DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H09-1251-21**	**Applicant:**	**Mr & Mrs Udensi**
Proposal:	Proposed Self Contained Annexe		
Location:	Middle Marsh Farmhouse Middle Marsh Road Holbeach St Marks		
Terminal Date:	18th February 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
30	Pollution
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2021

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
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	0	1

CASE OFFICER ASSESSMENT

PROPOSAL

This is a full application seeking permission for a detached self-contained annex to be used by family members. The building would comprise one bedroom with an en-suite bathroom, a living room, utility, w/c and a kitchen/dining room.

The plans have been amended to show amended footpath arrangements and additional fencing towards the east.

SITE DESCRIPTION

The site currently contains a large detached dwelling located on Middle Marsh Road in Holbeach St Marks. There are run down outbuildings to the east of the existing dwelling on the site. The site is outside any settlement boundary and within the open countryside. The site s well enclosed by high level boundary trees. There are two access points to the site form Middle Marsh Road. A long gravelled driveway provides off-street parking for several vehicles.

RELEVANT PLANNING HISTORY

No relevant planning history.

REPRESENTATIONS

Holbeach Parish Council

No objections.

South Holland Internal Drainage Board

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). If the applicant wishes to discharge 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).

environmental Protection

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported immediately to Environmental Health.

Local Highway and Lead Local Flood Authority

Does not wish to restrict the grant of permission.

PLANNING CONSIDERATIONS

Principle of development

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.

The site is outside the Holbeach St Marks settlement boundary as defined in the South East Lincolnshire Local Plan, 2019. Therefore, the site is located within the countryside. Policy 1 of the Local Plan states 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".

In this case, the proposal is for a self-contained annexe to the existing dwelling (Middle Marsh Farmhouse). It would be occupied by a family members. It is closely related to the main dwelling and is relatively small, being restricted to one bedroom. Given the ancillary nature of the development, the proposal cannot readily be located elsewhere. Therefore, the principle of development for the proposal is acceptable unless material considerations indicate otherwise, according to section 70(2) of the Town and Country Planning Act 1990. This is subject to a condition restricting occupation to family members only.

The proposal is in general accordance with Policy 1 of the South East Lincolnshire Local Plan, 2019.

Layout, Design, Size and Scale

Paragraph 130 of National Planning Policy Framework (NPPF), 2021 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. Policies 2 and 3 of SELLP 2019 amongst other matters seek to ensure that development respects the character and appearance of the area and the relationship to existing development and l and uses.

The proposed annex was not initially considered to relate well to the existing house given the separation distance, however the visual and physical connection between the house and the proposed annex is in reality much closer and does not seem completely detached from the existing dwelling on the site. Many of the amenities would be shared with the main house, including, access and parking arrangements, amenity space, electricity and water supply, oil tank and refuse storage.

There would not be any prominent views of the proposed detached building from the main public realm given the siting of the proposed building. There may be glimpsed views from the east of the site. However, given its single storey nature and sympathetic use of materials the building would not appear overly prominent. The existing outbuildings are in poor state and are considered to be an eyesore, detracting from the overall appearance of the application site and the wider area. The works are therefore considered to be an enhancement of the site and the overall area.

It is accepted that the building has a large footprint, however, it would still be subservient to the main dwelling and take on the appearance of a domestic outbuilding. It is considered that it would not materially harm the character or appearance of the locality. Overall, the size and external appearance of the proposal would not be at odds with the existing dwelling on the site or the immediate area.

In summary, the proposals are visually acceptable within the locality and comply with Policies 2 and 3 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.

There are no immediate neighbours adjacent to the proposed annex building therefore there are no neighbouring amenity concerns.

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).

Parking

It is unknown the current number of bedrooms within the existing dwelling. Appendix 6 of SELLP 2019 sets out the highest number of car spaces is 3 for dwellings with 4 or more bedrooms. The existing driveway provides ample parking and is able to accommodate at least 3no vehicles. As such the site exceeds the current parking standards.

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 proposed development is in Flood Zone 3. The development is protected by defences during the 1% annual probability (1 in 100 chance each year) fluvial event and 0.5% annual probability (1 in 200 chance each year) tidal event including an allowance for climate change. During a breach, the flood depths at the site could be up to 0.5m.

The site is located within an Internal Drainage Board catchment with a minimum standard of drainage of 2% annual probability (1 in 50 chance each year) which accords with DEFRA guidelines for rural development. The risk of flooding is lowered further due to the South Holland IDB high priority watercourses incorporating a significant freeboard. This provides storage during events greater than 2% annual probability (1 in 50 chance each year).

To mitigate the risk of a breach in the tidal defences it is recommended that the finished floor level is 0.5m above surrounding ground levels and there is 0.3m of flood resilient construction above finished floor level.

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).

With regard to drainage, surface water is proposed to be run off to a soakaway and foul water to a package treatment plant. In order to ascertain the suitability of ground conditions for soakaways 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). The applicant has proposed the installation of a package treatment plant, which will dispose of treated foul water via soakaway. The above recommendations for soakaway testing apply, and if soakaways are unfeasible and the applicant wishes to discharge foul water to a watercourse this proposal will require land drainage consent in line with the Board's byelaws (specifically byelaw 3). The applicant should confirm if there are any riparian owned/maintained watercourses within or adjacent to the site boundary. 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 attached advising the applicant of this.

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.

Other matters

The Councils Environmental Protection Officer has not raised any objections to the proposal but has recommended that in the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported immediately to

Environmental Health. A condition has been appended to this effect.

Planning Balance

The principle of an annex is acceptable in this location given its ancillary nature and the fact it would be sited within the existing residential curtilage of Middle Marsh Farmhouse.

The proposal will not materially harm the character or appearance of the locality, the amenity of nearby residents or result in drainage or highway/parking issues. 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, 4, 30, 36 and Appendix 6 of the South East Lincolnshire Local Plan (2019) and Sections 12 and 14 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.