DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H16-0368-24**	**Applicant:**	**Mr W Wood**
Proposal:	Erection of annexe building hosted by main dwelling, replacement of existing septic foul water cistern with new private water bio treatment & soakaway discharge unit to serve host dwelling and annexe		
Location:	Woodcroft Fulney Lane South Spalding		
Terminal Date:	5th July 2024		

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
28	The Natural Environment
31	Climate Change and Renewable and Low Carbon Energy
33	Delivering a More Sustainable Transport Network
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2023

Section 9 - Promoting sustainable transport
Section 12 - Achieving well designed and beautiful 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
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
RUBEN LOPEZ, HISTORIC ENVIRONMENT OFFICER	0	0	0	1
SOUTH HOLLAND	0	0	0	1

INTERNAL DRAINAGE BOARD				

CASE OFFICER ASSESSMENT

Description of Proposal

The proposal seeks householder planning permission for the erection of an annexe at Woodcroft, Fulney Lane. The proposed annexe would be detached from the host, standing approximately 13 metres south-west of the existing dwelling.

The annexe would be octagonal in shape, with a balcony attached to the west. The proposed building, excluding the annexe, would have a diameter of 10m, rising to 12.5m when the balcony is included. The annexe would have a height of 9.6 metres. The proposal would be clad in timber, to match the host. It is proposed that plain tiles would be used, rather than the pantiles present on the dwelling, although the colour to match the host. The proposal would feature aluminium windows and doors in contrast to the timber of the host.

Included within the proposal is the proposed replacement of the existing septic tank, to be replacement with new water treatment and soakaway unit to serve both the host and the annexe. The tank would be located towards the north-east.

Site Description

The site is outside of any of the settlement boundaries outlined within the South-East Lincolnshire Local Plan, 2019. As such, the site is considered to be within the countryside from a planning perspective. The property is approximately 475 metres east of Spalding. There is currently a limited number of buildings in the area, although the agricultural character of the area is somewhat juxtaposed with the proximity to the A16.

Woodcroft is a fairly unique property. It is a large bungalow, clad in light timber with clay pantiles. These materials are not present elsewhere in the immediate area.

Relevant History

H16-1244-21 - non-material amendment. Extension & Alterations - approved under H16-1013-21. Amendments to style & colour of windows. Approved 16/12/21.

H16-1013-21 - Full. Extension & Alterations - re-submission of H16-0525-21. Approved 11/11/21.

H16-0525-21 - Full. Extension & Alterations. Refused 05/07/21.

Consultation Responses

The responses received from consultees during the initial consultation exercises, which can be viewed in their entirety through the South Holland website, can be summarised as follows:

South Holland Drainage Board

The Board's Officers have reviewed the documents submitted in support of the above planning application. Officers have noted works which may require Land Drainage Consent from the Board as outlined in the table below and detailed overleaf. Please be aware of the potential for conflict between the planning process and the Board's regulatory regime.

Historic Places Team

Thanks for consulting us on this application, Having reviewed the application documents and the

available updated Historic Environment information for this application, due to the reduced scale of the development, the proposal is unlikely to have an impact on significant archaeological remains. As a result, no archaeological input is necessary for this application.

Highway and Lead Local Flood Authority

The proposal is for erection of annexe building hosted by main dwelling, replacement of existing septic foul water cistern with new private water bio treatment & soakaway discharge unit to serve host dwelling and it does not have an impact on the Public Highway or Surface Water Flood Risk.

Public Representations

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance, no letters of representation have been received.

Key Planning Considerations

Evaluation

Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

The adopted South East Lincolnshire Local Plan 2011-2036, adopted March 2019 (SELLP), is the development plan for the district, and is the basis for decision making in South Holland. The relevant development plan policies are detailed within the report above.

The policies and provisions set out in the National Planning Policy Framework, December 2023 (NPPF) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

Principle of Development

Policy 1 of the SELLP sets out the settlement hierarchy in respect of delivering sustainable development, which meets the social and economic needs of the area whilst protecting and enhancing the environment; in order to provide enough choice of land for housing to satisfy local need, whilst making more sustainable use of land, and to minimise the loss of high-quality agricultural plots by developing in sustainable locations and at appropriate densities.

Policy 1 expresses this sustainable hierarchy of settlements, ranking the settlements deemed to be most sustainable in descending order. The most sustainable locations for development are situated within the 'Sub-Regional Centres', followed by 'Main Service Centres'. Lower down the hierarchy are areas of limited development opportunity including Minor Service Centres, with areas of development constraint comprising 'Other Service Centres and Settlements'. The countryside is at the bottom of the settlement hierarchy and represents the least sustainable location.

The site is outside of any settlement defined within the SELLP, and is therefore, considered to be within the open countryside. The defined residential curtilage of the plot was agreed previously under H16-1013-21, following the refusal for H16-0525-21 on the grounds that the extension was not within the residential curtilage. The site of the proposed annexe was considered, under H16-1013-21 to be within the defined redline boundary of Woodcroft (formally The Bungalow).

The proposal, while significant in scale, is considered to be subservient to the host, and as such, would not be tantamount to the creation of a dwelling in an unsustainable location. The proposal, by virtue of its siting and a lack of facilities, would be dependent upon the host. In any event, a condition should be imposed to tie the proposal to the host, in the event approval is granted.

Therefore, the proposal is considered to be in accordance with Policy 1 of the SELLP. The principle of development on this site is considered acceptable subject to other material considerations being met.

Layout, Design, Scale and Consideration of the Character of the Area

Section 12 of the NPPF, "Achieving well-designed and beautiful places", states that the "creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve" and as such, it is generally accepted that good design plays a key role towards sustainable development.

Paragraph 135, contained within Section 12 of the NPPF, states that new development should function well and add to the overall quality of the area (including beyond the short term) and should be visually attractive as a result of good architecture and appropriate landscaping. This goes on to establish that it is important that new development should be of the highest quality, to enhance and reinforce good design characteristics, and that decisions must have regard towards the impact that the proposed development would have on local character and history, including the surrounding built environment and landscape setting such as topography, street patterns, building lines, boundary treatment and through scale and massing. Developments should create places that are safe, inclusive, and accessible and which promote health and well-being, with a high standard of amenity for existing and future users, among other considerations.

Likewise, Policy 2 of the SELLP outlines sustainable development considerations for proposals; providing a framework for an operational policy to be used in assessing the sustainable development attributes of all development proposals. Furthermore, Policy 3 of the SELLP requires development to comprise good design; identifying issues that should be considered when preparing schemes so that development sits comfortably with, and adds positively to, its historically designated or undesignated townscape or landscape surroundings.

These policies accord with the provisions of the NPPF and require that design which is inappropriate to the local area, or which fails to maximise opportunities for improving the character and quality of an area, will not be acceptable. Proposals for new development would therefore require the aforementioned considerations to be adequately assessed and designed, including the siting, design, and scale to be respectful of surrounding development and ensure that the character of the area is not compromised.

The surrounding area has a lack of built form and is without a clearly defined architectural character. Therefore, the plot's character comes predominantly from the host dwelling. The use of materials and a general aesthetic to match the host property would ensure that the two appear linked. The scale of the proposal, while large, is proportionate to the host. As such, the proposal would appear subservient to the host.

The siting of the annexe further from the road ensures that, despite the greater height of the annexe, the two buildings would be of similar height when viewed from the road. Furthermore, siting of the annexe would ensure a degree of visual subservience and reduce the impact of the development on the street scene.

Taking account of the design, scale, and nature of the development, as detailed above, the proposal is considered to be acceptable. The proposal would not cause an adverse impact to the character or appearance of the area and would therefore be in accordance with Policies 2 and 3 of the SELLP and Section 12 of the NPPF.

Impacts Upon Resident Amenity

Paragraph 135 of the NPPF states that development should create places that are safe, inclusive, and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

Policies 2 and 3 of SELLP sets out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

The proposal is located approximately 50 metres from the nearest neighbouring dwelling. At this distance, no significant overlooking or overshadowing would occur. While the balcony would face other residential properties, the existing boundary treatments would prevent any meaningful overlooking. In any event, the balcony would only be raised 300mm, and at this level would not offer significantly greater views than a person stood in the same position. The potential for noise disturbance arising from a single bedroom annexe is minimal.

As detailed above, the scale and design of the proposal is considered to have no significant or unacceptable impact on the residential amenities of the occupiers of adjacent properties or land

users, when also taking account of the conditions recommended. As such, the proposal is considered to accord with the Section 12 of the NPPF and Policies 2 and 3 of the Local Plan in terms of impact upon residential amenity.

Highway Safety and Parking

Section 9 of the NPPF is titled 'Promoting sustainable transport'. Within this, Paragraph 115 advises that "development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe".

In respect of highway matters, Policy 2 details that proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to access and vehicle generation. Policy 3 details that development proposals will demonstrate how accessibility by a choice of travel modes including the provision of public transport, public rights of way and cycle ways will be secured, where they are relevant to the proposal. Policy 33 further reinforces the need for developments to be accessible via sustainable modes of transport.

Policy 36 of the SELLP, in conjunction with Appendix 6, sets out minimum vehicle parking standards and requires at least two spaces for dwellings of up to three bedrooms and three spaces for dwellings with four or more bedrooms.

As the annexe would take the number of bedrooms on the site to four, three parking spaces would be required. There is ample room on the site to accommodate this parking. The proposal would have no impact upon the safe use of the highway.

The proposal would therefore be acceptable and would not have an unacceptable adverse impact on highway safety in accordance with Policies 2, 3, 33 and 36 of the SELLP, as well as Section 9 of the NPPF.

Flooding Considerations

Section 14 of the NPPF requires development plans to "apply a sequential, risk-based approach to the location of development - taking into account all sources of flood risk and the current and future impacts of climate change - so as to avoid, where possible, flood risk to people and property. They should do this, and manage any residual risk, by: applying the sequential test and then, if necessary, the exception test as set out below".

Paragraph 168 of the NPPF states " aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding". The sequential approach is required in areas known to be at risk now or in the future from any form of flooding, with the flood risk assessment being the tool to demonstrate this.

If, following the application of the Sequential Test, it is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding, the Exceptions Test can be applied if appropriate.

The site lies within Flood Zones 3 of the Environment Agency's Flood Maps. These 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.

The South-East Lincolnshire Strategic Flood Risk Assessment (SFRA) provides an overview of how flood risk has been considered in shaping the proposals of the Local Plan; including the spatial strategy and the assessment of housing and employment sites. Policy 4 of the SELLP is clear in that "Development proposed within an area at risk of flooding (Flood Zones 2 and 3 of the Environment Agency's flood map or at risk during a breach or overtopping scenario as shown on the flood hazard and depths maps in the Strategic Flood Risk Assessment) will be permitted" in instances where specific criteria is met.

It is worth noting that large parts of the district of South Holland lie within Flood Zone 3. It is therefore necessary to use the refined flood risk information (Hazard and Depth maps) within the

SFRA as a basis to apply the sequential test.

Within the SFRA the site is classed as danger for some, with a hazard depth of up to 0.25 metres. The proposed annexe would have a finished flood level of 0.3 metres above ground level. As such, the building would be located above flood depths and would be safe. That being said, the use of additional flood risk mitigation and adaptation methods (such as flood doors and flood resilient construction) is encouraged.

The proposed foul water system would have no significant impact upon site drainage. Likewise, adequate green space has been provided around the annexe in order to accommodate any additional surface water run-off created by the development.

This policy also concerns drainage related issues. The Internal Drainage Board (IDB) have questioned the viability of the proposed infiltration based drainage strategy; however, given the relatively small scale of development and the significant area of grass land surrounding the development site to enable infiltration, it is considered that the works would not have a significant adverse impact upon site drainage. Furthermore, it is possible that a comparable development comprising an incidental outbuilding, albeit of a reduced scale, could occur under permitted development, resulting in an equal or worse impact upon site drainage which would be beyond the control of the IDB or Planning Authority.

Overall, when considering the development on balance, it is considered, given the mitigation measures detailed and recommended by condition, that the proposal accords with Policies 2, 3 and 4 of the SELLP and the intentions of the NPPF with regards to flood risk.

Environmental Sustainability

In respect of the climate emergency, Section 14 of the NPPF states that new development should be planned for in ways that: 'avoid increased vulnerability to the range of impacts arising from climate change' with care taken to manage and adapt where development is brought forward in areas which are vulnerable; and that 'can help to reduce greenhouse gas emissions, such as through its location, orientation and design'.

Section 15 of the NPPF promotes the conservation and enhancement of the natural environment. Paragraphs 180 and 185 ensure sites of biodiversity value are protected through the planning system; while Paragraph 186 states that "if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused".

In line with both aforementioned sections of the NPPF, Policies 28 and 31 of the SELLP ensure the preservation and enhancement of the natural environment and that suitable mitigation and adaptation to the climate crisis is in place.

The proposal has been submitted under a householder application. Therefore, the proposal is exempt from the requirement for a 10% Biodiversity Net Gain.

Taking the above into account it is considered that given the details submitted, and those required by suitably worded condition, the proposal is acceptable with regards to environmental sustainability. The proposal would therefore be in accordance with Policies 28 and 31 of the SELLP and Sections 14 and 15 of the NPPF.

Planning Balance

As detailed above, Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

The proposal represents appropriate development within the defined residential curtilage. The development hereby proposed does not materially harm the character or appearance of the locality, or amenity of nearby residents, and provides adequate parking, whilst conforming with the SELLP and the provisions of the NPPF when viewed as a whole.

Conclusion

Taking these factors into consideration, the proposal is considered to comply with Policies 1, 2, 3, 4, 28, 31, 33, 36 and Appendix 6 of the SELLP, as well as Sections 9, 12, 14 and 15 of the NPPF. There are no significant factors in this case that would outweigh the benefits of the proposal; therefore, the planning balance is in favour of the proposal.

Based on the assessment detailed above, it is recommended that the proposal should be approved under Delegated Authority.

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.