

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H03-0915-20 **Applicant:** Mr E Whitfield
Proposal: Replacement Dwelling following demolition of existing dwelling
Location: Railway Cottage Counter Drain Drove Tongue End
Terminal Date: 12th 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
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APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2019

NPPF 2019.

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
IAN MARSHMAN, HISTORIC ENVIRONMENT OFFICER	0	0	0	1

WELLAND AND DEEPINGS INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	0	3
OTHER STATUTORY BODIES	0	0	0	3

CASE OFFICER ASSESSMENT

Proposal

Replacement Dwelling following demolition of the existing dwelling.

The application has been significantly revised since submission to revise the design approach to reflect the railway connection of the site.

The application is supported by a Flood Risk Assessment (FRA) and evidence regarding the structural integrity of the dwelling, proving that the building is beyond economic repair.

The FRA recommends the following:

- In any area at risk of flooding, even though in this case the risk is low, it is preferable that proposed buildings in a defended area should be of two storey construction with all bedrooms at first floor level. This will provide a refuge for residents if the building were to become flooded and ensure there is no danger to residents when they are asleep.
- The new building should have a minimum ground floor level of 3.50m OD, which is at least 300mm above the higher ground levels on the site.
- Flood resilient construction should be incorporated to a minimum height of 300mm above the predicted flood level, and all of the electrical installation should be a similar height above finished floor level.
- The surface water from the roof and new hardstandings should be discharged into soakaways, and these should be designed to conform with BRE Digest 365 and approved under the Building Regulations.
- Occupiers of the property should register to receive automatic telephone flood warnings from the Environment Agency's Floodline Warnings Direct Service.

Site Description

The site is within the open countryside and forms part of the legacy land related to the former Counter Drain Railway and Station.

The site is located approximately 3km north east of the small settlement of Tongue End and 7.7km west of Spalding in Lincolnshire, and is 400 metres east of the River Glen.

The site is in Flood Zone 3 as shown on the Environment Agency's Flood Zone maps.

History

None.

Consultation Responses

Deeping St Nicholas Parish Council

No response received.

SHDC Conservation Officer

"To echo Ian's sentiments, I think that whilst it is a shame to lose a building with a clear history and connection to the rail history of the district, it is understandable as to why HE has chosen not to list this property, and given the lack of listing protection, in conjunction with the state of the property, it's loss is the best outcome in this circumstance when considering the updated plans which, again to agree with Ian, do seem far better at presenting a characterful development at this site.

With regards to the gate. Whilst it does hold some attractiveness, fundamentally, it is unprotected and as it is ultimately a set of simple concrete gate posts, I don't think we can justify requiring them to be retained or copied, especially given their poor condition."

SHDC Trees & Nature Conservation Officer

If it is proposed to demolish the existing dwelling it is recommended that a protected species survey is carried out.

The situation of the property near major water courses, which offer a good feeding location would make it potentially an ideal location for a colony of bats. Pantiles often allow access for such creatures. It would also be worth checking for nesting swifts under the pantiles in the summer, the prominent eaves which are uncommon in this part of the country would also be ideal for house martins to nest beneath.

Badgers could potentially live in the spinney like area close by, perhaps not part of the site.

SHDC Environmental Protection

Comments - request the full land contamination condition at this location.

LCC Highways & SUDS Support

Does not wish to restrict the grant of permission.

Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed replacement of Railway Cottage with a new dwelling would not be expected to have an unacceptable impact upon highway safety and therefore, does not wish to object to this planning application.

LCC Historic Environment Officer

Not surprised that Historic England did not decide to list the building. It is relatively late in date, and they tend to prefer listing early or pioneering examples. That means it is not of 'national significance' but it doesn't mean it isn't of local interest or a 'non designated' heritage asset (unless they have said otherwise), although agree it is difficult to see how we could reasonably stop demolition it given its structural issues.

This was a cottage for the level crossing keeper. It was not the first building on this site and wasn't part of the design of the station when it was built in 1866. It replaced a tall signal box at some point in the early twentieth century (prior to that the signaller would have left his box to operate the crossing).

It is difficult to know what to say about the wooden gate having been replaced within the last 20 years. But it is certainly of the design used by the Midland and Great Northern Joint Railway. Is not of standard domestic or agricultural gate, so if it is a replacement it was carefully designed with detailing and reusing the same hinges to match the original. A photo of the cottage in 1983 (from Wikipedia) also shows what looks to the same or similar gate, when a pedestrian side gate was also still present.

The concrete gate piers are more significant than the gate itself (although obviously they are better together), and the deterioration shown to the concrete looks to be pretty superficial.

This is academic, but the gate piers are fairly elaborate for a rural station like this, and the fact that they are of very early reinforced concrete (clearly trying to imitate fancier more traditional materials) makes them significant. Although they would have once been common, many similar features have been lost since the line closed, and wherever possible it would be good to take opportunities to retain them. They would also be the only trace of the station, once the cottage is gone.

Historic England

"The Secretary of State for Digital, Culture, Media and Sport has asked us to consider this application in our role as the Government's statutory adviser on the historic environment with responsibility for listing. We have now considered the application and completed an assessment of the building based on the material provided. The Secretary of State has decided not to add Railway Cottage, Counter Drain, Tongue End to the List at this time. "

Lincolnshire Wildlife Trust

No objection. Would expect a no disturbance condition/informative.

Welland and Deepings Internal Drainage Board

If as part of the works any of the following are proposed then the relevant application form for each activity to be undertaken will need to be submitted in advance of works: piping/filling of any watercourse, discharging surface water to any watercourse or placing anything permanent within nine metres of the Board's Delph drain which runs along the western boundary. These are subject to the agreement of technical details and the relevant application fees where applicable.

Planning Considerations

Principle of Development

The site lies in the open countryside as set out in Policies Map of South East Lincolnshire Local Plan (SELLP), 2019.

Policy 1 of SELLP is aimed to define a local spatial strategy from which new development should be steered to most sustainable locations. This Policy also establishes a settlement hierarchy that indicates the most and least sustainable locations. It goes on to state that "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."

The nature of the proposal is to replace the existing dwelling on the site. Therefore, the development cannot be proposed elsewhere. Thus, the principle of replacing the existing dwelling for a new house is acceptable subject to other planning material considerations.

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 key material considerations are addressed below.

Layout and Design

The principle of developing a replacement dwelling is intrinsically associated with considerations about design and layout.

Policy 22 of SELLP 2019 is specifically aimed to provide framework for proposals of replacement dwellings in the countryside. The rural areas of South East Lincolnshire are a precious resource and, consequently, the replacement of an original dwelling outside a settlement boundary will only be acceptable in certain circumstances.

It goes on to state that "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.

The proposals have been amended since original submission and accord with the criteria of the policy. The proposals are considered to be acceptable in principle.

Highway safety and parking

This application is for a one for one dwelling replacement dwelling and LCC Highways & SUDS Support does not wish to restrict the grant of permission.

The proposal would not impact on highway and pedestrian safety and are acceptable.

Impact of neighbouring Residents/land users

The site has no residential neighbours and there would be no functional impact on neighbouring land uses. The development would accord with Policies 2 and 3 of the SELLP.

Flooding considerations

The site is within Flood Zone 3, and a FRA has been submitted, setting out recommendations that are included within a proposed condition. Provided the recommendations are adhered to then the development would accord with Policy 4 of the SELLP.

Foul and Surface Water Drainage

Foul is proposed to be dealt with via a package treatment plant.

Surface water is proposed to be dealt with via a soakaway.

The development would accord with Policies 2 and 3 of the SELLP.

Impact on trees and Biodiversity

No trees are impacted, however the wider ecology of the environs has been assessed. As a result an ecology management condition is proposed, along with informatives.

As the survey condition is a pre-commencement matter, the agent was contacted under the provisions of Section 100ZA of the Town and Country Planning Act 1990, and did not respond within the time period required. The condition can therefore be added to this decision without further requirement,.

Contaminated Land

The SHDC Environmental Protection officer recommends the full land contamination condition at this location, given the historic use of the land.

Heritage considerations

The existing buildings on the site were considered by for listing, and were not listed as a result.

Although the dwelling and gates are of local historical interest, given the structural condition of these it is considered that as the buildings are beyond economic use, a realistic approach needs to be taken and significant weight given to the replacement of these buildings.

The design of the proposals have been amended to attempt to reflect the former association with the site with the railway, and the design is considered to be acceptable.

Archaeology

The LCC Historic Environment Officer has not suggested conditions.

Planning Balance

Although the dwelling and gates are of local historical interest, given the structural condition of these it is considered that as the buildings are beyond economic use, a realistic approach needs to be taken and significant weight given to the replacement of these buildings.

On balance it is considered that the removal of this dwelling and the gates, and replacement with an acceptable scheme could not be realistically resisted.

Conclusion

Approve.

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.