DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H09-1076-21**	**Applicant:**	**Mrs L Kelleher**
Proposal:	Residential development of one new dwelling.		
Location:	Rear Of 16 Washway Road Holbeach Spalding		
Terminal Date:	13th January 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
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
17	Providing a Mix of Housing
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2021

Section 2 - Achieving sustainable development
Section 3 - Plan Making
Section 4 - Decision making
Section 5 - Delivering a sufficient supply of homes
Section 11 - Making effective use of land
Section 12 - Achieving well-designed places
Section 14 - Meeting the challenge of climate change, flooding and coastal change

Representations:

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

SUPPORT				
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	1	0

CASE OFFICER ASSESSMENT

Proposal

The application seeks full planning permission for the erection of a new single storey three bedroom dwelling to the rear of 16 Washway Road. The dwelling would have red brick plinths which would sit above ground level with reclaimed timber cladding above. The windows will also be reclaimed timber and finished in an off white colour. The roof will be finished in concrete interlocking style tiles.

Site Description

The site is located off Washway Road in Holbeach. The site is outside any settlement boundary and within the open countryside. It currently forms part of the residential garden for no.16 Washway Road. The garden is generally flat and the application site measures approximately 87 metres in length, excluding the access. The site is accessed off Washway Road and is bounded by residential dwellings to the south and east and open fields to the west. The site is within the Environment Agency flood zone 3.

Recent Planning History

H09-1157-17 - Proposed cattery and small animal building (resubmission of H09-0551-17) - approved

H09-0551-17 - Proposed cattery and small animal boarding, re-submission of H09-0767-16 (retrospective) - Approved

H09-0767-16 - Change of use of domestic garage to use for small animal boarding and horse rug repair sewing business - Approved

H09-1202-16 - Erection of cattery building and isolation unit in conjunction with boarding cattery (up to 10 cats) - Approved

Consultation Responses

Holbeach Parish Council

No objections.

Environment Agency

This proposal comes under cell E8 of the local flood risk standing advice and does not meet any other criteria on our consultation checklist.

LCC Highways

Does not wish to restrict the grant of permission subject to informatives.

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).

SHDC Environmental Protection

No comments or objections.

Planning Considerations

Principle of Development

The proposed development would be outside the Holbeach settlement boundary limit set within the South East Lincolnshire Local Plan (SELLP), 2019. It is therefore within an area regarded as the open countryside.

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.

Policy 1 of the SELLP sets out the spatial strategy for development within the District for the plan period, and clarifies that in the countryside development will be permitted that is necessary to such a location and/or where it can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community or environmental benefits.

The SELLP clarifies that there are types of development that require a Countryside location either because it is the location of an existing building or use of land. Housing needs may, 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 needs of a settlement (Policy 19: Rural Exceptions Sites). However this proposal is not being justified by reason of these policies and so for the purposes of this report, can be set aside, as the development is proposed to be open market housing, albeit for self-build owner/occupiers in the first instance.

Policy 10 of the SELLP sets out the expectation for housing delivery over the plan period.

Policy 11 of the SELLP sets out a hierarchy of settlements for housing development and the SELLP acknowledges that incremental growth in housing supply will come about through infill and 'speculative' applications both within the settlements identified in Policy 11 and also within the Main Service Centres and Settlements.

In looking at the distribution of housing within the District, the SELLP sets out at 5.3.5 that it is acknowledged that incremental growth in housing supply will also come about through infill and 'speculative' applications both within the settlements identified in Policy 11 and also within the Main Service Centres and Settlements. Policy 1: Spatial Strategy is the main supporting policy through which to assess infill development opportunities (with reference to the relevant Inset Map). 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. Housing need may also be met through Policy 19: Rural Exception Sites, where appropriate.

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. Policy 17 also sets out that the Local Plan will also seeks to meet the housing needs of non travelling Gypsy and Traveller households and also custom and self builders as they may come forward.

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.

Paragraph 80 of the National Planning Policy Framework, 2021 (NPPF) sets out that:

Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:
a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;
b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;
c) the development would re-use redundant or disused buildings and enhance its immediate setting;
d) the development would involve the subdivision of an existing residential dwelling; or
e) the design is of exceptional quality, in that it:
- is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and
- would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.

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

- An economic role:
The development may give limited support to the local economy through employment opportunities associated with some elements of construction and fitting out, and future occupants may work locally and support local services.

- A social role:
The proposal would make a contribution, albeit 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). No explanation has been submitted why the development cannot be accommodated within an existing settlement boundary.

- An environmental role:
The environmental objective identifies the need to protect and enhance our natural, built, and historic environment. It has not been demonstrated that the development is necessary in this location and how it would protect/enhance the existing character of the area.

If permitted, the proposal would also encourage further applications of a similar nature in the open countryside which would then be hard to resist, contrary to the objectives of the Framework to pursue sustainable development and the aim to protect the character of the countryside.

The proposal would introduce a new residential unit in the countryside. It has not been demonstrated how the benefit of such a proposal would outweigh the impact upon the environment. Whilst other material planning considerations could be accepted, the principle of the development would not be considered acceptable given the site is in the open countryside.

Layout, Design, Size and Scale

Policy 2 of the South East Lincolnshire Local Plan (SELLP), 2019 states that sustainable development considerations should be met in relation to such matters as quality of design, size, scale, layout density and impact on the character and appearance of an area and the relationship to existing development. Policy 3 indicates that development proposals should be high quality and be appropriate to the character and appearance of an area.

The above policies are consistent with advice within the National Planning Policy Framework (NPPF), 2021. Paragraph 130 establishes that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area; are visually attractive as a result of good architecture and sympathetic to local character and history, including the surrounding built environment and landscape setting.

Existing residential development along this section of Washway Road is predominantly facing the street. The proposal would go against the current built form and result in backland development which is out of character with the immediate area,

The submitted Design and Access statement refers to similar backland development at no.15 Washway Road. However there does not seem to be a record of any approved dwelling at the rear of this property. There is an outbuilding which appears to be a cattery building used in associated with the existing dwelling at no.15.

The proposal is therefore considered to be contrary to Policies 2 and 3 of the SELLP and paragraph 130 of the NPPF.

Residential Amenity

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

The closest dwelling to the proposed development would be no.15 Washway Road. The proposed bungalow would be sited close to the shared boundary with this neighbour. Some overshadowing would result on the garden of this neighbour, however, this can on balance be accepted given the fact this neighbour benefits from a generous sized rear garden and only a small part of it would be impacted. It is not considered that the development would result in any unacceptable overlooking or loss of privacy given the proposed dwelling would be single storey and the windows would not offer any significant views above the boundary fence.

With regards to the existing dwelling at no.16 Washway Road the proposed bungalow would be located approximately 32 metres from this neighbour's rear elevation. Given the single storey nature of the proposed dwelling no unacceptable overlooking or loss of privacy would result on no.16. Some unacceptable impact would result on the occupants of this property in terms of noise and disturbance from cars using the new driveway.

The proposal is therefore considered to be contrary to Policies 2 and 3 of the SELLP in terms of amenity.

Parking/Highway safety

In conjunction with Policy 36 of SELLP 2019, Appendix 6 sets out the minimum standards for parking provision upon the use class. Two spaces for dwellings with up to 3 bedrooms should be provided within the curtilage. The proposed bungalow would have 3 bedrooms therefore 2no parking spaces would be required for this and it is not clear how many bedrooms the existing dwelling has, however, a maximum of 3no spaces would be required for the existing dwelling.

The driveway to the front of the existing dwelling can accommodate 3no vehicles therefore the maximum parking standards would be met. The proposed dwelling would have 2no parking spaces which also meets the parking requirements for a 3 bedroom dwelling.

In addition, the Local Highways Authority has raised no objections to the proposed access and parking arrangements therefore there are no concerns with regards to parking/highway safety.

The proposal therefore satisfactorily complies with Policies 2, 3 and 36 of the SELLP in this respect.

Flood Risk/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.

The FRA states that the main risk of flooding to the site is if a breach were to occur in a tidal bank. In any area at risk of flooding it is recommended that all new dwellings should be of two story construction with all bedrooms at first floor level. This will provide a refuge for residents if the building becomes flooded after a major breach of the tidal bank and ensure there is no danger to residents when they are asleep. As the proposed development is a single storey building with sleeping accommodation on the ground floor the finished ground floor level should be raised above the predicted flood level in a 1 in 1000 year event in 2115. It is recommended that the finished ground floor level of the proposed single storey dwelling should be raised to a minimum level of 3.75m OD which is between 550mm and 750mm above the ground levels on the site. Flood resilient construction should be included to a height of 300mm above the predicted flood depth.

Occupiers of the property are also advised to register with the Environment Agency's Floodline Warnings Direct Service.

The FRA indicates that subject to mitigation measures such as raised floor levels there would low risk of flooding. 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).

Onsite rainwater will discharge is proposed to a soakaway and foul water is proposed to discharge to a Package Treatment Plant. South Holland Internal Drainage Board has requested 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).

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

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 proposed dwelling would effectively be located within the countryside as the site is outside any defined settlement boundary therefore it is not acceptable in principle as it does not comply with the requirements set in Policy 1 of the SELLP.

The proposal would result in an inappropriate form of backland development that would be out of character with the area. Further it is considered the proposed development would materially harm the amenity of the occupants of the existing dwelling on the site in terms of noise and disturbance from vehicles using the private drive.

On balance, any adverse impacts of granting permission to the proposals would significantly and demonstrably outweigh the benefits, when assessed against the planning policies taken as a whole.

Conclusion

Taking into account the considerations above, the proposed development fails to comply with Policies 1, 2, 3, 4, 10, 11, 17 and 36 of the South East Lincolnshire Local Plan (SELLP), 2019 and Sections 2, 3, 4, 5, 11, 12 and 14 of the National Planning Policy Framework (NPFF), 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

That the application be refused under delegated powers.