DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H16-0825-21**	**Applicant:**	**Mr G Wright**
Proposal:	Proposed new dwelling for Cattery Manager		
Location:	Stevedon Cattery Stevedon House Swindlers Drove		
Terminal Date:	4th October 2021		

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

Sections 5, 12 and 14 of the National Planning Policy Framework (2021)

5 - Delivering a sufficient supply of homes
12 - Achieving well-designed places
14 - Meeting the challenge of climate change, flooding and coastal change

Representations:

	Object	Support	No Obj.	Comments
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	1	0

CASE OFFICER ASSESSMENT

PROPOSAL

This is a full planning application for a proposed new dwelling for a cattery manager at Stevedon Cattery, Stevedon House, Swindlers Drove, Spalding. The proposal seeks to provide a single storey dwelling in between Stevedon House to the south and 3 Swindlers Drove to the north. The dwelling would contain three bedrooms, a bathroom, an en-suite, utility, cctv room and a combined kitchen, dining and living room area. The eaves height of the dwelling is approx. 2.6 metres, with an apex height of 5.2 metres. Brick and tile is to match that of Stevedon House and would be conditioned as such.

The submitted Design & Access Statement states:

"The construction will take the form of a conventionally constructed brick built 3 bedroom bungalow, suitable for a manager and his family."

"Access to the proposed would be via an existing internal roadway and would benefit from an independent parking area."

"The proposed would be completely independent from the owners property and be sited conveniently for access to the cattery and the management of the business."

"The business requires the manager to be accessible to the cattery 24 hours a day, as whilst the cattery will benefit from continual CCTV monitoring, the wellbeing of the cattery residents is a prerequisite for the position of manager.
The delivery and collection of the cats will not necessarily be at convenient times of the day or week."

The applicant has provided a breakdown of each day, with the tasks undertaken by the applicant and his partner.

"The required operation of this establishment needs 2 if not 3 members of full-time staff that are on site for 24 hours every day, seven days a week, 365 days a year."

SITE DESCRIPTION

The proposal is outside of defined settlements and as such is classed as being located in the open countryside. The surrounding area is characterised as agricultural with sporadic dwellings of varying ages and designs. The proposal seeks to provide a single storey dwelling in between Stevedon House to the south and 3 Swindlers Drove to the north.

The site is in Environment Agency Flood Zone 3, and in a "Danger for Most" hazard area, with a maximum predicted flood depth of 1 metre on the 2115 South Holland Strategic Flood Risk Mapping. Finished floor levels of the bungalow would have to be raised 1 metre above ground level for the property to be considered to be safe from maximum predicted flood depth.

HISTORY

H16-0224-88

Outline - Erection of a single agricultural dwelling house - Approved - 03 May 1988.

H16-1026-89

Outline - Erection of bungalow - Refused - 20 September 1989.

H16-0925-03

Full - Extension/replacement of existing horticultural glasshouse units - Approved - 18 September 2003.

H16-0466-17

Full - Proposed cattery for up to 30 cats and small pets for boarding only - Approved - 25 July 2017.

H16-1081-20

Section 73 Continuation - Proposed cattery for up to 30 cats and small pets for boarding only - approved under H16-0466-17. Modification of Condition 3 to allow up to 60 cats (each existing pen to accommodate 2 cats) - Approved - 12 February 2021.

CONSULTATION RESPONSES

LCC - County Highways & SUDS Officer

No objections.

SHDC - Environmental Protection Officer

No comments or objections.

South Holland Internal Drainage Board

Provides general drainage advice. The Board also states "It is important in this instance to have a clear means of surface water discharge as there are issues with flooding along Mallard road to the west of the site. It is recommended that "suitable means of disposing surface water" should be conditioned on any planning consent issued for this site."

The agent has responded to the consultation reply, stating: "I can confirm that my client has been made aware of the consequences of the letter from SHIDB, and would alter the application to include surface water discharge into a soakaway."

PLANNING CONSIDERATIONS

Assessment against SELLP Policy 1 - Spatial Strategy

This proposal is assessed against SELLP Policy 1 titled - Spatial Strategy. The relevant section in this policy is titled Countryside. This section of the policy states:

"The rest of the Local Plan area outside the defined settlement boundaries of the Sub-Regional Centres, Main Service Centres, Minor Service Centre and Other Service Centres and Settlements is designated as Countryside.
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."

When assessed against the above criteria the following can be observed:

Economically a new dwelling would be considered to have a negligible economic impact for the area, save for providing temporary construction jobs. There is not considered to be material community benefits to be gained from having a new dwelling in this location. Environmentally, the dwelling would have a small environmental benefit by having a worker on site to reduce journeys. However, family members would likely have to travel by private transport to other jobs and sites where goods and services are sold, due to the rural nature of the location.

This application does not accord with SELLP Policy 1.

Assessment against SELLP Policy 2 - Development Management

This proposal is assessed against SELLP Policy 2 titled - Development Management. This policy

states:

"Proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to:
1. size, scale, layout, density and impact on the amenity, trees, character and appearance of the area and the relationship to existing development and land uses;
2. quality of design and orientation;
3. maximising the use of sustainable materials and resources;
4. access and vehicle generation levels;
5. the capacity of existing community services and infrastructure;
6. impact upon neighbouring land uses by reason of noise, odour, disturbance or visual intrusion;
7. sustainable drainage and flood risk;
8. impact or enhancement for areas of natural habitats and historical buildings and heritage assets;
9. impact on the potential loss of sand and gravel mineral resources."

When assessed against the above relevant criteria the following can be observed:

1. The size and layout is considered to be appropriate for the site. However, to sufficiently address maximum flood depth, the bungalow would need to be raised 1 metre above existing ground levels. This would lead to a dwelling that is out of keeping with the character and appearance of the surrounding area.

2. The design and orientation is functional and would be more than adequate to meet the needs of a site manager.

3. Materials would be to match that of the adjacent dwelling Stevedon House. However, given there is not a defined built character to the surrounding area, there is the opportunity to bring forward a more sustainable dwelling, that has not been forthcoming in this application.

4. The proposal would utilise the internal access roadway and does not propose any allocated parking spaces according to the application form. However the design and access statement contradicts this, stating the dwelling "would benefit from an independent parking area." The statement does not state the number of proposed parking spaces. In order to according with Appendix 6 of the SELLP, a three bedroom dwelling must have a minimum of two off road parking spaces.

5. The proposal would not impact existing community services and infrastructure as the dwelling would be outside of defined settlement limits and Low Fulney does not have any services.

6. There is not considered to be a material noise, odour or disturbance impact from the proposal. However, with regard to visual intrusion, there will be a material impact from the overlooking impact to the rear garden of 3 and 5 Swindlers Drove, and the side / rear elevations of Stevedon House as a result of 1 metre high raised finished floor levels unless more appropriate boundary treatments are put in place. This could be conditioned if permission were to be forthcoming.

7. The site is in Environment Agency Flood Zone 3, and in a "Danger for Most" hazard area, with a maximum predicted flood depth of 1 metre on the 2115 South Holland Strategic Flood Risk Mapping. Finished floor levels of the bungalow would have to be raised 1 metre above ground level for the property to be considered to be safe from maximum predicted flood depth. The dwelling cannot rely on any parking provided by Stevedon House that are outside of the proposed red line boundary.

This application does not accord with SELLP Policy 2.

Assessment against SELLP Policy 3 - Design of New Development

This proposal is assessed against SELLP Policy 3 titled - Design of New Development. This policy states:

All development will create distinctive places through the use of high quality and inclusive design and layout and, where appropriate, make innovative use of local traditional styles and materials. 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.
Development proposals will demonstrate how the following issues, where they are relevant to the

proposal, will be secured:
1. creating a sense of place by complementing and enhancing designated and non designated heritage assets; historic street patterns; respecting the density, scale, visual closure, landmarks, views, massing of neighbouring buildings and the surrounding area;
2. distinguishing between private and public space;
3. the landscape character of the location;
4. accessibility by a choice of travel modes including the provision of public transport, public rights of way and cycle ways;
5. the provision of facilities for the storage of refuse/recycling bins, storage and/or parking of bicycles and layout of car parking;
6. the lighting of public places;
7. ensuring public spaces are accessible to all;
8. crime prevention and community safety;
9. the orientation of buildings on the site to enable the best use of decentralised and renewable low-carbon energy technologies for the lifetime of the development;
10. the appropriate treatment of facades to public places, including shop frontages to avoid visual intrusion by advertising, other signage, security shutters, meter boxes and other service and communication infrastructure;
11. residential amenity;
12. the mitigation of flood risk through flood-resistant and flood-resilient design and sustainable drainage systems (SuDS);
13. the use of locally sourced building materials, minimising the use of water and minimising land take, to protect best and most versatile soils;
14. the incorporation of existing hedgerows and trees and the provision of appropriate new landscaping to enhance biodiversity, green infrastructure, flood risk mitigation and urban cooling;
15. the appropriate use or reuse of historic buildings.

When assessed against the above relevant criteria the following can be observed:

1. The size and layout is considered to be appropriate for the site. However, to sufficiently address maximum flood depth, the bungalow would need to be raised 1 metre above existing ground levels. This would lead to a dwelling that is out of keeping with the character and appearance of the surrounding area.

2. Because the dwelling does not have a southern boundary, public and private space is not clearly defined. The adjacent access road serves the cattery business and it is important to designate where and how many parking spaces are provided for the dwelling, that must solely serve the dwelling.

4. The dwelling can realistically solely be accessed by public transport.

5. Whilst not shown on the submitted plans, there is adequate space available within the red line boundary for storage of bins and cycles. The number and location of parking spaces is not included with this application.

11. There is not considered to be a material noise, odour or disturbance impact from the proposal. However, with regard to visual intrusion, there will be a material impact from the overlooking impact to the rear garden of 3 and 5 Swindlers Drove, and the side / rear elevations of Stevedon House as a result of 1 metre high raised finished floor levels unless more appropriate boundary treatments are put in place. This could be conditioned if permission were to be forthcoming.

12. The site is in Environment Agency Flood Zone 3, and in a "Danger for Most" hazard area, with a maximum predicted flood depth of 1 metre on the 2115 South Holland Strategic Flood Risk Mapping. Finished floor levels of the bungalow would have to be raised 1 metre above ground level for the property to be considered to be safe from maximum predicted flood depth. The dwelling cannot rely on any parking provided by Stevedon House that are outside of the proposed red line boundary.

This application does not accord with SELLP Policy 3.

PLANNING BALANCE

This application seeks approval for residential accommodation adjacent to an existing cattery business. The business is located in an area of countryside where the development of new

dwellings is normally restricted. The justification put forward is that the new dwelling is needed in connection with the existing business. However, officers believe that there is no need for a further dwelling on the site, and that existing dwelling caters for this need.

As with many animal care arguments it is considered that monitoring though CCTV can often be used to alleviate the need for direct supervision and given that close-by alternative accommodation is already available (and is currently used) it is not considered that a further essential need has been proven.

There is an existing dwelling within the cattery site which has provided, and could continue to provide, the necessary on-site supervision. The retirement plans of the current proprietor do not provide justification within the policy framework to allow the establishment of a second residential unit within the site.

Although the use of the site as a cattery does not fall within the definition of agriculture, horticulture or any of the other specific uses referred to in NPPF Paragraph 80 it could be argued that it is a 'rural-based enterprise' on the basis that the level of noise and disturbance likely to be generated by the large number of occupants would not be acceptable in a residential area, and the business therefore requires a countryside location. On this basis Policy 1 may allow for a residential dwelling in this location, provided that all of the criteria can be met.

It is accepted that there is an essential need for a person to be present on-site 24 hours a day, as this is a requirement of the License issued to the operator under the Animal Boarding Establishments Act 1963.

There is no allowance within the relevant policies for an existing dwelling that provides the essential on-site accommodation, to be rendered 'unavailable' for this purpose, because the occupier wishes to retire from the business. The reason for this is that if an existing dwelling is separated from the business for which it provides the necessary supervision, i.e. if the planning unit is sub-divided, there becomes a need for a new residential unit to be established to provide the required on-site presence, and this could ultimately lead to considerable new development in countryside locations in the long term, as each person retires from their supervisory role but wishes to remain living in their on-site dwelling.

Other points that have been made by the applicant and his agent, include the fact that it is reasonable to expect that the proprietors will take time off in line with that provided for in employment law. The purpose of this point seems to be to illustrate that the proprietors cannot be expected to provide the necessary on-site presence 24 hours a day, for 365 days of the year, and that there therefore has to be alternative accommodation provided elsewhere on site. It is accepted that it is entirely reasonable for the proprietors to take time off during the year, and that during such times, it will be necessary for alternative arrangements to be made to fulfil a requirement for someone to be on site at all times. However, it is not accepted that this justifies creating a new dwelling, which could be lived in on a permanent basis.

It is acknowledged that increasing employment and supporting local businesses is of fundamental importance. To this end, planning permission has been granted on this site, including improvements and extensions to the facilities over the last few years, and the Local Planning Authority has sought to support the expansion of the existing business as far as possible. However, the need to support local businesses does not override the requirements of other elements of planning policy, and both local and national policy are particularly strict in relation to residential development in the countryside. The application is not considered to accord with Policies 1, 2, 3, 4, 10, 11, 17, 36 and Appendix 6 of the South East Lincolnshire Local Plan, 2019, as well as Sections 5, 12 and 14 of the National Planning Policy Framework, 2021. The recommendation is therefore for a delegated refusal.

CONCLUSION

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.