

## DECISION DELEGATED TO DEVELOPMENT MANAGER

|                        |                                   |                   |                 |
|------------------------|-----------------------------------|-------------------|-----------------|
| <b>Application No:</b> | H04-0400-21                       | <b>Applicant:</b> | Mr and Mrs Lyon |
| <b>Proposal:</b>       | Proposed Replacement Dwelling     |                   |                 |
| <b>Location:</b>       | Beck Farmhouse Fen Road Donington |                   |                 |
| <b>Terminal Date:</b>  | 9th July 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                   |
| 22         | Replacement Dwellings in the Countryside |
| 28         | The Natural Environment                  |
| 29         | The Historic Environment                 |
| 30         | Pollution                                |
| 36         | Vehicle and Cycle Parking                |
| APPENDIX 6 | Parking Standards                        |

#### National Guidance

#### National Planning Policy Framework 2019

Section 2. Achieving sustainable development.  
 Section 3 - Plan Making;  
 Section 4. Decision making.  
 Section 5. Delivering a sufficient supply of homes.  
 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.  
 Section 16. Conserving and enhancing the historic environment.

### 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        |

|                                            |   |   |   |   |
|--------------------------------------------|---|---|---|---|
| BLACK SLUICE<br>INTERNAL DRAINAGE<br>BOARD | 0 | 0 | 0 | 1 |
| SHDC INTERNAL                              | 0 | 0 | 0 | 1 |
| RESIDENTS                                  | 0 | 0 | 0 | 1 |

## **CASE OFFICER ASSESSMENT**

### **Proposal**

Full planning permission is sought to demolish an existing house and replace it with a bungalow.

### **Site Description**

The site is located in the countryside on the southern side of Bridge End Causeway (A52). It is currently occupied by a house and associated storage building in a landscaped setting.

A bridleway and Hammond Beck are located to the west and Beck Farm Lodge (grade II listed) and associated outbuildings/stables beyond.

### **History**

H04-0728-00 - Full - Proposed vintage commercial vehicle storage building - Granted 1 August 2000

### **Consultation Responses**

#### **Donington Parish Council**

No response received.

#### **LCC Highways/SUDs**

Does not wish to restrict the grant of permission.

#### **Black Sluice Internal Drainage Board**

Comments concerning surface and foul water drainage.

#### **Environmental Protection**

Request standard contamination condition.

#### **Public**

Resident comments received (summarised):

No vehicles or engineering works should be stored in front of the new building to protect amenity and setting of listed building to west.

### **Planning Considerations**

The main issue in this case is whether the proposal is in accordance with development plan policy.

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.

Policy 1 of the South east Lincolnshire Local Plan, 2019 (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 material planning considerations.

Policy 22 of the SELLP indicates 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.

Addressing the above, it is considered that the residential use has not been abandoned and the building is in a reasonable structural condition. It is of permanent construction and not temporary.

Turning to third criterion, the building has some architectural/historic merit. However, it has been periodically altered/modernised. It is considered, on balance, that there is not sufficient justification for it to be retained and repaired.

Concerning the fourth criterion, the proposed replacement dwelling is a bungalow. It is of bespoke design with some interesting architectural features and would not be readily open to public view due to extensive tree and hedge planting on site. Even if it were, it would not materially harm the character or appearance of the countryside or harm the setting of Beck Farm Lodge (grade II listed) to the west of the site.

Regarding the fifth criterion, the proposed bungalow is slightly further forward. Nevertheless, it would still be set well back. Its position would not be harmful to the existing character or appearance of the countryside or setting of Beck Farm Lodge to the west.

In respect of the sixth criterion, its gross or total floorspace is not significantly larger than the existing house. Although it is not of exceptional quality, it is of bespoke design and would not be significantly more imposing.

It is considered, on balance, that the proposal does not materially conflict with the aims and objectives of SELLP Policy 22; namely, protecting the rural character of the countryside.

#### Residential amenity

The proposal is for a bungalow. The separation distance from Beck Farm Lodge to the west on the opposite of Hammond Beck is some 70 metres and considered satisfactory. It is considered that the proposal would not materially harm the amenity of nearby residents in terms of overlooking, lack of privacy, overshadowing, overbearing effect or noise and disturbance.

It has been requested that no vehicles or engineering works should be stored in front of the new building. However, this cannot be imposed within the framework of the current application which relates solely to a replacement dwelling. Condition 8 of the planning permission for the storage

building (ref. H04-0728-00) states that no commercial vehicles shall be parked/stored forward of the front elevation facing the A52.

The proposal satisfactorily complies with Policies 2 and 3 of the SELLP in terms of amenity.

#### Car parking provision and highway safety

In conjunction with Policy 36 of SELLP 2019, Appendix 6 sets out the minimum standards for parking provision upon the use class.

The proposed dwelling would have 3 bedrooms. Two spaces for dwellings with 3 or less bedrooms should be provided within the curtilage. Sufficient space is available on site for the parking and turning of vehicles.

The proposal does not have an impact on the Public Highway or adjacent Public Bridleway. The County Highways Authority has raised no objections on highway safety grounds.

The proposal satisfactorily complies with Policies 2, 3 and 36 of the SELLP in terms of highway safety/parking requirements.

#### Flood risk and drainage

The site has the lowest flood risk probability (Flood Zone 1) according to both the Environment Agency's Flood Maps and the South East Lincolnshire Strategic Flood Risk Assessment (March 2017).

In line with the Flood Risk Vulnerability Classification set out in National Planning Guidance, buildings for permanent residential use are classed as 'more vulnerable' to flood risk but permitted when located within Flood Zone 1.

Notwithstanding that, proposals should incorporate the use of Sustainable Drainage Systems (SuDS) unless it is demonstrated that this is not technically feasible in accordance with Policy 4 of the SELLP, 2019 and Paragraph 162 of National Planning Policy Framework (NPPF), 2019.

Surface water runoff would be disposed of to soakaways and foul water to a septic tank given the absence of a mains sewer at the immediacy of the site. The drainage strategy is deemed acceptable in the interest of preventing soil pollution and promoting sustainable approaches to surface flooding.

#### Planning Balance

The proposal generally complies with the aims and objectives of Policies 1, 2, 3, 4, 22, 29 and 36 of the South East Lincolnshire Local Plan. The proposal is considered acceptable on amenity, highway safety and flood risk grounds and would not harm the setting of Beck Farm Lodge (grade II listed) to the west. There are no adverse impacts from the proposal that would significantly and demonstrably outweigh the benefits.

#### **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.

### **Conclusion**

The planning balance lies in favour of the proposal. It is therefore recommended that the application be approved under delegated powers.