DECISION DELEGATED TO HEAD OF PLANNING

| | | | |
|---|---|---|---|
| **Application No:** | **H03-1194-21** | **Applicant:** | **Stone & Oak Developers Ltd.** |
| **Proposal:** | Replace existing dwelling on site of Coach House, St Nicholas House | | |
| **Location:** | The Coach House Main Road Deeping St Nicholas | | |
| **Terminal Date:** | 3rd April 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 |
| 36 | Vehicle and Cycle Parking |
| APPENDIX 6 | Parking Standards |

**National Guidance**

**National Planning Policy Framework 2021**

Sections 5, 12 and 14 of the 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 | 0 | 1 | 0 |
| WARD MEMBER | 0 | 0 | 0 | 0 |
| PLANNING LIAISON OFFICER - FLOOD RISK ASSESSMENT | 0 | 0 | 0 | 1 |

| | | | | |
|---|---|---|---|---|
| HIGHWAYS & SUDS SUPPORT | 0 | 0 | 0 | 1 |
| WELLAND AND DEEPINGS INTERNAL DRAINAGE BOARD | 0 | 0 | 0 | 1 |
| SHDC INTERNAL | 0 | 0 | 1 | 1 |
| OTHER STATUTORY BODIES | 0 | 0 | 0 | 1 |

## CASE OFFICER ASSESSMENT

### PROPOSAL

This is a full planning application for a replacement dwelling at The Coach House , Deeping St Nicholas. The application seeks to demolish the existing dwelling which is connected to the adjacent dwelling "The Hayloft" by a roof over a gated passageway between the two properties. Subsidence has caused damage to the dwelling which has resulted in some structural defects which can be seen both internally and externally. Whilst the dwelling is still capable of habitation some works would be required to secure it's long term future in it's current form.

The proposed layout seeks to provide a single garage, three bedrooms, two en-suites, a utility, bathroom, snug, living room, and an open plan kitchen / dining room. The replacement dwelling will be sited on almost the same footprint as the existing and will be 16% larger in size. Materials of construction will match those of the dwelling, and where possible the existing brick and tile will be utilised in the construction of the replacement dwelling. The submitted Flood Risk Assessment shows the finished floor level to be at 2.9 metres ODN.

### SITE DESCRIPTION

The site is within the vicinity of the Grade II Listed St Nicholas House to the south-west. However, the existing dwelling is on a separate parcel of land and is not subject to any conservation orders. The site is bordered by hedging to the west, north and east, with garden and low level planting to the front of the site, adjacent to Main Road. The proposal site is in Environment Agency Flood Zone 3, and is partly in a "Danger for Most" hazard category on the most eastern extent, with a maximum predicted flood depth of 1 metre on the most eastern extent of the footprint on the 2115 South Holland Strategic Flood Risk Mapping.

### HISTORY

H03-0875-85

Full - Conversion of an outbuilding into a dwelling - Approved - 11 December 1985.

H03-0941-85

Listed Building Consent - Conversion of an outbuilding into a dwelling - Approved - 11 December 1985.

H03-0176-86

Listed Building Consent - Conversion of an outbuilding into a dwelling - Approved - 30 April 1986.

H03-0177-86

Full - Conversion of an outbuilding into a dwelling - Approved - 30 April 1986.

H03-0102-98

Listed Building Consent - Replace existing doors with white UPVC - Non-determined - 10 June 1998.

## CONSULTATION RESPONSES

LCC - County Highways & SUDS Officer

No objections.

SHDC - Environmental Protection Officer

No objections.

SHDC - Conservation Officer

"I wish to raise no formal objection to this proposal from a conservation perspective. The original, historic elements of the property are preserved by this proposal and are not masked or devalued by the addition of such an extension. As such, the officer should continue to consider this application as normal under the controls of Policy 29 of the South East Lincolnshire Local Plan (2019) as well as Section 16 of the NPPF (2021) as well as any other relevant planning policies or guidance."

Welland & Deepings IDB

No comment.

Environment Agency

No objections - Finished floor levels must be set at a minimum of 2.8mAOD with flood resistant and resilient flood technologies at least 300mm above finished floor level.

Deeping St Nicholas Parish Council

No objections.

Lincolnshire Bat Group

Asks if a bat survey has been done. This is a matter that could be addressed by a pre-commencement condition.

## PLANNING CONSIDERATIONS

Assessment against SELLP Policy 1 - Spatial Strategy - Countryside

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

The application site is in the open countryside where residential development is only permitted when it is deemed essential to the location. However, this application is for a replacement dwelling, therefore not increasing the amount of housing stock outside of defined settlement limits. The principle of development in this location is primarily assessed against SELLP Policy 22 - Replacement Dwellings in the Countryside.

Assessment against SELLP Policy 2 - Development Management

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. No trees are to be removed to facilitate this proposal. It is considered that this replacement dwelling will provide a purpose built dwelling on site that will benefit the character and appearance of the area when

compared to the existing converted agricultural building on site.

2. The design is considered to be appropriate for the site, with the orientation in keeping with that of the dwelling to be replaced.

3. Where possible existing brick and tile will be used in construction of the replacement dwelling. This is considered to benefit the appearance of the dwelling and surrounding area.

4. Access and vehicle generation levels will not be altered. The proposal is for a three bedroom bungalow and in excess of two off road parking spaces can be provided. This accords with the requested off road parking minimum amount of two for dwellings with three bedrooms or fewer under Appendix 6 of the SELLP.

5. The capacity of existing community services and infrastructure will not be impacted by this proposal.

6. There is not considered to be a noise, odour or disturbance impact from the proposal. With regard to visual intrusion the following can be observed:

Overdevelopment - The proposal is not considered to represent overdevelopment. The replacement dwelling will be sited on almost the same footprint as the existing and will be 16% larger in size. This is in accordance with SELLP Policy 22 which is titled "Replacement Dwellings in the Countryside". This policy requests that replacement dwelling do not have a footprint 40% than the original dwelling. Ample amenity space remains to the front and rear of the site.

Overshadowing / overbearing - There is not considered to be a material increase in overshadowing as a result of the proposal. The garage area will be set at the same 5 metre height as the existing dwelling named The Hayloft to the south-west, with the main dwelling set at 5.6 metres. Due to the small increase in height and the separation distance to the garden areas of The Hayloft there is not considered to be an overshadowing. The dwelling is not close enough to other dwellings from the proposed height to require overshadowing consideration.

Overlooking - The floor level of the proposed dwelling will be set at 2.90mAOD which is 0.35 metres higher than the existing finished floor level. The site is bordered by hedging to the west, north and east, with garden and low level planting to the front of the site, adjacent to Main Road. Given that the hedging is 2.5 metres in height there is not considered to be material overlooking impact to adjacent dwellings or land uses.

7. The proposal site is in Environment Agency Flood Zone 3, and is partly in a "Danger for Most" hazard category on the most eastern extent, with a maximum predicted flood depth of 1 metre on the most eastern extent of the footprint on the 2115 South Holland Strategic Flood Risk Mapping. The floor level of the proposed dwelling will be set at 2.90mAOD which is 0.35 metres higher than the existing finished floor level.

This application accords with SELLP Policy 2.

Assessment against SELLP Policy 3 - Design of New Development

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

1. A sense of place is not considered to be impacted by the proposal. The size, scale and layout is considered to be appropriate for the site. No trees are to be removed to facilitate this proposal. It is considered that this replacement dwelling will provide a purpose built dwelling on site that will benefit the character and appearance of the area when compared to the existing converted agricultural building on site.

5. There is adequate space on site for cycle and bin storage. The proposal is for a three bedroom bungalow and in excess of two off road parking spaces can be provided. This accords with the requested off road parking minimum amount of two for dwellings with three bedrooms or fewer under Appendix 6 of the SELLP.

11. There is not considered to be a noise, odour or disturbance impact from the proposal. With regard to visual intrusion the following can be observed:

Overdevelopment - The proposal is not considered to represent overdevelopment. The replacement dwelling will be sited on almost the same footprint as the existing and will be 16% larger in size. This is in accordance with SELLP Policy 22 which is titled "Replacement Dwellings in the Countryside". This policy requests that replacement dwelling do not have a footprint 40% than the original dwelling. Ample amenity space remains to the front and rear of the site.

Overshadowing / overbearing - There is not considered to be a material increase in overshadowing as a result of the proposal. The garage area will be set at the same 5 metre height as the existing dwelling named The Hayloft to the south-west, with the main dwelling set at 5.6 metres. Due to the small increase in height and the separation distance to the garden areas of The Hayloft there is not considered to be an overshadowing. The dwelling is not close enough to other dwellings from the proposed height to require overshadowing consideration.

Overlooking - The floor level of the proposed dwelling will be set at 2.90mAOD which is 0.35 metres higher than the existing finished floor level. The site is bordered by hedging to the west, north and east, with garden and low level planting to the front of the site, adjacent to Main Road. Given that the hedging is 2.5 metres in height there is not considered to be material overlooking impact to adjacent dwellings or land uses.

12. The proposal site is in Environment Agency Flood Zone 3, and is partly in a "Danger for Most" hazard category on the most eastern extent, with a maximum predicted flood depth of 1 metre on the most eastern extent of the footprint on the 2115 South Holland Strategic Flood Risk Mapping. The floor level of the proposed dwelling will be set at 2.90mAOD which is 0.35 metres higher than the existing finished floor level.

14. The existing hedging will be retained in the replacement dwelling plot. The Lincolnshire Bat Group have asked for a bat survey to be provided prior to the commencement of works. This matter will be addressed via a pre-commencement condition.

This application accords with SELLP Policy 3.

Assessment against SELLP Policy 22 - Replacement Dwellings in the Countryside

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

1. The residential use of the dwelling to be replaced has not been abandoned.

2. The original building is permanent and has not become derelict.

3. The original building is a converted agricultural building as is not of archaeological or historic merit.

4. The replacement building is of a high architectural standard and materials of construction are to match the existing dwelling.

5. The replacement dwelling is on the same footprint as the existing dwelling.

6. The floor area of the replacement is 16% larger than that of the existing dwelling.

This application accords with SELLP Policy 22.

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 part of the site falls within a "Danger for Most" hazard zone, with a maximum predicted flood depth of up to 1 metre toward the north-eastern boundary of the site.

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 constitutes a replacement dwelling at a higher finished floor level than the existing dwelling. 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 through making a dwelling available for purchase, and other benefits including generating employment during the construction period and its proximity to a range of services and facilities with Deeping St Nicholas to the south-west and Spalding to the north-east.

The submitted flood risk assessment recommends that finished floor levels of the proposed houses should be at a minimum level of 2.9 ODN (which is 350mm above the existing finished floor level of the bungalow. 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 and for a septic tank to be used for foul water disposal. Welland & Deepings Internal Drainage Board and the Environment Agency have no objections to the submitted details.

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

It is considered that the proposed replacement dwelling can be accommodated on site without materially impact the character or amenity of the surrounding. This is due to a minor increase in height and the reuse of the existing brick and tile. Through raising finished floor levels of the replacement dwelling 350mm above the existing finished floor levels it is considered that flood risk concerns have been adequately addressed. 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.