DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H11-1113-19**	**Applicant:**	**Mr & Mrs Smith**
Proposal:	Proposed dwelling		
Location:	Land At Seagate Road Long Sutton Spalding		
Terminal Date:	20th April 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
28	The Natural Environment
29	The Historic Environment
30	Pollution
31	Climate Change and Renewable and Low Carbon Energy
32	Community, Health and Well-being
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2019

Sections 2, 3, 4, 5, 8, 9, 11, 12, 14, 15 and 16

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	1	0	0	0
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SHDC INTERNAL	0	0	0	2

OTHER STATUTORY BODIES	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

Full planning permission is sought for a new "zero carbon" dwelling under paragraph 79 of the National Planning Policy Framework, 2019. It would be constructed in a combination of buff brickwork, burnt timber cladding and Zinc or Zinc effect cladding. The architectural concepts behind the design are outlined within the Design and Access Statement and summarised later in the report (see information from applicant).

Site Description

The site (total area approximately 1.87 ha) is located on the western side of Seagate Road and is currently grassed.

A converted barn is situated to the north (Willow Barn) and industrial premises (Stratech UK Ltd) to the south. Grounds associated with Seagate Hall (grade II listed) are situated to the east.

Recent History

H11-0537-02 - Bus depot extension and erection of new workshop - Granted.

H11-1035-04 - Proposed car parking area - Granted.

H11-1493-07 - Erection of building for inspection and valeting area - Refused.

H11-0649-11 - Change of use to haulage yard - Refused.

H11-0543-13 - Proposed cattle shed and implement store - Refused. Allowed on appeal.

Consultation Responses

Long Sutton Parish Council - Object. The proposed site is outside of the development boundary. A precedent has been set by SHDC by the refusal of a development in the same area of Sutton Crosses.

LCC Highways/SUDS - Request improvements to the access.

SHDC Planning Policy - Objections. Fails to accord with Policy 1 of the South East Lincolnshire Local Plan, 2019 and paragraph 79 of the NPPF should not be engaged because the site is not remote.

SHDC Environmental Protection - Recommend contamination condition.

Applicant's agent (summarised):

This application seeks planning permission for a Paragraph 79 House.

The clients are local to Long Sutton and have set out to create a family home for themselves and their 5 young grand children with whom reside with them permanently.

The aim is to provide a Zero Carbon, low impact house. We have created a landmark building that utilises and enhances a disused site. Materially, it draws precedent from the local historic and recent traditional local buildings and it aims to encompass the requirements of a modern family life.

This building has been designed to be visible and enjoyed by the surrounding pocket community.

The proposals take a holistic approach to the site and aim to create a building that is highly sustainable, enhances its settings and provides a unique experience to those that not only live in it, but those who view it. Creating a landmark building that utilises a disused site, to recreate the beautiful, natural setting rich in wildlife that is visible and enjoyed by the surrounding pocket community.

The house is rich in inspiration; experimenting with materials, shapes and sustainability and using materials in ways that are unique and challenging. The site and context itself demands how these components are used. Wrap around timber is used, allowing the building at ground floor level to sit harmoniously within the context. Metal cladding is used in a unique way which takes inspiration from the famous historic local church. Using this metal at first floor creates not only bold elements that act as a landmark, but also imitates the way in which they have been traditionally used.

Planning Considerations

The main issues in this case are:
· Whether the appeal site would be suitable for a dwelling, having regard to policies for the location of new housing, accessibility to services and facilities, and the character and appearance of the area;
· Other material considerations such as amenity, highway safety, flood risk and contamination.

Housing Policy/Sustainability

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 site is outside a settlement boundary as defined in the South East Lincolnshire Local Plan (SELLP), March 2019. It is therefore within an area regarded as countryside.

SELLP Policy 1 directs developments within settlement boundaries. It defines Long Sutton as a "Main Service Centre". Development within the settlement boundary will be permitted that supports its role as a service centre for the settlement itself, helps sustain existing facilities or helps meet the service needs of other local communities. Policy 1 indicates that development in the countryside will be permitted that is necessary to such a location.

Addressing the above, it has not been demonstrated that a dwelling is necessary in this particular location, for example, in conjunction with a rural business. Although the site is the applicants own the land this is not considered to be sufficient justification.

Policy 1 also indicates that development will be permitted in the countryside where it can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community or environmental benefits. These matters are addressed below.

An Economic Role - Future occupants may work locally, support local services and therefore make a contribution to the local economy. There may also be employment opportunities associated with the construction, albeit in the short term. Overall, however, it is considered that there are no significant long term economic benefits resulting from the construction of a dwelling in this location.

A Social/Community Role - The proposal would not make a significant contribution towards the supply of housing in the district required to meet the needs of present and future generations. Moreover, whilst the site is not isolated, it is physically divorced from the settlement of Long Sutton by virtue of being on the wrong side of the busy A17, which is the major arterial route through South Lincolnshire. It is not readily accessible to existing local services and facilities other than by a motor vehicle. In locational terms therefore, it is not considered to be appropriate for housing.

An Environmental Role - The Design and Access Statement indicates that the proposal would be a "zero carbon low impact" house and that it would utilise a multitude of several energy systems on a zero carbon/low impact basis. However, supporting the continued growth of this form of development in a relatively unsustainable location is not considered to be environmentally sound. The proposal would generate the need for additional traffic movements to access local facilities, contrary to the requirements of the environmental role of planning (para 103). It would also be

contrary to core planning principles within paragraph 17 of the Framework.

Whilst it is noted that the applicants currently only have a single vehicle there may well be a change of circumstance in the future given the size of the dwelling and any change of situation and/or ownership.

Also, the site is located within the countryside and is currently grassed and undeveloped. It has a distinctly rural feel which contributes to the character of the countryside. The proposal would introduce a substantial amount of build mass to the site, thereby eroding the sense of openness. The proposal, if permitted, would consolidate existing development and would also domesticate and materially change the present rural character of the site.

Moreover, the proposal is of contemporary design. Its design would be at odds with existing more traditional development within the locality, including Seagate Hall, which is a Grade II listed building, formerly the vicarage of Long Sutton, built in the late 18th century. Consequently, the proposal is not sensitive to the characteristics of the local area and would be significantly harmful to the prevailing rural character of the countryside and the setting of Seagate Hall.

The proposal is not therefore in accordance with Policies 1, 2, 3 and 29 of the South East Lincolnshire Local Plan, 2019. These policies are in accordance with advice within the Framework. Paragraph 58 indicates that new development should respond to local character, whilst paragraphs 131 and 170 seek to protect the intrinsic character of the countryside. Paragraph 103 indicates that development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offer a genuine choice of transport modes. Paragraph 194 indicates that any harm to the significance of a heritage asset should require clear and convincing justification.

Paragraph 79 of the Framework states that planning policies and decisions should avoid the development of isolated homes in the countryside unless specific circumstances apply. They include the design being of exceptional quality, in that it is truly outstanding or innovative, reflecting the highest standards in architecture. It should help raise standards of design more generally in rural areas; and should significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.

Firstly, it needs to be assessed whether the proposal falls within paragraph 79. It cannot be applied if the dwelling is not isolated. The word isolated is not defined in the Framework. However, in Braintree District Council v SSCLG & Ors (2017) the judge found that "isolated" should be given its ordinary meaning of "far away from other places, buildings or people; remote". The Appeal Court Judge held that isolated "simply connotes a dwelling that is physically separate or remote from a settlement". He goes on to stress that this is "a matter of fact and planning judgment for the decision-maker" in the particular circumstances of the case in hand.

Therefore to qualify for consideration under this paragraph, the proposal must be an isolated home in the countryside. It is considered that this site, whilst within the countryside, is not significantly 'remote', in order to engage this paragraph. There are existing residential properties nearby. The proposed dwelling would be surrounded by neighbouring properties which could be considered to be a hamlet. By virtue of the proposed location this is not an isolated location. It is also close to the busy A17. Consequently, Paragraph 79 is not engaged.

It should be noted that in a recent appeal decision (APP/03305/W/18/3200788) the Inspector noted that, "the appellant accepted that due to the presence of a number of dwellings in the immediate vicinity of the proposed dwelling that might constitute a hamlet, it would be difficult to present a credible argument such that the proposed dwelling could be identified as 'isolated' for the purposes of paragraph 79 of the Framework."

On this basis the, Inspector considered that the proposal could not benefit from the allowances in Paragraph 79 of the NPPF. This is a very similar situation. Given the proximity of other dwellings, this proposal should not be considered as isolated and the provisions of Para 79 of the NPPF should not therefore be applied.

Reference has been made to a recently approved dwelling at Pear Tree Farm (ref. H11-0245-18). It differs from the current proposal because that particular site was considered to be isolated. Moreover, the dwelling would replace existing utilitarian buildings and would enhance the locality. Each case should be assessed on its own merits.

Notwithstanding the above, if Para 79 were to be engaged, the Authority would need to be satisfied that the design is of exceptional quality, in that it is truly outstanding and innovative, and would significantly enhance its immediate setting.

In terms of the above, the applicants' agent has indicated that "the design is intentionally bold and simplistic, unlike any in the area. It encompasses underutilised, traditional materials that have been used historically, those from famous local churches and monuments, it then uses these in an uninterrupted elegant way. The proposal also adopts structural elements not seen in rural Lincolnshire. It is the simplistic detailing that makes this building special; uninterrupted facades, bold cantilevers throughout, frameless glazing and historic references. Secondly, regarding the energy efficiency of the proposals, it is the combination between such technologies that make the dwelling unique, producing more energy than it uses."

Establishing whether or not a proposal is of truly outstanding or innovative design is invariably a subjective matter. The proposed dwelling is contemporary and is individualistic in terms of architectural design. However, it is debateable whether it meets the relevant requirements in the sense that it is "truly outstanding or innovative". A scheme has to be of exceptional quality and possess features of exceptional design quality. Also, the scheme incorporates basic well tested energy production technology.

The Framework also requires proposals to "significantly enhance" their immediate setting and "be sensitive to the defining characteristics of the local area." This is not considered to be the case for the reasons discussed earlier within the report.

Amenity

Industrial premises are situated to the south and are currently used for the manufacture and maintenance of equipment used in the food industry. However, the main openings are positioned on the southern elevation of the buildings, away from the site the subject of this application.

A converted barn is located to the north. The proposed dwelling is set well back and is not close to neighbouring boundaries. The northernmost gable has an entrance door and utility window at ground floor level and is blank at first floor level. The viewing balcony is located at the rear with outlook principally to the west. It is considered that the amenity of neighbouring residents would not be materially harmed in terms of overlooking, lack of privacy, overbearing effect, overshadowing, noise and disturbance, etc.

The proposal therefore complies with Policies 2 and 3 on amenity grounds.

Highway Safety

Vehicular access is off Seagate Road and ample car parking has been provided, including vehicular turning facilities. The County Highways Authority does not wish to restrict the grant of permission on highway safety grounds.

The proposal therefore complies with Policies 2, 3 and 36 in this respect.

Flood Risk

The site is located within Flood Zone 3 of the Environment Agency's Flood Maps. A sequential test therefore needs to be undertaken. 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 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 East Lincolnshire Strategic Flood Risk Assessment (2017) as a basis to apply the sequential test.

The South East Lincolnshire SFRA indicates that the site is located within an area identified as

"Danger for Some". It is possible for development of this nature to be delivered within areas of the district that are of lower flood risk. The proposal therefore fails to satisfy the sequential test. It is considered that the proposal would not provide wider sustainability benefits to the community that outweigh flood risk. The proposal is therefore contrary to Policies 2 and 4 of the SELLP and advice within paragraphs 158 to 160 of the National Planning Policy Framework, 2019.

Contamination

SHDC Environmental Protection has requested a contaminated land condition due to the previous agricultural use of the site.

Conclusion

The proposal would make a minimal contribution to the supply of housing required to meet the needs of present and future generations within the district and its design would have a "zero carbon" footprint. It may also bring small economic benefits to the area. However, these factors are outweighed by the harm that the proposal would cause in terms of other social and environmental factors such as the site's unsatisfactory relationship to local services and facilities, reliance upon the motor car and the development's effect upon the character and appearance of the countryside and the setting of Seagate Hall.

The site is located within the countryside and is currently grassed and undeveloped. It has a distinctly rural feel which contributes to the character of the countryside. The proposal would introduce a substantial amount of build mass to the site, thereby eroding the sense of openness. The proposal, if permitted, would consolidate existing development and would also domesticate and materially change the present rural character of the site.

Moreover, the proposal is of contemporary design. Its design would be at odds with existing more traditional development within the locality, including Seagate Hall, which is a Grade II listed building, formerly the vicarage of Long Sutton, built in the late 18th century. Consequently, the proposal is not sensitive to the characteristics of the local area and would be significantly harmful to the prevailing rural character of the countryside and the setting of Seagate Hall.

The site is not therefore considered to be a suitable site for housing with particular regards to the principles of sustainable development and the protection of the rural character of the countryside. It is not in accordance with Policies 1, 2, 3 and 29 of the South East Lincolnshire Local Plan, 2019. These policies are in accordance with advice within the National Planning Policy Framework, 2019. Paragraph 58 indicates that new development should respond to local character, whilst paragraphs 131 and 170 seek to protect the intrinsic character of the countryside. Paragraph 103 indicates that development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offer a genuine choice of transport modes. Paragraph 194 indicates that any harm to the significance of a heritage asset should require clear and convincing justification. It is also considered to be contrary to Section B2 of the National Design Guide which require a site's context to be taken into consideration.

Paragraph 79 of the Framework exceptionally makes provision for isolated homes in the countryside where they are of exceptional or innovative design and the proposal would significantly enhance its immediate setting and be sensitive to the defining characteristics of the local area. However, it is not considered applicable in this case because the site is not isolated. Even if Paragraph 79 were to apply, the design of the dwelling is not considered to be truly outstanding or innovative. Moreover, the proposal would harm the character of the immediate area for the reasons previously specified.

Moreover, the South East Lincolnshire SFRA indicates that the site is located within an area identified as "Danger for Some". It is possible for development of this nature to be delivered within areas of the district that are of lower flood risk. The proposal therefore fails to satisfy the sequential test.

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.