

BOSTON BOROUGH COUNCIL

Planning Committee - 06 June 2023

Reference No: B/22/0491

Expiry Date: 10-Apr-2023

Extension of Time: 09-Jun-2023

Application Type: Full Planning Permission

Proposal: Proposed two storey dwelling for an essential worker

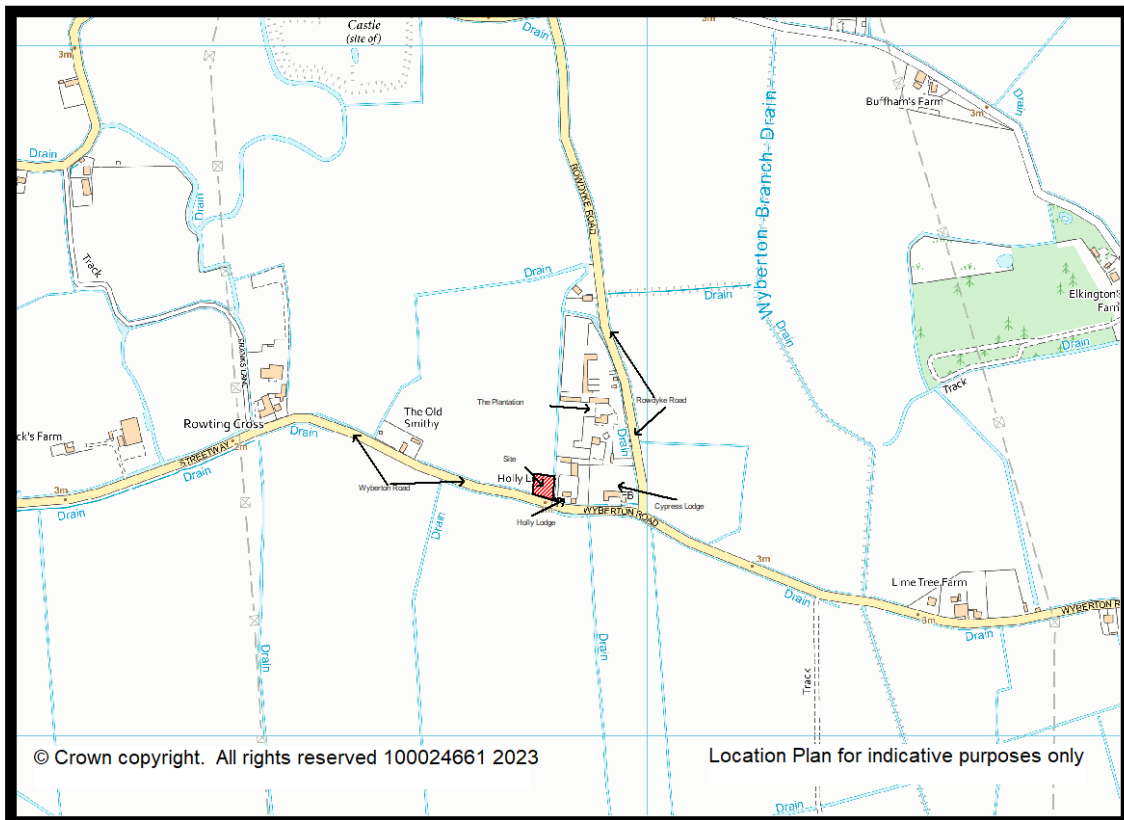
Site: Lincolnshire Firewood & Coal, The Plantation, Rowdyke Road, Wyberton, Boston PE21 7AQ

Applicant: Mr Evan Jenkins, Lincs Firewood Company Ltd
Agent: Dean Morley, Misura Architectural Design

Ward: Wyberton Parish: Wyberton Parish Council

Case Officer: Lauren Birkwood Third Party Reps: 0

Recommendation: Refuse



1.0 Reason for Report

- 1.1 The application has been called in by Councillor Austin on the grounds of environmental sustainability and in support of the expansion of a local business.

2.0 Application Site and Proposal

- 2.1 The proposal is for a two storey dwelling for an essential worker for Lincolnshire Firewood and Coal on Rowdyke Road in Wyberton.
- 2.2 The application site consists of a section of land located on the northern side of Rowdyke Road in Wyberton which is within the countryside. The site is located within the ownership of Lincolnshire Firewood and Coal which consists of various industrial buildings and biomass boilers. The site is located to the west of Holly Lodge. Access would be taken from Rowdyke Road via an existing access which runs down the side of Holly Lodge. The site is located within Flood Zone 3.

3.0 Relevant History

- 3.1 B/16/0440 - Application under s.73(a) to vary Condition 1 on planning approval B/14/0038 to enable Holly Lodge to be occupied by any employee of Lincolnshire Firewood and Coal. Approved 24th February 2017.
- 3.2 B/15/0252 - Application under Section 73 for the removal of condition 4 of B/08/0491 (i.e. agricultural habitation condition). Refused 8th September 2015.
- 3.3 B/14/0038 - Application for the variation of Condition 4 attached to permission B/08/0491 (Four bedroom house with detached garage) to allow for additional occupants of the dwelling. Approved 1st April 2014.
- 3.4 B/08/0491 - Four bedroom house with detached garage. Approved 17th October 2008.

4.0 Relevant Policy

South East Lincolnshire Local Plan 2019

- 4.1 The following policies contained within the South East Lincolnshire Local Plan 2019 (i.e. SELLP) are relevant to this application:

- Policy 1 – Spatial Strategy
- Policy 2 – Development Management
- Policy 3 – Design of New Development
- Policy 4 – Approach to Flood Risk
- Policy 10 - Meeting Assessed Housing Requirements
- Policy 17 - Providing a Mix of Housing
- Policy 28 – The Natural Environment
- Policy 30 – Pollution
- Policy 31 - Climate Change and Renewable and Low Carbon Energy
- Policy 36 - Vehicle and Cycle Parking

National Planning Policy Framework

- 4.2 At the heart of the 2021 Framework is a presumption in favour of sustainable development. The following sections are relevant to this scheme:
- Section 4 - Decision-making

- Section 5 - Delivering a sufficient supply of homes
- Section 9 - Promoting sustainable transport
- Section 11 - Making effective use of land
- Section 12 - Achieving well-designed places
- Section 14 - Meeting the challenge of climate change, flooding and coastal change
- Section 15 - Conserving and enhancing the natural environment

5.0 Representations

5.1 No representations received.

6.0 Consultations

6.1 Environmental Health Officer – No objections.

6.2 Black Sluice Internal Drainage Board – No objections. Further surface water drainage and foul water drainage details required.

6.3 Lincolnshire County Council – No objections.

6.4 Environment Agency – Objects to the development. The site could experience flood depths of greater than 1.6 metres arising from a breach in the defences during a flood that has a 0.5% chance of occurring in any one year up to 2115. The proposed mitigation, in terms of finished floor level, is inadequate to resist the potential depths of flooding over the lifetime of the development.

6.5 Wyberton Parish Council – No objections.

6.6 Cllr Austin – Supports the proposal on the grounds of environmental sustainability and in support of the expansion of a local business.

7.0 Planning Issues and Discussions

7.1 The key planning issues in the determination of this application are:

- Principle of Development
- Need for Development
- Impact on Character and Appearance of the Area
- Impact on Residential Amenity
- Flood Risk
- Highways and Parking
- Landscaping and Biodiversity

Principle of Development

7.2 The development site falls outside the development boundary of Wyberton Church End and therefore within the open countryside. Firstly, it is important to note that Boston Borough Council's most recent 'Assessment of 5-year housing land supply' (dated 31st March 2022) identifies that 6.0 years' supply of deliverable housing sites is available; and the Housing Delivery Test 2021 Measurement for Boston Borough identifies that the new housing delivered over the previous 3 years amounted to 159% of that required. Thus, in accordance with the provisions of Paragraph 11 of the NPPF, the Local Plan's Policies can be given full weight in considering this proposal.

7.3 Policy 1 of the Local Plan identifies the Borough's countryside as an area "of development restraint", where development will be permitted that it "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”. Essentially, the Policy sets out two separate tests, but requires a proposal to satisfy only one of the tests.

- 7.4 **Test 1** - an assessment is required of whether the proposal is ‘necessary to its location’. The application site is in a countryside location, located approximately 900m from the edge of Wyberton Church End built-up area. The Local Plan provides sufficient opportunities for new residential development on Housing Allocations and via windfall developments within Settlement Boundaries in order to meet the Borough’s housing requirements until 2036. On balance, it is considered that the first test of Policy 1(d) is not passed.
- 7.5 **Test 2** – an assessment is required of whether the proposal meets the sustainable development needs of the area in terms of economic, community or environmental benefits. Looking at these benefits in turn:
- it is accepted that the proposal would make a small contribution to the local economy through the build of the property and through additional residents supporting local facilities/services. However, such benefits could be realised equally well within a town or village;
 - it is accepted that the proposal would provide some community benefits by creating a home for a family for an essential worker. However, such benefits could be realised equally well within a town or village, where the occupants would have better access to services and facilities; and
 - it is accepted that the proposal is intended to incorporate some environmental features (e.g. landscaping). However the Local Plan’s Policies (2, 3, 28, 30, 31 and 36) require the provision of several of benefits (the provision of an electric vehicle recharging point and cycle storage, and measures to provide an overall net gain in biodiversity) as part of any new residential development. Furthermore, ‘additional’ benefits need to be weighed against the negative impacts of the proposal creating a new dwelling in a location where the occupants of the proposed dwelling are likely to be heavily reliant on the private car to access key services and facilities (i.e. an unsustainable location). Rowdyke Road lacks footways or streetlights, and journeys into Wyberton Church End are unlikely to be made on foot or (after dark) by bicycle.
- 7.6 In all, it is considered that any economic, community or environmental benefits that will arise from the proposal will be outweighed by harmful effects that will stem from the site being in an unsustainable location. On this basis, the proposal does not accord with Policy 1 of the South East Lincolnshire Local Plan 2019.

Need for Development

- 7.7 The submitted Design and Access Statement provided states the need for a new dwelling for an essential worker is required as the turnover of the depot and the workforce substantially has expanded. Furthermore, the information confirms *“the shortages of oil and gas and the drive for sustainable fuels has driven demand causing longer working hours and more automation with servicing having to be done in down time. Other local businesses rely on caravan accommodation for their workforce but ours is not transient but highly skilled foresters and mechanics that demand a better quality of accommodation. To attract and keep these we need to provide good quality houses not tin sheds. Most of our workforce have families.”*
- 7.8 Paragraph 80 of the NPPF states that planning decisions should avoid the development of isolated homes in the countryside unless, for instance, there is an essential need for a rural worker, including those taking majority control of a farm business, to live

permanently at or near their place of work in the countryside. The National Planning Policy Guidance states '*Employment on an assembly or food packing line, or the need to accommodate seasonal workers, will generally not be sufficient to justify building isolated rural dwellings.*'

- 7.9 The site benefits from an existing workers dwelling at the site, restricted by planning condition to workers employed by Lincolnshire Firewood. This application seeks a second dwelling.
- 7.10 Although the business is in a rural location, it is considered that this business does not constitute a farm or agricultural business. The dwelling is not for a farm business as there are no livestock or birds on the site and there is only a need for mechanical servicing and longer working hours. There is an existing dwelling that already provides permanent accommodation for an employee.
- 7.11 In addition, there are a range of existing dwellings for sale or rent under 2 miles from the development, including Wyberton Church End, Wyberton village, Heron Park housing development at Wyberton Low Road and The Quadrant housing development at Wallace Way, all within 5 minutes' drive of the site. An initial search on property website Rightmove demonstrates at least 38 dwellings for sale within 1 mile of the site. It is considered that the need for additional workers accommodation within 5 minutes of the site could adequately be provided through the existing available housing and developments and insufficient justification has been provided to demonstrate that a worker would be needed to live permanently at the site, given the nature of the business.
- 7.12 It is considered that a justifiable need for another permanent dwelling at the site has not been demonstrated and the proposal does not accord with the requirements of Policy 1 of the Local Plan or the NPPF, and this development may affect the overall resource of the countryside.

Impact on Character and Appearance of the Area

- 7.13 Policy 2 of the Local Plan states that proposals requiring planning permission will be permitted provided that sustainable development considerations are met. These include size, scale, layout, density and impact on the amenity, trees, character and appearance of the area as well as the quality of its design and orientation. Policy 3 states that all development must create a sense of place by respecting the density, scale, visual closure, landmarks, views, massing of neighbouring buildings and the surrounding area.
- 7.14 The application site is located adjacent to a small, loose group of dwellings in the countryside, and it is considered that the introduction of a new dwelling will not appear totally alien. There are three existing dwellings within the vicinity that do not have a unified character. Although two are similar, ultimately the dwellings vary in size, age, design, and materials, and also show significant variation in their plot sizes.
- 7.15 The dwelling proposed would be two storeys in height and be constructed in brickwork and tiles to the roof. This would be similar in appearance to the dwellings in the vicinity, particularly the dwellings adjacent (Holly Lodge).
- 7.16 However, the dwelling would be situated within the adjacent western field, which has a defined boundary. Therefore, it is considered that the development would encroach into the agricultural field and countryside, which in turn would affect the character and appearance of the area and openness of the countryside.

7.17 On this basis, the development would have a detrimental effect on the character and appearance of the area, and would therefore not accord with Policies 2 and 3 of the South East Lincolnshire Local Plan 2019.

Impact on Residential Amenity

7.18 Policies 2, 3 and 30 of the SELLP seek to ensure that a new development does not significantly impact neighbouring land uses by reason of noise, odour, disturbance or visual intrusion. Paragraph 130 of the NPPF (2021) seeks, amongst other things, to create places that are safe, inclusive and accessible. Furthermore, it advocates the promotion of health and well-being, with a high standard of amenity for existing and future users. Crime and disorder, and the fear of crime, should not undermine the quality of life or community cohesion and resilience.

7.19 The closest neighbouring property is Holly Lodge (to the east). There is an existing vehicular access that would separate the proposed dwelling from the neighbouring property, and therefore issues in terms of overlooking, overshadowing and dominance would not occur.

7.20 To the rear of Holly Lodge lies the Lincolnshire Firewood and Coal business. The property would sit close to the premises, however, the proposal would relate to the business and there would be sufficient distance to ensure issues in terms of noise and disturbance would be minimal. Furthermore, the Council's Environmental Health Officer have no objections to the scheme.

7.21 On this basis, the development accords with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan 2019.

Flood Risk

7.22 Policy 4 of the Local Plan states that a proposed development within an area at risk of flooding (Flood Zones 2 and 3) will be permitted where it can be demonstrated that there are no other sites available at a lower risk of flooding (through passing the sequential test), and appropriate flood mitigation measures have been put in place. Development will also need to demonstrate that surface water from the development can be managed and will not increase the risk of flooding to third parties.

7.23 The site is situated in Flood Zone 3 of the Environment Agency Maps and in a high risk area within the Council's SFRA. Whilst the submitted Flood Risk Assessment sets out mitigation measures intended to make the proposal safe from flooding in accordance with the Exception Test, it is not accompanied by a successful Sequential Test to demonstrate that sites at lesser risk of flooding are unavailable. The Assessment confirms a search radius of approximately 3 miles and that there are few areas in that vicinity which are not with Flood Zone 3. However, it is considered that there are available plots and allocated plots within the development boundaries that are of less of a risk of flooding within a suitable sustainable location.

7.24 The Environment Agency have objected to the proposal stating:

The submitted Flood Risk Assessment does not comply with the requirements for site-specific flood risk assessments, as set out in Policy 4 in the South East Lincolnshire Local Plan and paragraphs 20 to 21 of the Flood Risk and Coastal Change section of the planning practice guidance. The FRA does not therefore adequately assess the flood risks posed by the development.

The site could experience flood depths of greater than 1.6 metres arising from a breach in the defences during a flood that has a 0.5% chance of occurring in any one year up to 2115. The proposed mitigation, in terms of finished floor level, is inadequate to resist the potential depths of flooding over the lifetime of the development.

In line with the South East Lincolnshire standing advice proposals must have a minimum of 2 storeys with no ground floor habitable accommodation and the first floor living accommodation must be above the highest predicted flood depth.

- 7.25 On this basis, and there is no successful Sequential Test presented, and the Flood Risk Assessment is unsatisfactory the development does not accord with Policy 4 of the South East Lincolnshire Local Plan 2019.

Highways and Parking

- 7.26 Policy 2 of the Local Plan identifies vehicular access as a sustainable development consideration. Policy 36 of the Local Plan indicates that all new developments should provide vehicle and cycle parking in accordance with minimum standards set out in Appendix 6.
- 7.27 The development would utilise an existing access from Rowdyke Road which serves an existing dwelling and therefore meets the guidelines set out in Manual for Streets for visibility. The dimensions of the existing access are adequate to enable 2 cars to pass in opposing directions and adequate provision for car parking, in line with Appendix 6 of the Local Plan, and turning space has been provided within the limits of the site to enable vehicles to enter and leave in a forward gear. Therefore, it is considered that this proposal would not result in an unacceptable impact upon highway safety. Lincolnshire County Council have no objections to the scheme.
- 7.28 The proposal therefore accords with Policies 2 and 36 of the South East Lincolnshire Local Plan 2019.

Landscaping and Biodiversity

- 7.29 Policy 3 of the Local Plan requires the incorporation of existing hedgerows and trees into development proposals, and the provision of appropriate new landscaping to enhance biodiversity. Policy 28 requires all development proposals to provide an overall gain in biodiversity. Policy 31 requires all development proposals to incorporate measures which promote and enhance green infrastructure and provide a net gain in biodiversity.
- 7.30 The details provided states that the proposal would not impact on the existing landscaping and the perimeter bushes, shrubs and fences would remain. There are no further details in terms of further landscaping and biodiversity. Therefore, the development does not accord with the Policies set out in the Local Plan 2019. However, if the application was approved, conditions would be recommended to provide a detailed landscaping and biodiversity enhancement scheme.

8.0 Summary and Conclusion

- 8.1 The proposal is for the erection of a two storey dwelling for essential workers at Lincolnshire Firewood and Coal on Rowdyke Road in Wyberton. Although the proposal would be acceptable in terms residential amenity, highways safety and landscaping, it is considered that the proposal does not meet the requirements of Policy 1 of the Local Plan. There is no evidence to demonstrate that the proposal is 'necessary to its location', and although the proposal will undoubtedly will provide some economic, community and environmental benefits, these benefits will be outweighed by the adverse impacts that

will stem from the site's unsustainable location. Consequently it is considered that the proposal conflicts with the Local Plan's Spatial Strategy Policy 1.

8.2 The development would also encroach onto the western agricultural field and countryside, which in turn would have a detrimental effect on the open countryside character and appearance of the area. Therefore the development would be contrary to Policies 2 and 3 of the South East Lincolnshire Local Plan 2019.

8.3 Furthermore, the application site is located within Flood Zone 3, and the requirements of Policy 4 of the Local Plan 2019 and Section 14 of the NPPF require a Sequential Test to demonstrate that no sites at lesser risk of flooding are available. No such Sequential Test has been submitted. Therefore, the above conflicts with fundamental elements of the Local Plan and National Policies, it is considered appropriate for planning permission to be refused.

9.0 Recommendation

9.1 It is recommended that Committee refuse the planning application on the following grounds:

- The application site lies in the countryside, outside of any defined settlements listed in Policy 1 (Spatial Strategy) of the South East Lincolnshire Local Plan 2019. The site is remote and physically and functionally separate from any settlement. It has not been demonstrated that the proposal is necessary to the location or that the proposal would meet the sustainable development needs of the area and as such the proposal is contrary to Policy 1. Future occupiers of this proposed dwelling would be highly reliant on the use of a motor vehicle to carry out essential tasks. As a result the proposal is contrary to the provisions of Policy 1, 2 and 3 of the South East Lincolnshire Local Plan 2019 and the aims of sustainable development in the National Planning Policy Framework 2021.
- The application site is located within Flood Zone 3 of the Environment Agency Maps and the proposal is within the 'Danger for All' flood risk vulnerability category. The application is not accompanied by a successful Sequential Test, and therefore fails to demonstrate a necessity for the development in this location or that sites at lower risk of flooding are unavailable. As such the proposal is contrary to Policy 4 of the South East Lincolnshire Local Plan 2019 and Section 14 of the National Planning Policy Framework 2021.
- The application site would be located within an agricultural field and the open countryside. It is considered that the development would represent a linear encroachment into the openness of the countryside and would detrimentally effect the character and appearance of the area. Therefore, the proposal is contrary to Policies 2 and 3 of the South East Lincolnshire Local Plan 2019 and the aims of achieving well-designed places in the National Planning Policy Framework 2021.