DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H22-0733-19**	**Applicant:**	**Weston Consolidated Charity**
Proposal:	Residential development (4 plots)		
Location:	Off High Road Weston Spalding		
Terminal Date:	28th February 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
19	Rural Exception Sites
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, and 14

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	1	0	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	2
OTHER STATUTORY BODIES	0	0	0	1
RESIDENTS	6	0	0	1

CASE OFFICER ASSESSMENT

Proposal

Outline planning permission is sought for residential development (4 plots) with all matters reserved for subsequent approval. The applicant has indicated that 2 of the properties would be almshouses and the remaining two market dwellings. Almshouses are essentially charitable housing provided for people in need in a community (see information from applicant for further details).

The submission is a re-application of H09-0190-19, which was for market housing and was refused on housing policy and flood risk grounds.

Site Description

The site (some 0.19ha) is agricultural land on the northern side of High Road, Weston. A row of 4 properties is situated to the north-east and Baytrree Garden Centre to the west. Residential properties are located opposite.

Policies/Constraints

The site adjoins Weston Development Boundary as defined in the South East Lincolnshire Local Plan (adopted March 2019).

Policy 19 (Rural Exception Sites)
Proposals for housing on sites situated outside, but adjoining the defined settlement boundaries identified by Policy 1 will be permitted where the following criteria are met:
1. the scheme would meet an identified local need for affordable housing, Starter Homes or specialist housing that cannot be met within the settlement boundaries;
2. the scale of the development would be in-keeping with the role and function of the settlement; and
3. pre-application engagement with the local community has been undertaken to the satisfaction of the Local Planning Authority.
Where it is demonstrated that a proportion of market housing is necessary to cross-subsidise the specific identified housing need, the housing market proportion will be 50% or less.
The housing need to be met will be secured by legal agreement to ensure that the need can be met in perpetuity and available for members of the immediate community.

The site is within Flood Zone 3 of the Environment Agency's Flood Maps and within an area identified as "Danger for Some" within the South East Lincolnshire Strategic Flood Risk Assessment.

History

H09-0190-19 - Residential development (4 plots) - Refused 2 May 2019.

Consultation Responses

Weston Parish Council - Weston Parish Council support this application as two of the four dwellings

will be almshouses which will provide housing for residents, in need, from the Parish of Weston.

LCC Highways - Does not wish to restrict the grant of permission.

South Holland Internal Drainage Board - We note that the applicant has indicated that they intend to dispose of surface water via infiltration; however, we cannot see that a drainage strategy or plan has been provided for the site. This proposed strategy should be supported by ground investigation to determine the infiltration potential of the site and the depth to groundwater.

Housing Strategy - When considering whether this proposal could be defined as affordable housing the NPPF defines affordable housing as "housing for rent or sale for those whose needs are not met by the market". The applicant states that any prospective occupiers of these almshouses will be residents, not tenants, and they will pay a Weekly Maintenance Contribution rather than rent. This leads me to question whether this proposal meets the NPPF affordable housing definition.

Whether they meet the criteria for specialist housing could be a matter for consideration by the planning team.

On the matter of need the applicant advises that it is difficult to demonstrate the current need for these proposed properties. The applicant has provided no information that I have seen on the pre-application engagement with the local community.

On the matter of cross subsidy, I have not seen any information to demonstrate why two market dwellings are required in addition to the two proposed almshouses.

There is no doubt that there are many benefits to almshouses as they are a route for those in need to access low cost housing. However, there is uncertainty as to whether this proposal satisfies all of the criteria for the Rural Exception Sites policy.

Environmental Protection - No objections

Public - Objections received from nearby residents (summarised):
- Clear breach of planning policy
- No infrastructure to support additional development
- Already sufficient provision for additional housing within the village
- Allotments
- Requesting that given "special" consideration due to their charitable status would potentially open a loophole for future developers
- Set a precedent and encourage further applications of a similar nature
- Only part of the proposal is for almshouses
- Out of character
- Should only be one bedroom almshouses for the elderly
- Devaluation of property

Information from Applicant (summarised):

Weston Consolidated Charity is registered under the Charity Commission for England and Wales (Reg No - 321314) whose stated objectives within its scheme document include the provision of housing accommodation for beneficiaries. The definition of beneficiaries for this purpose is poor persons who are residents in the Parish of Weston.

The Charity currently have two almshouses in Small Drove, Weston, which have long term residents and the Trustees would like to be in a position to provide housing for other persons in need. This is why the Trustees wish to build on their allotment frontage.

Alms Houses are owned and administered by a registered Charity not owned by a company or other profit making enterprise. They are totally different to 'affordable' homes in several respects in that there is no element of shared equity and they are not rented to tenants below or at market rents.

Alms House residents (they are not legally termed tenants) are appointed by the Charity in accordance with the Charity's Scheme details - in Weston Consolidated Charity's case this would be people in need resident in the Parish of Weston

Alms House residents do not pay rent but what is termed a Weekly Maintenance Contribution. This

is to cover routine and cyclical maintenance and is very much below market rent values. Residents sign a Letter of Appointment. If they are below retirement age this may be for a term of 5 years. Unless their income increases considerably, they break the terms of their appointment or they become incapable of living independently, they will continue to be able to reside in the Alms House.

It is difficult to demonstrate the current need for these proposed properties as - until they are built - the Charity cannot invite applicants. By the very nature of the people (and their personal circumstances) who would qualify to be appointed as residents they would be in immediate need of help rather than being able to wait many months for assistance (eg, until a property was built).

The reasoning of the Charity in applying for 2 Alms Houses and 2 market price dwellings is that the income generated for the Charity by the sale of the market price properties would fund the building costs of the two Alms Houses. As the 2 market price dwellings will be bungalows (as will the Alms Houses) the Trustees consider that they will be needed as there is limited availability of bungalows in the area.

Planning Considerations

The main issues in this case are:
· Housing Policy;
· The likely impact upon the amenity of nearby residents;
· Highway safety;
· Other material considerations such as flood risk and drainage.

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 adjoins Weston Settlement Boundary as defined in the South East Lincolnshire Local Plan (SELLP), 2019. For the purposes of the SELLP, the site lies within the countryside.

SELLP Policy 1 indicates that development in the countryside will only 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.

Policy 19 is also applicable in this case. It indicates that proposals for housing on sites situated outside, but adjoining the defined settlement boundaries identified by Policy 1 will be permitted where the following criteria are met:
1. the scheme would meet an identified local need for affordable housing, starter homes or specialist housing that cannot be met within the settlement boundaries;
2. the scale of the development would be in-keeping with the role and function of the settlement; and
3. pre-application engagement with the local community has been undertaken to the satisfaction of the Local Planning Authority.

Where it is demonstrated that a proportion of market housing is necessary to cross-subsidise the specific identified housing need, the housing market proportion will be 50% or less. The housing need to be met will be secured by legal agreement to ensure that the need can be met in perpetuity and available for members of the immediate community.

Assessing the proposal against the sustainability objectives within Policy 1:

Social/Community - The site adjoins Weston settlement boundary within the SELLP. Weston itself is defined as a Minor Service Centre and is close to Spalding. Also, the site is on the main Spalding-Kings Lynn bus route and is accessible to local services and facilities. The proposal would constitute a community benefit in terms of the provision of 2 almshouses, which would provide a route for those in need to access low cost housing. The proposal would result in the loss of one "allotment"; however, it is not used as a subsistence allotment but is instead tenanted to a local farmer.

Economic - 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.

Environmental - Although there would be some environmental harm to the character of the countryside in the sense of consolidating existing development on the fringe of the village it is outweighed on this occasion by the aforementioned social and economic benefits of the scheme. Applying the tilted balance, therefore, the proposal is considered to be sustainable and compliant with Policy 1.

Policy 19 (Rural Exception Sites) is also of relevance because the site adjoins Weston settlement boundary. When considering whether this proposal could be defined as affordable housing the Framework defines affordable housing as "housing for rent or sale for those whose needs are not met by the market". The applicant states that prospective occupiers of the almshouses would be residents, not tenants, and they would pay a Weekly Maintenance Contribution rather than rent. It is therefore questionable whether this proposal meets the affordable housing definition. Nevertheless, it is considered that the proposal falls within the definition of specialist housing. There is no doubt that there are many benefits to almshouses as they are a route for those in need to access low cost housing.

The applicant has indicated that the reasoning of the Charity in applying for 2 Alms Houses and 2 market price dwellings is that the income generated for the Charity by the sale of the market price properties would fund the building costs of the two Alms Houses. The Charity's financial circumstances are such that this course of action would be necessary to make the scheme viable.

In terms of criterion 2, Weston is classified as a Minor Service Centre within the SELLP. The proposal is small scale and is considered to be in keeping with the role and function of the settlement.

The Authority is not aware that pre-application engagement has directly taken place with the local community. However, the scheme has been submitted by Weston Consolidated Charity, which is registered under the Charity Commission for England and Wales (Reg No - 321314). Its stated objectives within its scheme document include the provision of housing accommodation for beneficiaries. The definition of beneficiaries for this purpose is poor persons who are residents in the Parish of Weston. The charity therefore plays an important role within the local community and the scheme has received support from Weston Parish Council on grounds that the almshouses would provide housing for residents in need within the Parish of Weston.

Concluding, therefore, it is considered that Policy 19 criteria have been complied with to a satisfactory degree, subject to the applicant entering into a planning obligation to ensure that the almshouses are provided and the need will be met in perpetuity and available for members of the immediate community.

The above policies are consistent with advice within the National Planning Policy Framework, 2019. Paragraphs 59-61 indicate that it is important that a sufficient amount and variety of land can come forward to meet the needs of groups with specific housing requirements and that this should be reflected in planning policies. Paragraph 77 stresses that in rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs. Local planning authorities should support opportunities to bring forward rural exception sites that will provide affordable housing to meet identified local needs, and consider whether allowing some market housing on these sites would help to facilitate this.

Residential Amenity

The application is in outline for 4 plots, two of which would be almshouses. The site is located off the principal road (High Road) running through the centre of the village. It is considered that the site could be satisfactorily developed without materially harming the amenity of nearby residents in terms of overlooking, lack of privacy, overshadowing, noise and disturbance, etc. Property devaluation is a planning consideration but carries no weight.

The proposal therefore satisfactorily complies with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 in this respect.

Highway Issues

Vehicular access to the plots would be off High Road. Sufficient space would be available within the

site for parking/turning. The County Highways Authority has raised no objections on highway safety grounds.

The proposal is therefore considered to be satisfactory when assessed against Policies 2, 3 and 36 of the South East Lincolnshire Local Plan, 2019.

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 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 South Holland SFRA indicates that part of the site is located within an area identified as "Danger for Some", with the remainder classified as "No Hazard". The proposal is specific and meets a special need. The site is within a less severe category in flood risk terms. There are no reasonably available sites that are appropriate for the proposed development and are of significantly lower risk in terms of flood risk. The exceptions test should therefore be applied. It is a method to demonstrate and help ensure that flood risk to people and property will be managed satisfactorily, while allowing necessary development to go ahead in situations where suitable sites at lower risk of flooding are not available.

In terms of the first part of the exceptions test, it is considered that the proposal would provide wider sustainability benefits to the community that outweigh flood risk. This includes the provision of specialist housing within the district to meet the needs of the population, as required by the National Planning Policy Framework.

In terms of mitigation, the Strategic Flood Risk assessment recommended that finished floor levels be set at 300mm above existing ground level.

The proposal is therefore in accordance with Policies 2 and 4 of the SELLP and advice within Section 14 of the National Planning Policy Framework, 2019.

Drainage - Foul water could be disposed of to a mains sewer and surface water to soakaways. Drainage details can be addressed by means of a condition.

Conclusion

The proposal would provide specialist housing within the district and is sustainable. Although it would cause some harm to the character/appearance of the area and result in the loss of tenanted land to a local farmer these matters are outweighed by the social and community benefits that it would bring. It satisfactorily complies with Policies 1 and 19 of the South East Lincolnshire Local Plan, 2019.

The proposal satisfactorily complies with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 in terms of amenity and highway safety.

In terms of flood risk, the proposal would provide wider sustainability benefits to the community that outweigh flood risk, subject to mitigation measures. The proposal is therefore in accordance with Policies 2 and 4 of the SELLP and advice within Section 14 of the National Planning Policy Framework, 2019.

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.