

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H09-0529-20 **Applicant:** NKW Design Ltd.
Proposal: Erection of 6 Self-build Eco Homes with access from Fen Road
Location: Land Adjacent 65 Fen Road Holbeach Spalding
Terminal Date: 2nd October 2020

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
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
17	Providing a Mix of Housing
19	Rural Exception Sites
20	Accommodation for Gypsies, Travellers and Travelling Showpeople
22	Replacement Dwellings in the Countryside
23	The Reuse of Buildings in the Countryside for Residential Use
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2019

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
 Section 15 - Conserving and enhancing the natural environment

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	1
WARD MEMBER	0	0	0	1
PLANNING LIAISON OFFICER - FLOOD RISK ASSESSMENT	0	0	0	1

HIGHWAYS & SUDS SUPPORT	0	0	0	1
IAN MARSHMAN - HISTORIC ENVIRONMENT OFFICER	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	0	1
OTHER STATUTORY BODIES	0	0	0	1
RESIDENTS	2	0	0	1

CASE OFFICER ASSESSMENT

Proposal

Outline planning permission is sought for the erection of 6 Self-build eco homes with access from Fen Road. All matters are reserved for subsequent approval. The application is accompanied by an illustrative site layout indicating how the site could be developed.

The application is accompanied by a Design and Access Statement and Flood Risk Assessment.

Site Description

The site measures approximately 100 by 80 meters (0.81 ha) and is approximately rectangular in shape with a chamfered corner in the north- east where it adjoins the built-up area of Holbeach.

Residential development is located immediately to the north on the opposite side of Fen Road and also to the north east.

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

History

None.

Consultation Responses

Holbeach Parish Council - Tend to agree with the ward member and the concerns of the police. However this is in an area in danger of flooding.

Cllr F Biggadike - Consider it to be outside the current South East Lincs Local Plan.

LCC Highways/SUDS - No objections in principle subject to a footway, etc.

South Holland Internal Drainage Board - Comments concerning surface water drainage.

Environment Agency - Proposal comes under cell F8 of the local flood risk standing advice.

Housing Strategy - As of the 30th July 2020 there are 63 entries on the South Holland District Council Custom and Self-build Register. 61 of these are for individual plots and 2 for group schemes.

LCC Archaeology - Recent archaeological trial trench evaluation has taken place on the other side of Fen Road. This revealed a focus of early medieval activity to the north, and trenches at this southern end only producing a single undated ditch. Several sherds of Roman pottery have been previously found on the east side of Fen Road around 200m away, but based on the recent evaluation there is nothing to indicate a focus of Roman activity here rather than a casual loss.

Therefore we would recommend that no archaeological input be required in association with this application.

Lincolnshire Police - Recommendations to help reduce the opportunity for crime and increase the safety and sustainability of the development.

Public - Objection received (summarised):

Loss of high quality agricultural land; Out of character/visually damaging; Loss of open spaces; Inadequate infrastructure (eg, roads, lighting, doctors, dentist, public services, schools, buses and trains); Overpopulation; Road system inadequate and prejudice highway safety; Environmental damage; Cause environmental damage; Adverse effect upon rural economy and agricultural businesses due to loss of farm land; Better alternative sites available that have previously been developed; Detrimental to wildlife, including hedgehogs, owls, insects, etc.

Information from applicant (summarised):

The application is made in outline only and as such scale and appearance are reserved matters - it is anticipated that the sites will be sold as individual plots for self-builders to commission their own bespoke designs - the plots have adequate space to allow innovative design and energy capture.

Self-build - The Self-build and Custom Housebuilding Act 2015 provides an obligation for local planning authorities to make proposer provision of individuals or associations to build (or complete

homes) that they will later occupy. The Government has identified this as a small but significant part of the housing mix and a method of helping to meet overall housing demand- not only in terms of absolute numbers, but also in terms of choice in relation to location and build method. This is now enshrined in para 66 of the NPPF 2019.

Eco Homes - this is a much used and misunderstood term. In this context the developer intends it to mean homes built to the highest environmental standards in terms of embodied energy in construction, use of sustainable materials, levels of thermal insulation, use of water recycling and on-site energy generation from solar or other sustainable power sources. Overall this reduces energy in construction and energy and resource use when occupied- and is sustainable development.

Sustainable development comes in many forms and the provision of a site explicitly for sustainable self-build plots is one example of this. It remains the applicant's case that the proposal can be approved as an exception to the development plan having regard to the council's failure to deliver sufficient homes for self-build within the structure of the development plan.

It is the applicant's belief that there is a significant and unmet demand for self-build homes in South Holland and the development of sites such as this are necessary to meet this need.

Planning Considerations

The key considerations in this instance are:

- Principle
- Residential amenity
- Highway safety, access and parking
- Other material considerations such as flood risk, drainage and ecology.

Principle

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 63 entries on its Custom and Self-build register, 61 of these being for individual plots and 2 for group schemes.

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 a recent appeal decision (APP/A2525/W/18/3218958), despite giving the statutory requirement relating to self-build and custom-build significant weight, that the appeal site was not a suitable location for that type of housing. This demonstrates the above point in practice.

The remainder of this report will consider whether there are any material considerations that indicate permission should not be granted for the proposed development.

The site is located outside of, although directly adjoins, the settlement boundary of Holbeach as outlined in the South East Lincolnshire Local Plan, 2019 (SELLP). It is therefore in the countryside in planning policy terms.

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.

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).

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."

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 recently adopted development plan 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 (9.1 years as at 31st March 2020).

Paragraph 79 of the National Planning Policy Framework (2019) (NPPF) makes provision for new 'isolated' dwellings in the countryside in limited circumstances. However, given case law on the interpretation of the term 'isolated', it is not considered that Paragraph 79 should apply in this instance. There are residential properties immediately adjacent, therefore the site cannot be described as remote or 'isolated'.

Returning to the requirements of Policy 1 of the SELLP, as previously mentioned, it has not been demonstrated that the development of 6 self-build eco homes are necessary to this location. In terms of the 3 dimensions of sustainable development, the following has been considered:

- An economic role:

The development may support the local economy through employment opportunities associated with construction and future occupants may work locally and support local services.

- A social role:

The proposal would make a contribution, albeit relatively 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). Additionally, as South Holland's second largest settlement, Holbeach has a good range of services and facilities.

- An environmental role:

It is accepted that the site adjoins the existing built-up area of Holbeach. However, this means that the site is effectively in an area of transition between the built-up form of the settlement and the countryside. Agricultural land extends to the south and east, and there are wide views of the open countryside available. Furthermore, existing development on the eastern side of Fen Road on the fringe of the settlement is predominantly frontage. Taking this into account, the introduction of a depth development of 6 dwellings would be at odds with the existing prevailing character of the area and would be to the detriment of the character and appearance of the locality. It would therefore be contrary to Policies 2 and 3 of the SELLP, which give weight to protecting the character and appearance of the area, as well as consideration of the relationship with existing development and land uses. These policies are in general conformity with Sections 12 and 15 of the NPPF.

It is noted that there are currently dwellings under construction to the west which form part of a site that benefits from outline planning permission for up to 900 homes (ref. H09-0521-14), 330 of which have reserved matters approval (ref. H09-0331-17). An application is also still under consideration for 83 dwellings on the opposite side of Fen Road (ref. H09-0276-19). Both areas of land are within Holbeach Settlement Limit as defined in the South East Lincolnshire Local Plan, 2019, and the former is a Housing Commitment. These areas essentially consolidate the settlement between Fen Road and Cranmore Lane. Moreover, the larger scheme will be phased and, as such, the impact in visual terms will take time to fully establish. The current proposal, on the other hand, on the eastern side of Fen Road, constitutes an encroachment into the open countryside, to the detriment of its visual character.

With regard to other environmental aspects, it is intended that the dwellings would be eco-homes, although no detailed information has been submitted on what this might entail other than example photographs in the Design and Access Statement. If permission were to be granted it should be

subject to appropriate conditions and a legal agreement securing suitable design standards for an eco-dwelling.

Given the above, on balance, it is not considered that the application site is a suitable site for residential development of that proposed. Although there would be some benefits in terms of the potential for job creation and assisting housing (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), it is considered that these benefits are outweighed by the harm that would be caused by virtue of the impact its development would have on the character and appearance of the area. It is also clearly evident that in principle the site does not accord with the provisions of the SELLP. Furthermore, the Council is capable of demonstrating a 5-year housing land supply (9.1 years as at 31st March 2020).

The applicant has made reference to a recent permission granted for 6 self-build plots in Crowland (H02-0669-19), however each application must be considered on its own merits and the application site is not considered to be suitable for the development proposed.

Objections have been raised on grounds of Holbeach having inadequate facilities such as doctors, schools, etc. However, the scheme is for less than 10 dwellings so a contribution through a S106 planning obligation does not come into play.

Residential amenity

Although the specific details of design and layout would be dealt with at reserved matters stage, it is considered that an acceptable standard of residential amenity is capable of being provided.

The illustrative layout plan shows a dwelling on plot 4 with its rear elevation facing no 65 Fen Road. However, the boundary is currently de-lineated by a high Leylandii hedge. Moreover, there is sufficient separation distance in any case, including dwellings opposite. It is considered that neighbouring residents would not be materially harmed in terms of overlooking, lack of privacy, overshadowing, overbearing effect, noise and disturbance, etc. Although there would be some impact during the construction stage it would be temporary.

The proposal therefore complies with Policy 3 of the Local Plan in this regard.

Highway safety, access and parking

Concern has been raised regarding a number of highway related matters including, highway safety, traffic generation and the perceived inadequacy of Fen Road and surrounding roads. The Highway Authority have been consulted and have not objected to the proposal in principle, but have advised that there will be a requirement for the roadway serving the development to be designed and constructed to an adoptable standard and also for a frontage footway from the development site to make connection with the existing footway on eastern side of Fen Road. There would also be a requirement to extend the existing 30mph speed limit and therefore a S106 contribution of £2,800 would be required.

The applicant has advised that the existing drain would be culverted to enable construction of the access roadway and footway to the bell mouth. The intention would be to construct the section of roadway (including a turning head) to adoptable standards and would seek to formalise it with a Section 38 Agreement.

Appendix 6 of the SELLP sets out minimum vehicle parking standards for residential developments and requires that at least 2 parking spaces are provided within the curtilage for dwellings with 3 or more bedrooms and that 3 parking spaces are provided within the curtilage for dwellings with 4 or more bedrooms. Given the size of the site, this should be achievable.

Flood risk and drainage

The NPPF requires the application of the Sequential Test to steer new development to areas with the lowest risk of flooding. If it is not possible for development to be located in zones with a lower risk of flooding (taking into account wider sustainable development objectives), the Exceptions Test can be applied if appropriate.

The South East Lincolnshire Strategic Flood Risk Assessment (March 2017) provides the basis for

applying the Sequential Test. This concludes that the vast majority of South Holland District is in Flood Zones 2 and 3. Therefore, consistent with wider sustainability objectives, it is not realistically possible to direct all development to zones with a lower risk of flooding. As such, the document outlines a methodology whereby the SFRA hazard and depth maps (in that order) are to be utilised when determining flood risk and applying the sequential test. Using this methodology it is possible to use the information to steer development towards the areas of lower flood risks as advised within paragraph 158 of the NPPF.

The site is located within Environment Agency Flood Zone 3 and the South East Lincolnshire Strategic Flood Risk Assessment (March 2017) identifies the site as low flood hazard. On balance, the proposal satisfactorily complies with the sequential test, therefore. In terms of the exceptions test, appropriate mitigation measures could be implemented (as set out in the submitted Flood Risk Assessment).

With regard to drainage, it is understood that foul water would be disposed of to a mains sewer. Full details of foul drainage could be secured by condition if permission were to be granted.

Surface water would be discharged to a riparian watercourse and then to the South Holland Internal Drainage Board's system. The applicant would require the appropriate consents from the latter to do this. As with foul drainage, full details of surface water drainage can be secured by condition if permission were to be granted.

Taking the above into account, there is not considered to be any conflict with Policies 2, 3 and 4 of the Local Plan at this stage. These policies require proposals, amongst other things, to provide appropriate means of drainage and flood defence.

Ecology

The site is predominantly productive agricultural. It is therefore unlikely that it is of ecological value and that protected species are present.

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.

Conclusion

Taking the above into account, the proposal is considered to be contrary to Policies 1, 2 and 3 of the South East Lincolnshire Local Plan (2019) as well as Paragraph 8 and Sections 12 and 15 of the National Planning Policy Framework (2019).

The recommendation is therefore to refuse the application.