

DECISION DELEGATED TO HEAD OF PLANNING

Application No:	H09-0317-22	Applicant:	Mr & Mrs Mills
Proposal:	Proposed change of use of existing grass paddock to residential amenity and construction of detached garage with games room above		
Location:	2 Sluice Farm Sluice Road Holbeach St Marks		
Terminal Date:	31st May 2022		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
04	Approach to Flood Risk

National Guidance**National Planning Policy Framework 2021**

Section 12 - Achieving well-designed places

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	1	0
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	1	0
RESIDENTS	0	0	0	1

CASE OFFICER ASSESSMENT

PROPOSAL

This is a full application seeking permission for change of use of an existing grass paddock to residential amenity and construction of detached garage with games room above. The proposed building would measure 12.5 metres (width) x 6.6 metres (depth). It would have a cream coloured render over two course brick base, sitting under a concrete interlocking tiled roof with white upvc doors/windows.

SITE DESCRIPTION

The site is located off Sluice Road in Holbeach St Marks. The site is outside any settlement boundary and within the open countryside. It is a parcel of land located to the north of no.2 Sluice Road, separated by a private road. The site is located within flood zone 3. To the north and west of the site are commercial units, to the south are residential properties and to the east are small parcels of land. The piece of land in question is partly enclosed by fencing.

RELEVANT PLANNING HISTORY

No relevant planning history.

REPRESENTATIONS

Holbeach Parish Council

No observations.

South Holland Internal Drainage Board

Requests ground investigation and infiltration testing to be carried out in order to ensure the proposed drainage strategy is suitable. If (following testing) a strategy wholly reliant on infiltration is not viable and a surface water discharge is proposed to a watercourse, then the proposed development will require land drainage consent in line with the Board's byelaws (specifically byelaw 3). Any alterations to a watercourse will require consent from the Board Byelaw 4).

Local Highway and Lead Local Flood Authority

Does not wish to restrict the grant of permission.

SHDC Environmental Protection

No comments or objections.

Resident

One local resident has raised concerns the if the proposed building is converted to independent living accommodation then it may conflict with neighbouring uses therefore the building should be conditioned.

PLANNING CONSIDERATIONS

Principle of development

Policy 1 of the South East Lincolnshire Local Plan, 2019 indicates that new development will be permitted in the countryside 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. Explanatory text indicates that there are certain types of use that need to function in the countryside, such as agriculture and forestry.

The site is outside the settlement boundary and within the open countryside as set out in the South

East Lincolnshire Local Plan (SELLP), 2019. The proposed scheme would extend the residential curtilage of an existing dwelling and no new unit would be created in the open countryside. As such the principle of a development associated with an existing dwelling is considered acceptable.

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 key material considerations are addressed below.

Layout, Design, Size and Scale

Paragraph 130 of National Planning Policy Framework (NPPF), 2021 establishes that planning policies and decisions should ensure that developments are visually attractive as a result of good architecture and sympathetic to local character and history, including the surrounding built environment and landscape setting, among other considerations. Likewise, Policy 2 of the SELLP 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.

The proposed detached garage with games room above would have quite a large footprint, however, given its relatively modest size it would not appear overly prominent. There may be glimpsed views from Sluice Road, however, given the setback (approximately 23 metres) the proposed structure would not appear overly prominent in the street scene. As such there would be very little impact on the street scene. The materials proposed are also considered acceptable given there are examples of various materials in the immediate area.

The proposed curtilage extension is not considered to be significantly out of character or detract from the landscape and setting of the area. As such there are no objections to the change of use of the land to residential.

In summary, the proposals are visually acceptable within the locality and comply with Policy 2 of the SELLP and Section 130 of the NPPF.

Impacts upon Residential Amenity

Paragraph 130 of National Planning Policy Framework (2021) amongst other matters seeks places with a high standard of amenity for existing and future users. Policies 2 and 3 of South East Lincolnshire Local Plan (2019) set out residential amenity and relationship to existing development and land uses as main considerations when making planning decisions.

One local resident has raised concerns that if the proposed building is converted to independent living accommodation then it may conflict with neighbouring uses therefore the building should be conditioned. The concerns are noted and a condition has been appended requiring the proposed building to remain ancillary to no.2 Sluice Road.

The proposed building would sit adjacent to the commercial units to the north and west of the application site. Given this, the limited height of the proposed structure and the relationship with these adjoining sites no unacceptable impact is considered to result.

With regards to the dwellings to the south-east and south-west of the site, these are located a significant distance from the proposed building therefore no overbearing impact or unacceptable overshadowing would result. In addition, there would be no windows in the side elevation overlooking these neighbours therefore there are no overlooking or loss of privacy concerns.

No additional noise disturbance is considered to result as the building would be used in conjunction with the existing residential use at no.2 Sluice Farm and the proposed domestic garage and games room would not create any new activities not already associated with the current dwelling immediate adjacent to the application site.

As such the proposal would accord with Paragraph 130 of National Planning Policy Framework (2021) and Policies 2 and 3 of South East Lincolnshire Local Plan (2019).

Drainage

The site is located within Flood Zone 3 of the Environment Agency's Flood Maps. The Environment Agency's Flood Maps have been created as a tool to raise awareness of flood risk with the public

and partner organisations, such as Local Authorities, Emergency Services and Drainage Authorities. The Maps do not take into account any flood defences. Also, large parts of the South Holland District lie within Flood Zone 3. It is therefore necessary to use the refined flood risk information (Hazard and Depth Maps) within the South Holland Strategic Flood Risk Assessment (2017) as a basis to apply the sequential test.

The Sequential Test is a decision making tool designed to ensure that areas at little or no risk of flooding are developed in preference to areas of higher risk. For development to pass the sequential test it has to be demonstrated that there are no reasonably available alternative sites appropriate for the proposed development located in areas with a lower risk of flooding.

Large parts of the South Holland district that are near the River Nene lie within Flood Zone 3. As such, the opportunities to undertake the development at an alternative site with a lower flood risk are limited. At this location it is not possible to position the development on higher ground within the proposed site.

According to information sought from the South Holland District Council Strategic Flood Risk Assessment, the Environment Agency and Internal Drainage Board, the standard of tidal and fluvial defences appropriate to the proposed site will provide adequate protection against flooding to a 1in200 year standard of protection both now and for the lifetime of the development. Therefore, we feel there is a low risk of flooding due to overtopping and breach at the proposed development site.

Although the site has been classified as being a high flood risk area, the site actually has a relatively low risk of flooding from tidal breaching and fluvial sources due to the location, topography, standards of defence and natural processes occurring along the coastline to the East of the site. The site is not within a functional flood plain of the coast or a main river.

It has been established that if a breach of the sea defences to the East was to occur there would be several hours of warning from the EA by which time the evacuation plan (Appendix B) would have been employed and if necessary the property evacuated. The plan should be displayed within the facility so that all occupants are aware of the correct procedures to follow.

It is proposed that floor levels of the building are raised by 500mm above existing ground level, installation of electrical fittings (including consumer units and meters) set at 1.1m above the existing ground levels, constructing in masonry and consideration of moisture resistant coatings to lower level walls and an effective surface water drainage system including limiting impermeable surfaces and consideration of permeable paving, water retention systems.

The development passes the Sequential Test and Exception Test and is therefore suitable for the proposed location.

Policy 4 of the SELLP relates to flood risk management and states that new development will be permitted if appropriate flood resistance and resilience measures are proposed (criterion c); it incorporates the use of Sustainable Drainage Systems (SuDS) (criterion e); and demonstrates that adequate foul water treatment and disposal already exists or can be provided in time to serve the development (criterion g).

South Holland Internal Drainage Board has advised that the applicant has indicated that they intend to dispose of surface water via infiltration, however the viability of the proposed drainage strategy has not been evidenced. It is recommended that the proposed strategy is supported by ground investigation to determine the infiltration potential of the site and the depth to groundwater. If on-site material were to be considered favourable then we would advise infiltration testing in line with BRE Digest 365 (or equivalent) to be undertaken to determine its efficiency. If (following testing) a strategy wholly reliant on infiltration is not viable and a surface water discharge is proposed to a watercourse, then the proposed development will require land drainage consent in line with the South Holland Internal Drainage Board's byelaws (specifically byelaw 3). The applicant has indicated that foul water would run to a soakaway. If the applicant wishes to discharge treated foul water to a watercourse this proposal will require land drainage consent in line with the Board's byelaws (specifically byelaw 3). If the proposals do involve the alteration of a watercourse, consent would be required under the Land Drainage Act 1991 (and Byelaw 4). An informative has been appended to this effect advising the applicant of the drainage boards bylaws.

Given the above and subject to the suggested mitigation measures within the submitted Flood Risk Assessment the proposal is considered to be in accordance with Policies 2, 3 and 4 of the Local

Plan and Section 14 of the National Planning Policy Framework (2021) with regard to their provisions on flood risk and drainage.

Planning Balance

The proposal will not materially harm the character or appearance of the locality or amenity of nearby residents. The planning balance is therefore considered to be in favour of the proposal.

CONCLUSION

In light of the considerations above, the proposal is considered to be in accordance with Policies 1, 2, 3 and 4 of the South East Lincolnshire Local Plan (2019) and Section 12 of the National Planning Policy Framework (2021).

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.

RECOMMENDATION

The application can be approved under delegated powers.