development could be secured at reserved matters stage that would be well-related to existing development along Main Street and the wider settlement of Swannington.

***(v) the development will not seriously undermine the vitality and viability of existing town and local centres***

Given the residential nature of the proposal, this criterion is not considered to be relevant.

***(vi) the proposed development is accessible, or will be made accessible by a range of sustainable transport***

This application site is located adjacent to the limits to development of Swannington. It is also noted that Policy S2 identifies Swannington as a sustainable village. Services available in Swannington include a public house, primary school, and village hall. These services/facilities are within 800-1000m (preferred maximum walking distance) of the site.

Future occupants of the application site would also have access to public transport via an hourly bus service to Coalville operating from a bus stop off Main Street (Jeffcoats Lane) which is a short walking distance from the application site. As such, a wider provision of facilities and services would be able to be accessed via sustainable forms of travel.

The above services would be accessible via foot on raised footways, or cycling, and consequently future occupants of the property would not necessarily be dependent on the private car to access the most basic of services and would support the approach to a low carbon economy. The provision of this dwelling would also assist in sustaining these services, which is a key intention of Paragraph 79 of the NPPF. As such it is considered that the proposed development would accord with the aims of Policy S3 (vi).

The site is not considered to be in an isolated location given its proximity to other dwellings and development and the distance from services and facilities in Swannington and Coalville. There would also be some limited economic benefits associated with employment in the construction trade and future residents helping to maintain local services in the area.

Whilst the development is compliant with three of the criteria set out under the second part of Policy S3, it conflicts with the criteria (i), (ii) and (iii). The development is also not supported in principle by Policies S2 and S3. The proposal would therefore conflict with the broad objective of containing new residential development within the settlement limits.

### **Self-Build and Custom Housing**

It is recognised that self-build and custom housebuilding is a key element of the government's

agenda to increase the supply of housing, both market and affordable and gives more people the opportunity to build their own homes as set out in Paragraph 62 of the NPPF.

The applicant has provided arguments in support of a self-build unit, including but not limited to that the Council has not satisfactorily demonstrated that it has granted enough permissions to meet the identified need and that the relevant policies of the Local Plan are failing to secure sufficient permissions in this regard.

The Council's Planning Policy Team has confirmed that the applicant is currently on the Council's self-build register.

Self and custom building is defined as the building or completion by individuals, an association of individuals or persons working with or for individuals, of houses to be occupied as homes by those individuals. This is an outline application for the erection of 5 no. Self-Build Dwellings, and the proposal would meet this 'definition' and would contribute towards the delivery of self-build and custom housebuilding in the District.

The District Council has a duty under Section 2A of the Self-Build and Custom Housebuilding Act 2015 (as amended), to give suitable development permissions in respect of enough serviced plots of land to meet the demand for self-build and custom housebuilding in the area of North West Leicestershire arising in each base period. This District Council's Self-Build Register was established in April 2016. As of 10th October 2023, there are 126 individuals on the self-build register. For the area of North West Leicestershire, this demand equates to providing a specific number of permissions for plots. The demand is split into different base periods. As of October 2022, there is a shortfall of four self-build permissions. One application has been granted (22/01054/FUL) and four applications have resolutions to permit, subject to the signing of a S106 agreement and so the permissions have not yet been issued. As such, there is a shortfall at present of three self-builds.

As of October 2023, this shortfall has increased by a further 20 plots. Therefore, it is acknowledged that this proposal for five dwellings (subject to a legal agreement securing it as a self-build dwelling) would make a contribution to addressing this existing and future shortfall and this is a material consideration in the determination of the application to be given significant weight.

The adopted Local Plan is silent on the matter of self-build housing and in these circumstances, Paragraph 11 of the NPPF would apply which states that 'plans and decisions should apply a presumption in favour of sustainable development'.

For decision taking, it sets out in criterion (d) that '*where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole."*

Paragraph 14 of the NPPF also states that in situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing

development that conflicts with the neighbourhood plan is “likely” to significantly and demonstrably outweigh the benefits, provided all of the following apply;

- a) the neighbourhood plan became part of the development plan two years or less before the date on which the decision is made;*
- b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement;*
- c) the local planning authority has at least a three year supply of deliverable housing sites (against its five year housing supply requirement, including the appropriate buffer as set out in paragraph 74); and*
- d) the local planning authority's housing delivery was at least 45% of that required over the previous three years.*

The Swannington Neighbourhood Plan was adopted in 2023 and is therefore less than two years old. The Swannington Neighbourhood Plan contains a housing allocation within Policy H1 and therefore seeks to meet housing needs. The Local Planning Authority can demonstrate in excess of five years housing land supply and has consistently exceeded 45% of the housing delivery test.

In this instance, whilst the above criteria would be met, it is noted that the wording of paragraph 14 refers to a “likelihood” that the adverse impact of allowing development that conflicts with the neighbourhood plan would demonstrably outweigh the benefits. Therefore, in light of this shortfall that derives from the Self Build Register, this need has to be balanced against planning considerations in coming to a view on the suitability of the proposal. This balancing exercise will be undertaken upon completion of the consideration of all planning matters at the end of this report.

### **Design and Impact upon Character**

Policy D1 of the Local Plan (2021) requires that all developments be based upon a robust opportunities and constraints assessment and be informed by a comprehensive site and contextual appraisal. It also requires that new residential developments must positively perform against Building for Life 12 and that developments will be assessed against the Council's adopted Good Design SPD.

The recently updated NPPF includes several new measures to improve design quality. This includes a test at paragraph 134 which directs that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.

The Council's Good Design SPD and the government's National Design Guide/National Model Design Code therefore carry substantial weight. The site is also located within the National Forest and is therefore subject to the requirements of policies En3. Policy H4 of the Swannington Neighbourhood Plan states that new development should enhance and reinforce the local distinctiveness and character of the area in which it is situated.

The application does not seek approval of the layout, scale, appearance, or landscaping therefore the submitted plan shows only the layout and scale indicatively. Swannington is defined by linear development that fronts the arterial routes that make up the settlement. Built development along the arterial routes are punctuated by meadows that extend up the edge of the highway which maintain its verdant and rural integrity.

The site itself contributes positively to the landscape setting and the predominantly rural

character of the settlement. In this instance, it is acknowledged that the proposal would result in the introduction of a suburban form of development that would fail to respond to or enhance the built and natural character of the settlement thus would harm its immediate and wider landscape setting as demonstrated in the below site photographs and aerial image.

However, the overall harm resulting from this could be mitigated through appropriate controls on appearance, landscaping, layout and scale which would be considered in further details at reserved matters stage, including among other things, limiting the scale of development to single storey only and through appropriate landscaping to limit the visual impacts of the development.

With the above in mind, whilst it is considered the loss of the site to built development would result in some harm to local character, when the overall context of the scheme is considered (outline with access for consideration only at this stage) and that the impacts of such a development could be controlled through appropriate use of conditions and during any further reserved matters applications, on balance, it is considered the proposals would accord with policy D1 of the Local Plan and Policy H4 of the Neighbourhood Plan as well as relevant paragraphs of the NPPF.



### Impact upon residential amenity

Policies D2 of the Local Plan (2021) and G1 of the Neighbourhood Plan (2022) requires that proposals for development should be designed to minimise their impact on the amenity and quiet enjoyment of both existing and future residents within the development and close to it. Policy H4 of the Neighbourhood Plan states that proposals should minimise the impact on general amenity and careful consideration given to noise, odour and light.

Given that the submitted plans provided are indicative, it is not possible to assess the impacts upon the residential amenity of surrounding dwellings in detail. Impacts, particularly in terms of privacy, loss of sunlight and daylight and overbearing impacts would be a primary consideration at the reserved matters stage, when details of the scale and appearance of the proposal are presented for approval. How the proposed landscaping, including details of proposed ground levels and boundary treatments will impact or preserve amenity will also be considered carefully at the reserved matters application stage. However, the submitted layout and indicative plans provide a high degree of confidence that a scheme is capable of being delivered that would accord with policy D2. Furthermore, it is considered that the future occupiers of the proposed units could be provided with a high standard of amenity in terms of light, outlook, noise and private amenity space.

Overall, the proposal is not considered to result in significant impacts upon existing surrounding or future occupier residential amenity as can be seen from the plan below.



Therefore, the proposal is considered to be in accordance with Policy D2 of the adopted Local Plan, Policy H4 of the Neighbourhood Plan, the Council's Good Design SPD, and relevant sections of the NPPF.

### Highway Considerations

Policy IF4 of the Local Plan (2021) requires that development takes account of the impact upon the highway network and the environment, including climate change, and incorporates safe and accessible connections to the transport network to enable travel choice, including by non-car modes, for residents, businesses and employees. Policy IF7 of the Local Plan (2021) requires that development incorporate adequate parking provision for vehicles and cycles in order to avoid highway safety problems and to minimise the impact upon the local environment.

Objections have been received throughout the lifetime of the application in respect of highway safety concerns, particularly relating to the proposed access location.

The Local Highway Authority (LHA) has been consulted to establish if there would be

acceptable highway impacts resulting from the proposal and no objection is raised.

The site is located on a 30mph classified C Road. In terms of access, a new vehicular access point is proposed which measures 5m in width and would serve a private drive that would access each of the proposed units. The access location (demonstrated in the below site photos) and width are considered to be acceptable having regard to the Leicestershire Highways Design Guide. The applicant has not carried out a speed survey to accurately determine the required visibility splays. Historic data obtained by the LHA suggests that vehicle speeds can be as high as 43mph within the vicinity of the access.

Therefore, visibility splays of 2.4m x 120m would be required to be demonstrated by the applicant. As the applicant has shown visibility splays of 2.4m x 120m to the north of the site access, the LHA is satisfied that appropriate visibility can be provided in accordance with LHDG standards. Regarding the splay to the south, the LHA has used the formula from Manual for Streets 2 (MfS2) to determine the minimum splay lengths for the worst-case scenario of speeds of 43.7mph for vehicles travelling north along Main Street as recorded in the July 2014 speed survey.

The LHA has measured a maximum achievable visibility south of the proposed site access to be 111m, when considering the highway extent. This leaves a shortfall of 8m based on a required 'desirable minimum' stopping distance of 119.28m. This is below the standards usually applied by the LHA when speeds are greater than 40mph. However, having regard for the character of the area, it is not considered the shortfall would amount to severe harm to highway safety and therefore raise no objection to the proposed access.



In terms of parking and turning, the site is large enough to provide sufficient space, which would be subject to a later reserved matters application. The site is also considered to be accessible in terms of amenities and public transport to meet day to day needs.

Notwithstanding this, the access is considered safe and suitable, and it is considered that there is sufficient space for the parking and turning of vehicles within the site and therefore the proposal accords with policy IF7.

As set out above, the site is well connected to sustainable transport modes due to its location adjacent to a Sustainable Settlement and therefore complies with policy IF4 in this regard.

Overall, the application is considered to be in accordance with the guidance set out within the Leicestershire Highway Design Guide and the application is considered to be acceptable when having regard to Local Plan Policy IF7 and relevant paragraphs of the NPPF.

## Ecology

Policy EN1 of the Local Plan supports proposals that conserve, restore or enhance the biodiversity of the district. The submitted indicative layout plan suggests that the northern and eastern parts of the site would be retained for biodiversity. No detailed improvement or enhancement works are proposed. Policy ENV3 of the Swannington Neighbourhood Plan identifies the application site as a feature of natural environmental significance as it is a designated Local Wildlife Site. Existing photos of the site, including relevant viewpoints can be viewed below.

Due to the designation of the site as a Local Wildlife Site, LCC Ecology were consulted throughout the course of the application and initially raised concerns that the site is potentially irreplaceable habitat and no ecological information had been submitted as part of the application. However, following submission and review and the submission of additional information, the following comments were received:

*“The Preliminary Ecological Assessment survey by Midland Ecology found that the site has the potential to support reptiles, hedgehogs and foraging bats. One of the trees adjacent to the red line boundary had features suitable for roosting bats. The risk to Great Crested Newts was considered low enough that Reasonable Avoidance Measures (RAMS) would be sufficient and no surveys for them are required.*

*The old native hedgerow along the main road qualifies as Priority Habitat under the NERC Act, and approximately 20m of this will be lost to create the site access. The habitat assessment survey found that the grassland on the site (designated as a Local Wildlife Site due to the species present when surveyed in 2006) does not meet the required UKHabs criteria to be considered as a lowland meadow, which is a priority Annex 1 habitat. This most likely reason for this reduction in species richness is due to the cessation of grazing within the last 10 years. The site is now a mixture of coarse grassland and fen, being encroached by scrub.*

*It would be possible, with appropriate management, to restore parts of the site back to a more species-rich mesotrophic grassland.”*

As outlined above, initially concerns were raised regarding the potential impact on the site, which is designated as a local wildlife site. However, it is understood that this original designation is due to the species that were present when surveyed in 2006 and the site at present does not meet the required UKHabs criteria to be considered as lowland meadow, which is a priority Annex 1 habitat. As such, in its present state, the grassland would no longer be considered a priority habitat which consists in its present state of coarse grassland and fen, being encroached by scrub. It was however noted that the old native hedgerow along the main road would qualify as a priority habitat and approximately 20m of this would be lost to create the site access.

Therefore, whilst the development would result in the loss of some hedgerow, on balance, given the site now consists of coarse grassland and fen, being encroached by scrub, LCC Ecology confirmed that they had no objections to the development of the site subject to securing the following conditions:

- 1) *An ecological constraints and opportunities plan which identifies areas and features which should be retained and avoided by construction activities and the overall footprint of the development, areas and features where there are opportunities to undertake mitigations, compensation and enhancement, areas where ongoing ecological management is required, areas needing protection onsite and in adjacent areas during the construction process and areas where biosecurity measures are necessary;*
- 2) *A landscape and ecological management plan which includes a description and evaluation of features to be created and enhanced, aims and objectives, appropriate management options and prescription of actions, a work schedule, details of species and/or seed mixes to be planted and/or sown and ongoing monitoring and remedial measures; and*
- 3) *A reptile survey and mitigation strategy.*

As such, it is recommended that these conditions be imposed in the event that the application is permitted.

Whilst the mandatory requirement for 10 percent BNG has not yet been enacted through the Environment Bill (expected in January 2024), paragraph 174(d) of the NPPF sets out a requirement to minimise impacts on and provide net gains for biodiversity. According to current guidance, self-build developments are exempt from Biodiversity Net Gain. Nevertheless, the NPPF still requires a measurable net gain for biodiversity.

It is noted that the submitted biodiversity metric demonstrates a 65.5% increase in hedgerow units, however, the scheme would result in a 53% loss in habitat units as demonstrated in the below biodiversity metric summary. Therefore, to ensure the development would secure measurable net gains across both habitat and hedgerow units, as part of the conditioning of the ecological constraints and opportunities plan, a minimum net gain of 54% habitat units will need to be provided either onsite or offsite (or through a combination of both).

Total on-site net % change plus off-site surplus (including all on-site & off-site habitat retention, creation & enhancement)	Habitat units	-53.06%
	Hedgerow units	+65.50%



Subject to the securing of the above conditions, the proposals would secure enhancements to local biodiversity, on balance, the proposals would therefore accord with Policy En1 of the Local Plan and relevant paragraphs of the NPPF.

### **Flood Risk and Surface Water Drainage**

Objections have been raised throughout the lifetime of the application in respect of concerns that the proposals would lead to flooding impacts, particularly due to the site's close proximity to a nearby brook.

The site is situated within Flood Zone 1, an area at lowest risk from fluvial flooding, and the site is identified as an area of low risk of surface water flooding, with a small area of medium risk surface water flooding to the northeast of the site, as defined by the Environment Agency's Surface Water Flood Maps.

The proposal would result in a material increase in hard surfacing thus surface water will need to be managed on site via a sustainable drainage solution. Although no details of drainage has been submitted at this stage, subject to conditions that require such details as part of the reserved matters application, it is considered that the proposal would not result in flooding or surface water drainage issues and consequently would accord with the aims of Policies Cc2 of the adopted Local Plan, as well as the guidance set out within the NPPF.

### **Conclusions and Planning Balance**

As set out above, the proposed development would contribute towards the supply of self-build plots when there is an identified shortfall and the Local Planning Authority is failing in its statutory duty to provide enough self-build plots in order to meet demand. It should also be acknowledged that, in terms of technical matters, the scheme would be satisfactory. Nevertheless, the scheme would result in residential development on land located outside of the limits to development.

The most important policies in the determination of this application are Policies S2 and S3 of the Local Plan and Policy H2 of the Swannington Neighbourhood Plan which support development within the settlement limits and restrict development in the countryside. As set out earlier in this report, these policies are of greatest importance in this case, and are effective, not out of date and carry significant weight.

The adopted Local Plan is silent on the matter of self-build housing and in these this circumstance, as set out earlier in this report, paragraph 11(dii) of the NPPF would apply which states that *'where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.'*

However, Paragraph 14 of the NPPF is also engaged which states that any conflict arising with the neighbourhood Plan, where criteria (a-d) are met, would *"likely"* constitute significant and demonstrable harm. Policy H2 of the Neighbourhood Plan restricts development in the countryside in line with national and local planning policies and as such does not support residential development outside of the settlement limits. Therefore, any harm arising from conflict with policy H2, and by association Policies S2 and S3 of the Local Plan needs to be weighed up to determine if this would be considered to be significant and demonstrable and whether or not this is outweighed by the benefits of 5 no. self-build units as proposed.

Limited harm would arise from the loss of greenfield land located within the countryside. As outlined above, the proposal conflicts with the criteria (i), (ii) and (iii) and would result in some harm through the introduction of a suburban form of development (in relation to criteria (i), a partial loss of the physical and perceived separation and open undeveloped character (ii) and some ribbon development impacts (iii).

Moderate harm would arise from the granting of a permission that is in conflict with Policies S2 and S3 of the Local Plan and Policy H4 of the Swannington Neighbourhood Plan.

Balanced against the harms, the provision of additional housing in a sustainable location is afforded positive weight, with additional significant positive weight given to the provision of 5 no. self-build plots where there is currently an identified District wide shortfall. The benefits of the self-build dwellings can be secured by way of a legal agreement that requires the self-builder to occupy the property for the first three years following construction. In addition, the economic expenditure both during construction and through additional expenditure by future occupants within the local area which is of benefit to the local economy is a benefit.

The application site is located adjacent to defined limits to development for Swannington which is classified as a "Sustainable Village" under Policy S2. Whilst Swannington itself has a small provision of services and facilities, the development would be a short walk to public transport links which allow access to a wide range of facilities and services to support day-to-day needs. This location is more acceptable when compared to remote locations in the countryside where there would be more adverse environmental and social sustainability impacts. In this case the proposal would not be an 'isolated' dwelling, and it would be close to other dwellings and some services.

Additionally, whilst the proposal would be sited on a Local Wildlife Site as classified under Neighbourhood Planning Policy Env3, this would be adequately mitigated and compensated for through the imposition of conditions to secure measurable net gains across both habitat and hedgerow units, as part of the conditioning of the ecological constraints and opportunities plan in accordance with the requirements of this policy. Given the securing of net gains as part of the development proposals, this would be afforded positive weight.

Therefore, on balance, whilst criteria (a-d) as set out in Paragraph 14 of the NPPF are met in respect of the neighbourhood plan, when the scheme is considered as a whole and a balancing exercise undertaken, it is not considered that the harms identified above, when considered individually or cumulatively, would significantly and demonstrably outweigh the identified benefits. It is therefore recommended that planning permission be granted subject to a Section 106 obligation and subject to the following conditions.