DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H03-0445-21**	**Applicant:**	**Mr & Mrs Avery**
Proposal:	Demolition of existing dwelling and outbuilding and erection of 2 storey dwelling		
Location:	Lucks Bridge Farm South Drove Pode Hole		
Terminal Date:	4th February 2022		

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

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
PARISH COUNCIL	0	1	0	0
WARD MEMBER	0	0	0	0
PLANNING LIAISON OFFICER - FLOOD RISK ASSESSMENT	0	0	0	1
HIGHWAYS & SUDS	0	0	0	1

SUPPORT				
WELLAND AND DEEPINGS INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	1	1
RESIDENTS	0	0	0	1

CASE OFFICER ASSESSMENT

PROPOSAL

This is a full application at Lucks Bridge Farm, South Drove, Pode Hole for demolition of the existing dwelling and outbuilding, and the erection of a two storey dwelling. The proposal seeks to provide a combined kitchen, dining and living area, family room, bath room, boot room, utility and wc at ground floor level. At first floor level three bedrooms and two en-suites will be provided. The finished floor levels of the dwelling will be set at 600mm above ground level. The proposed materials of construction would be assessed by condition.

SITE DESCRIPTION

The application site is outside of defined settlement limits and the surrounding area is predominately rural, characterised by non-nucleated linear development of varying ages and designs. The site is in Environment Agency Flood Zone 3, and is in a "Danger for Some" hazard area, with a maximum predicted flood depth of 1 metre to the rear of the site. The dwelling will not be sited on this area, and is in an area with a maximum predicted flood depth of 500mm. The finished floor levels of the dwelling will be set at 600mm above ground level with a further 300mm of flood resilient and resistant construction.

HISTORY

None

CONSULTATION RESPONSES

LCC - County Highways & SUDS Officer

"For this proposal the access and parking arrangements remain unchanged, therefore, it is considered that the proposals would not result in an unacceptable impact on highway safety."

SHDC - Environmental Protection Officer

No objections.

SHDC - Trees & Conservation Officer

Requests condition to protect trees during the construction process and an ecology report.

Environment Agency

No objection - Requests finished floor levels of 600mm with a further 300mm of flood resilient and resistant construction above.

Deeping St Nicholas Parish Council

"The Parish Council do not see any problems. They quite like the look of the proposed building. It will be nearer the neighbours' house who if they are concerned will make their own submission. There's also a lot of full-height glass but that's a building regs matter."

Welland & Deepings Internal Drainage Board

No objections.

Member of the public

Requests the installation of four swift bricks to aid biodiversity.

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:

The principle of development in this location is considered to be acceptable as the application is for a replacement dwelling and will not add an additional dwelling in an unsustainable location. Whether a replacement dwelling can be supported in this location will be primarily assessed under Policy 22 of the SELLP which is titled "Replacement Dwellings in the Countryside."

Assessed against SELLP Policy 1, economically this site will help provide short term construction employment. A community benefit will be allowing to the existing owners to continue to live on site in a modern family home. Environmentally this dwelling will not add to the net number of dwellings in the open countryside so any environmental benefits either way are considered to be negligible.

This application accords 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, scale and layout is considered to be appropriate for the site and commensurate with the size of the plot. No trees will be removed to facilitate this proposal. The Trees & Conservation

Officer has no objections to the submitted plans and has requested conditions to protect the existing trees on site during the construction process. There is not considered to be a material impact on the character and appearance of the surrounding area. There are dwellings to the north and south of the proposal with arable land to the west and east. The relationship to the adjacent land uses is not considered to be impacted by this proposal.

2. The design faces South Drove and whilst set back from the existing dwelling remains on a similar line of frontage to the dwellings to the north and south. Whilst the dwelling is fairly modern is design, the footprint proposed is that of a traditional agricultural dwelling.

3. The proposed materials of construction would be addressed by condition.

4. The proposed access location remains unaltered to that of the existing. Whilst no garaging is proposed, there is a large area of land to the front of the dwelling that can comfortably accommodate two off road parking spaces, which is the minimum parking provision requested by Appendix 6 of the SELLP. The County Highways & SUDS Officer has no objections to the submitted details. Details of off road parking will be covered by condition.

5. The capacity of existing community services and infrastructure is unaffected by this proposal.

6. There is not considered to be a noise, odour or disturbance impact from the proposed replacement dwelling. With regard to overshadowing the dwelling known as Lauri-Dene is 42 metres away to the north beyond hedging and fields. To the south the dwelling of Norfolk House is 36 metres away. There are agricultural buildings in the curtilage of Norfolk House that are 7.5 metres away from the dwelling at the nearest point. The largest building adjacent the boundary is approximately 4.5 metres in height. As the building is non-habitable and behind hedging, there is not considered to be a material overshadowing impact from the replacement dwelling, which is 9.8 metres ridge height once raised finished floor levels of 600mm are taken into account. There is not considered to be an overbearing impact due to the distance to neighbouring properties to the north and south.

The proposal is not considered to represent overdevelopment. Whilst there is an increase in the footprint of the replacement dwelling, the area of the residential land remaining is comparable to that of the properties to the north and south. With regard to overlooking, whilst the finished floor levels are raised by 600mm, at ground floor level there is not considered to be an overlooking impact. This is due to the distances to the neighbouring properties and existing boundary treatment. Exact details of an additional boundary treatment for this site would be addressed by condition. With regard to first floor overlooking the rooflights in the rear single storey projection are at roof height so offer no overlooking aspect to the north. There is not considered to be any overlooking aspect to residential land from the frontage and rear elevation first floor windows which face west and east respectively. There is a south facing bedroom which is 3.8 metres above ground level once 600mm raised finished floor levels are taken into account. This window has a maximum height above ground level of 5.78 metres. Whilst there will be a small amount of overlooking to the adjacent site, Norfolk House is 36 metres away and the frontage of property is already visible from the highway with no frontage boundary treatment. There is boundary treatment to the south-west of the window in the form of 7 metre high trees on Norfolk House land. These trees prevent any overlooking across the remainder of the frontage of the site or into Norfolk House itself. This south facing bedroom window is considered important to allow what little natural sunlight that can be captured into the bedroom in the morning hours.

7. The site is in Environment Agency Flood Zone 3, and is in a "Danger for Some" hazard area, with a maximum predicted flood depth of 1 metre to the rear of the site. The dwelling will not be sited on this area, and is in an area with a maximum predicted flood depth of 500mm. The finished floor levels of the dwelling will be set at 600mm above ground level with a further 300mm of flood resilient and resistant construction. The Environment Agency has no objections to the submitted details.

This application accords 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. A sense of place is not considered to be impacted by this proposal. The size, scale and layout is considered to be appropriate for the site and commensurate with the size of the plot. No trees will be removed to facilitate this proposal. The Trees & Conservation Officer has no objections to the submitted plans and has requested conditions to protect the existing trees on site during the construction process. There is not considered to be a material impact on the character and appearance of the surrounding area. There are dwellings to the north and south of the proposal will arable land to the west and east. The relationship to the adjacent land uses is not considered to be impacted by this proposal.

4. The proposal site is located in the open countryside and is a distance of approximately 2 miles to the nearest bus stop, as this proposed is for a replacement dwelling, it cannot be located elsewhere in the district.

5. There is an abundance of space on the site for refuse and cycle storage, as well as off road car parking. The exact location and amount of off road car parking will be addressed by condition.

11. There is not considered to be a noise, odour or disturbance impact from the proposed replacement dwelling. With regard to overshadowing the dwelling known as Lauri-Dene is 42 metres away to the north beyond hedging and fields. To the south the dwelling of Norfolk House is 36 metres away to the south. There are agricultural buildings in the curtilage of Norfolk House that are 7.5 metres away from the dwelling at the nearest point. The largest building adjacent the boundary is approximately 4.5 metres in height. As the building is non-habitable and behind hedging, there is not considered to be a material overshadowing impact from the replacement dwelling, which is 9.8 metres ridge height once raised finished floor levels of 600mm are taken into account. There is not considered to be an overbearing impact due to the distance to neighbouring properties to the north and south.

The proposal is not considered to represent overdevelopment. Whilst there is an increase in the footprint of the replacement dwelling, the area of the residential land remaining is comparable to that of the properties to the north and south. With regard to overlooking, whilst the finished floor

levels are raised by 600mm, at ground floor level there is not considered to be an overlooking impact. This is due to the distances to the neighbouring properties and existing boundary treatment. Exact details of an additional boundary treatment for this site would be addressed by condition. With regard to first floor overlooking the rooflights in the rear single storey projection are at roof height so offer no overlooking aspect to the north. There is not considered to be any overlooking aspect to residential land from the frontage and rear elevation first floor windows which face west and east respectively. There is a south facing bedroom which is 3.8 metres above ground level once 600mm raised finished floor levels are taken into account. This window has a maximum height above ground level of 5.78 metres. Whilst there will be a small amount of overlooking to the adjacent site, Norfolk House is 36 metres away and the frontage of property is already visible from the highway with no frontage boundary treatment. There is boundary treatment to the south-west of the window in the form of 7 metre high trees on Norfolk House land. These trees prevent any overlooking across the remainder of the frontage of the site or into Norfolk House itself. This south facing bedroom window is considered important to allow what little natural sunlight that can be captured into the bedroom in the morning hours.

12. The site is in Environment Agency Flood Zone 3, and is in a "Danger for Some" hazard area, with a maximum predicted flood depth of 1 metre to the rear of the site. The dwelling will not be sited on this area, and is in an area with a maximum predicted flood depth of 500mm. The finished floor levels of the dwelling will be set at 600mm above ground level with a further 300mm of flood resilient and resistant construction. The Environment Agency has no objections to the submitted details.

15. Whilst the existing dwelling is fairly old, it contains no features that are worthy of retention.

This application accords with SELLP Policy 3.

Assessment against SELLP Policy 22 - Replacement Dwellings in the Countryside

This proposal is assessed against SELLP Policy 22 titled - Replacement Dwellings in the Countryside. This policy states:

Proposals for the erection of replacement dwellings outside defined settlement boundaries will be permitted provided that:
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.

Where permission is granted, Permitted Development Rights may be removed in order to control future alterations or extensions that may impact on the appearance and character of the surrounding area.

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

1. The existing dwelling remains in residential use and is currently inhabited.

2. The original dwelling is permanent, has not become derelict and is not the result of a temporary permission.

3. The existing building is not of architectural or historic merit.

4. The replacement is considered to be of a high standard in terms of architectural detailing. Materials of construction will be assessed by condition

5. Whilst set back from the original dwelling footprint, the proposed dwelling is immediately

adjacent. This is considered to benefit vehicle manoeuvring and the overall setting of the site. The replacement dwelling is broadly on the same line of frontage as Lauri-Dene to the north and Norfolk House to the south.

6. Whilst the footprint of the original dwelling is exceeded by in excess of 40% this is due to a single storey side and rear extension. The proposed footprint can be comfortably accommodated on site without materially impacting the character and amenity of the surrounding area.

This application accords with SELLP Policy 22.

Assessment against SELLP Policy 28 - The Natural Environment

This proposal is assessed against SELLP Policy 28 titled - Design of New Development. This relevant section of this policy is titled "Addressing gaps in the ecological network" This section states:

"A high quality, comprehensive ecological network of interconnected designated sites, sites of nature conservation importance and wildlife-friendly greenspace will be achieved by protecting, enhancing and managing natural assets:"

a. by ensuring that all development proposals shall provide an overall net gain in biodiversity, by:
i. protecting the biodiversity value of land, buildings and trees (including veteran trees) minimising the fragmentation of habitats;
ii. maximising the opportunities for restoration, enhancement and connection of natural habitats and species of principal importance;
iii. incorporating beneficial biodiversity conservation features on buildings, where appropriate; and maximising opportunities to enhance green infrastructure and ecological corridors, including water space; and
iv. conserving or enhancing biodiversity or geodiversity conservation features that will provide new habitat and help wildlife to adapt to climate change, and if the development is within a Nature Improvement Area (NIA), contributing to the aims and objectives of the NIA.

i) The proposed replacement dwelling will not materially impact the existing trees on site and will sited on an area of land that has no vegetation or trees upon it. It is not considered that habitats will be fragmented as a result of the demolition of the existing dwelling and the building of a new dwelling immediately to the rear.

ii) No evidence has been found on site of any protected species on site as stated in the Protected Species Survey Report.

iii) A condition will be added to the application requesting the installation four swift bricks which is considered to aid biodiversity. A full landscaping condition is also requested which should ensure the retention of existing hedgerows and trees on site.

iv) The two existing outbuildings to the south-east of the proposal are to be retained and should help to provide nesting opportunities if sought by protected species. A full landscaping condition is also requested which should ensure the retention of existing hedgerows and trees on site.

This application accords with SELLP Policy 28.

Flood Risk

The NPPF requires the application of the Sequential Test to steer new development to areas with the lowest probability of flooding. If, following the application of the Sequential Test, it is not possible, consistent with wider sustainability objectives, for the development to be located in area with a lower probability of flooding, the Exceptions Test can be applied if appropriate.

The South East Lincolnshire Strategic Flood Risk Assessment (March 2017) is the basis for applying the Sequential Test. This concludes that the vast majority of South Holland District is in Flood Zones 2 and 3. Therefore, consistent with wider sustainability objectives, it is not realistically possible to direct all development to zones with a lower probability of flooding. As such, the document outlines a methodology whereby the SFRA hazard and depth maps (in that order) are to be utilised when determining flood risk and applying the sequential test. Using this methodology it is possible to use the information to steer development towards the areas of lower flood risks as

advised within Section 14 of the NPPF.

The site is located within Environment Agency Flood Zone 3 and the South East Lincolnshire Strategic Flood Risk Assessment (March 2017) (SFRA) shows that the site falls within a 'danger for some' hazard zone, with predicted flood depths of up to 0.5 metre on the proposed dwelling footprint and 1 metre on land to the rear.

The Local Plan has allocated sequentially preferable sites in terms of flood risk that are capable of meeting the identified housing targets for individual settlements. Although the application site is not a housing allocation within the Local Plan (only suitable sites capable of accommodating 10+ dwellings have been allocated), the site is for a replacement dwelling, which cannot be accommodated elsewhere in the district. As such, one could argue that, should the site be acceptable in all regards, and if the Exceptions Test is successfully passed, that the site is acceptable in flood risk terms, notwithstanding the fact that there are sequentially preferable allocated sites in the adopted Local Plan.

In order for the Exceptions Test to be passed, it must be demonstrated that the proposed development will provide wider sustainability benefits to the community that outweigh flood risk, and that it will be safe for its lifetime, without increasing flood risk elsewhere and where possible reduce flood risk overall.

With regard to the above, the development would provide some wider sustainability benefits to the community through a contribution (albeit small) towards housing supply, and other benefits including generating employment during the construction period and by providing a modern family home for the existing residents of the site.

The submitted flood risk assessment recommends that finished floor levels of the proposed houses should be at a minimum level of 3.45m ODN (which is between 400mm and 600mm above the level of South Drove west of the existing building). Taking into account the predicted flood depths previously identified, this should ensure that the development is safe for its lifetime.

In terms of drainage, the proposal is for surface water to be disposed of via soakaways with finer details or surface and foul water drainage to be addressed via condition.

Given the above, the proposal is considered to be in accordance with Policies 2, 3 and 4 of the Local Plan with regard to their provisions on flood risk and drainage.

PLANNING BALANCE

The submitted details have demonstrated that the proposed replacement is safe from flooding over the course of its lifetime. It is considered that whilst the footprint of the new dwelling is larger than the building it is replacing, the design and orientation can be accommodated on site without materially affecting the character and amenity of the surrounding area. This application is considered to accord with Policies 1, 2, 3, 4, 10, 11, 17, 22, 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.

CONCLUSION

This application is recommended for approval.

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.