

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H02-0937-21 **Applicant:** Mr M Wright
Proposal: Demolish existing dwelling and construct replacement dwelling
Location: Vine House Farm 156 Nene Terrace Road Crowland
Terminal Date: 1st November 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
22	Replacement Dwellings in the Countryside
28	The Natural Environment
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2021

Section 2 - Achieving sustainable development
Section 5 - Delivering a sufficient supply of homes
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

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

NORTH LEVEL INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	1	0
OTHER STATUTORY BODIES	0	0	0	1
RESIDENTS	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This is a full application seeking permission for a replacement two storey dwelling at Vine House Farm, 156 Nene Terrace Road, Crowland, PE6 0LH. The dwelling would have 3no bedrooms and would be constructed from Butterley Brick Lindum Cottage Red Multi Facing Brick sitting under a Santoft Olympus clay double pantile red tiled roof. It would have white upvc doors/windows, a coloured upvc front door and black upvc rainwater goods.

Site Description

The site is outside of defined settlement limits and the surrounding area is part of a cluster of 6 dwellings located approximately 330 metres from the Crowland settlement boundary. The dwellings in the immediate vicinity are of varying ages and design. The surrounding area is mainly open countryside. The existing dwelling on the site is red brick built with render on the side elevation. The front of the site is enclosed by a low level hedge. There is numerous outbuilding within the site curtilage.

History

No relevant planning history.

Consultation Responses

North Level Internal Drainage Board

No comments.

Environmental Protection

No comments or objections.

Crowland Parish Council

Supports the replacement dwelling.

LCC Highways/SUDS Authority

No objection. Requests the addition of two informative notes should permission be granted.

Public

A third party has recommended installation of a minimum of 3no swift nest bricks be required by a

planning condition to provide enhancement for biodiversity.

Planning Considerations

Principle of development

The site is located outside of any settlement boundary and within the open countryside however, given there is already a residential dwelling present on the site, the principle of a replacement dwelling would be accepted subject to the below criteria set under Policy 22 of the SELLP:

1. the residential use of the building to be replaced (the original building) has not been abandoned;
2. the original building is permanent, has not become derelict and is not the result of a temporary permission;
3. the original building is not of architectural or historic merit and is not capable of repair;
4. the replacement building is of a high standard in terms of architectural detailing and materials of construction;
5. the replacement building is positioned on a similar footprint to the original building unless it can be demonstrated that the re-positioning would have beneficial impacts such as improving the character and appearance of the site and its locality; and
6. the replacement building does not exceed the floor area of the original dwelling by more than 40%, unless the development is of exceptional quality or innovative in nature in terms of its design, use of materials and levels of energy efficiency.

The replacement dwelling has not been abandoned, it is a permanent dwelling, is not of architectural or historic merit, the replacement dwelling would be of good standard in terms of materials, it would be positioned on a similar footprint to the existing dwelling and its floor area would not exceed more than 40% of the original dwelling.

As such the replacement dwelling is considered to accord with Policy 22 of the SELLP and is considered acceptable in principle subject to the below material considerations.

Design and layout

Paragraph 130 of National Planning Policy Framework (NPPF), 2021 establishes that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area; are visually attractive as a result of good architecture and sympathetic to local character and history, including the surrounding built environment and landscape setting. Policies 2 and 3 of SELLP 2019 amongst other matters seek to ensure that development respects the character and appearance of the area and the relationship to existing development and land uses.

The proposed replacement dwelling would have a slightly bigger footprint to the existing but is considered to be proportionate to the size of the plot and would retain sufficient amounts of outdoor amenity space. As such it is not considered that the proposal results in overdevelopment of the site. The front area would be sufficiently spacious for a driveway providing off-street parking for at least 2 no vehicles. The boundary treatments would remain largely the same. Internally, all the proposed bedrooms would be above the minimum space standards and the future householders would enjoy good living conditions.

There is no strong built character in the immediate area therefore the proposed design and materials are considered acceptable and not out of character with the area. The use of Butterley Brick Lindum Cottage Red Multi Facing Brick, Santoft Olympus clay double pantile red roof tiles, white upvc doors/windows, a coloured upvc front door and black upvc rainwater goods are considered appropriate for the site. The design of the dwelling and the proposed materials are not significantly different to the existing dwelling on the site.

As such the proposed development is considered acceptable in terms of its appearance and impact on the street scene.

Residential amenity

Paragraph 130 of National Planning Policy Framework (2021) amongst other matters seeks places with a high standard of amenity for existing and future users. Policies 2 and 3 of South East Lincolnshire Local Plan (2019) set out residential amenity and relationship to existing development and land uses as main considerations when making planning decisions.

The closest neighbour to the proposed replacement dwelling is Bienvene, 158 Nene Terrace Road located to the south-east of the application site. The proposed scheme would bring the application dwelling 4 metres closer to this neighbour, reducing the separation distance from 12 metres to approximately 8 metres. This can be accepted as given the orientation of the property no overshadowing would result on this neighbour. The proposal is considered to somewhat improve the relationship with this neighbour as the existing dwelling has first floor windows directly facing this neighbour and the replacement dwelling does not propose any first floor side facing windows

With regards to the neighbour to the north-west at Beulah House, 150 Nene Terrace Road the proposed dwelling would be located some 60 metres from this neighbour's boundary. This separation distance is considered sufficient as to not result in any overbearing impact or unacceptable overshadowing.

As such there are no neighbouring amenity concerns and the replacement dwelling is considered to accord with the above mentioned policies.

Highway safety and car parking provision

In conjunction with Policy 36 of SELLP 2019, Appendix 6 sets out the minimum standards for parking provision upon the use class. Two spaces for dwellings with up to 3 bedrooms should be provided within the curtilage. The proposed dwelling would have 3 bedrooms therefore 2 no parking spaces would be required. The proposed driveway layout would be sufficient for two cars that could enter and egress the site in a safe and forward manner. Overall, the proposals would ensure minimum parking standards.

The County Highways Authority has not objected to the scheme subject to the submission of details regarding the new vehicular access and its subsequent approval at a later stage.

Flood risk and drainage

The site is located within Flood Zone 3 of the Environment Agency's Flood Maps. The latter 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. However, the maps are broad brush and do not take into account any flood defences. 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 proposed development is not in a functional floodplain. Although the site is within flood zone 3 the site is defenced flood plain and the actual risk of site flooding from any Environment Agency river system is low. As such the exceptions test does not need to be applied. Given this the Environment Agency considers the development water compatible and has not suggested any mitigation measures.

Policy 4 of the SELLP relates to flood risk management and states that new development will be permitted if appropriate flood resistance and resilience measures are proposed (criterion c); it incorporates the use of Sustainable Drainage Systems (SuDS) (criterion e); and demonstrates that adequate foul water treatment and disposal already exists or can be provided in time to serve the development (criterion g).

Onsite rainwater will discharge to a soakaway and foul water is proposed to discharge to a mains sewer. North Level Internal Drainage Board has not raised any concerns to the proposed drainage scheme.

The design of the development is appropriately resilient to the effects of flood risk and overall climate change indicated within Policy 4 of SELLP. No evidence of poor soil permeability is known in the locality. In any case, the suitability of a soakaway will be tested and subsequently approved at a later stage by SHDC Building Control.

Given the above the proposal is considered to be in accordance with Policies 2, 3 and 4 of the Local Plan and Section 14 of the National Planning Policy Framework (2021) with regard to their provisions on flood risk and drainage.

Other matters

One letter of representation has been received from a local resident recommending installation of a minimum of 3no swift nest bricks be required by a planning condition to provide enhancement for biodiversity. The comments are noted and a condition has been appended.

Planning balance

The principle of a replacement dwelling is acceptable at such location given the extant outline permission and previous full planning permission.

The siting, external materials, and mean of enclosure would be sympathetic with the neighbouring land uses and the semi-rural character of the area. The footprint of the dwelling would sit well within the plot. No undue harm would occur upon the amenity standards of adjacent neighbours. On-street parking would be prevented by appropriate car parking arrangement within the plot and no cumulative impact upon highway safety is anticipated by the proposal.

On balance, no adverse impact of granting planning permission would significantly and demonstrably outweigh the benefits of doing so, when assessed against the planning policies taken as a whole.

Conclusion

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.

Taking into account the above, this application complies with Policies 1, 2, 3, 4, 10, 11, 17, 28, 36 and Appendix 6 of South East Lincolnshire Local Plan (2019) as well as Sections 2, 5, 11, 12, 14 and 15 of National Planning Policy Framework (2019).

Accordingly, it is recommended to approve this application via delegated powers.

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.

RECOMMENDATION

The application can be approved under delegated powers.