DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H09-0551-20**	**Applicant:**	**NKW Design Ltd**
Proposal:	Erection of 6 Self Build Eco Homes with access from Cranmore Lane		
Location:	Land To South Of 36 Cranmore Lane Holbeach Spalding		
Terminal Date:	4th September 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	0
WARD MEMBER	0	0	0	1
HIGHWAYS & SUDS SUPPORT	0	0	0	1

IAN MARSHMAN, HISTORIC ENVIRONMENT OFFICER	0	0	0	1
SHDC INTERNAL	0	0	1	1
OTHER STATUTORY BODIES	0	0	1	0
RESIDENTS	4	0	0	0

CASE OFFICER ASSESSMENT

Proposal

This is an outline application (with all matters reserved) for the erection of 6 Self Build Eco Homes with access from Cranmore Lane on land to the south of 36 Cranmore Lane, Holbeach.

An indicative site layout plan has been submitted with the application to demonstrate how 6 properties could be accommodated within the site. This shows a private road off Cranmore Lane with 3 properties facing towards that road and being accessed off two short drives, with the remaining 3 properties being sited to the rear, directly off the main access road.

Site Description

A greenfield site, 0.48ha in size, which forms part of a wider agricultural field on the southern edge of Holbeach. There are further agricultural fields to the east, south and west. However, the site is adjacent the existing built-up area of Holbeach and there are frontage residential properties to the north on either side of Cranmore Lane.

A single track lane with no footway fronts the site. There is a short stretch of drain at the north of the site along the road frontage which becomes culverted at the first property on that side.

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

Cllr Biggadike - Consider this application to be protruding into open countryside. S.H.D.C. rehoused six travellers families from the southern end of Cranmore Lane about four years ago for reasons alike to this application. Await Highways comments relating to increased traffic movements in Cranmore Lane regarding this application.

SHDC Strategic Housing - 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.

SHDC Environmental Protection - No comments or objections.

LCC Historic Environment Officer - No archaeological impact.

LCC Highways/SUDS - No objection in principle, but have advised that there will be a requirement to provide improvements to the highway by means of widening Cranmore Lane to a minimum of 5 metres between the site access and the existing carriageway on Cranmore Lane where it is currently 5 metres, including a frontage footway from the development site to make connection with the existing footway. Requested that the applicant submits details of how safe and suitable vehicle and pedestrian access to the proposed development is the be provided.

Public (4 objections, summarised) -
- Invading open countryside
- Land not in development boundary
- Foul drainage issues
- Travellers site moved from Cranmore Lane because of location in countryside
- Concern re adequacy of Cranmore Lane and surrounding roads and highway safety

Planning Considerations

The key considerations in this instance are:
- Principle
- Highway safety, access and parking
- Flood risk and drainage
- Residential amenity

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 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 re 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 west, as well as on the opposite side of

Cranmore Lane and there are wide views of the open countryside available. Furthermore, existing development on the western side of Cranmore Lane is limited to frontage only. 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 further to the east 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). Furthermore, to the west off Wignals Gate there is a development of 77 dwellings currently under construction. In terms of this development to the west, that site does not extend as far south as the application site. Moreover, the Ashwood Homes scheme to the east will be phased and, as such, the impact in visual terms will take time to fully establish. Until such time as further phases are completed (if indeed they come to fruition), the proposed development on the application site would very much appear as a visual intrusion into the countryside.

With regard to other environmental aspects, it is intended that the dwellings would be eco homes, although no 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.

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 Cranmore Lane 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 to provide improvements to the highway by means of widening Cranmore Lane to a minimum of 5 metres between the site access and the existing carriageway on Cranmore Lane where it is currently 5 metres, including a frontage footway from the development site to make connection with the existing footway.

The applicant has advised that the intention would be to formalise the required highway improvements via a S278 agreement in line with the requested changes. However, it has not been demonstrated at this stage that the requested improvements could be satisfactorily accommodated/provided. In light of the fact that it has already been identified that there is an issue with the principle of residential development of the site, further details have not been requested from the applicant at this stage.

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 not being affected by flood hazard or flood depth. The site is therefore sequentially preferable in flood risk terms.

However, although appropriate mitigation measures could be implemented (as set out in the submitted Flood Risk Assessment), given the assessment in the previous section of this report, it is not considered that the Exceptions Test is capable of being passed as there are not sufficient wider sustainability benefits that would outweigh flood risk.

With regard to drainage, the proposal is to connect the site to an existing Anglian Water foul sewer in Cranmore Lane via a new sewer laid along the road. Full details of foul drainage can be secured by condition if permission were to be granted.

The submitted flood risk assessment identifies the principal feasible option for surface water drainage as discharge to a watercourse. There is a watercourse adjacent to the northern boundary which receives run-off from the site at present, and ultimately discharges to an IDB drain. Infiltration (which is the preferred method in the drainage hierarchy) has been discounted as on option on the basis that the geology of the area is likely to render infiltration impractical. As with foul drainage, full details of surface water drainage can be secured by condition if permission were to be granted, and infiltration testing would be required.

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.

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 immediately to the south of 92 Cranmore Lane (which has south facing windows), however there is scope to provide an alternative house type that would not result in a material adverse impact in terms of overshadowing. Furthermore, the proposed dwellings and layout can be designed so as to minimise overlooking and prevent an overbearing impact and the submitted flood risk assessment recommends that finished floor levels would only need to be raised by 0.23m above existing ground levels.

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

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.