DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H05-1133-22**	**Applicant:**	**Mr A Thorpe**
Proposal:	Proposed replacement dwelling		
Location:	Gletor Hazelwood Lane Fleet		
Terminal Date:	20th January 2023		

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
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2021

Section 12 - Achieving well-designed places

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
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This is a full planning application for a replacement dwelling at Gletor, Hazelwood Lane in Fleet.

The proposal is for a large 4 bedroom dwelling with a detached double garage and plant room. The dwelling will be constructed with Audley Antique Facing Bricks and Marley Edgemere interlocking slate roof tiles. The windows and doors will be UPVC in a cream finish and with the rainwater goods being UPVC in black.

Site Description

The existing dwelling is a modest size bungalow constructed of red brick and a dark grey / brown roof. It is set within a large plot, with a high hedge along the front and side boundary. The site is adjacent to a farming business and takes access off Hazelwood Lane. There is agricultural land to the rear and east side.

History

There is no relevant history for the site.

Consultation Responses

LCC Highways/SUDS

Approve with Conditions.

South Holland Drainage Board

Byelaw 3 (Surface Water) - The applicant has indicated that they intend to dispose of surface water via infiltration however, we cannot see that the viability of this proposal has been evidenced. We recommend that ground investigation is carried out to determine infiltration potential, followed by testing in line with BRE Digest 365 if onsite material is considered favourable for infiltration. If infiltration is not feasible at this site, following the drainage hierarchy we would expect the applicant to propose to discharge surface water to a watercourse. In this case, consent would be required under Byelaw 3. Please note that we recommend that any discharge is in line with the Non-Statutory technical standards for sustainable drainage systems (SuDS), therefore the Board is unlikely to grant consent for discharges in excess of greenfield rate.

Byelaw 3 (Treated Foul Water) - We note that the applicant intends to treat foul waste using a package treatment plant. If the applicant proposes to discharge any treated foul water to a watercourse consent will be required under Byelaw 3.

Planning Considerations

Principle

Policy 22 of the South East Lincolnshire Local Plan, 2019 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:
1) the residential use has not been abandoned. It is still occupied as a dwelling.
2) the original dwelling is still in situ and is of permanent construction.
3) it is not considered to be of significant architectural or historic merit.
4) the proposal is considered to be high quality in terms of design, etc, incorporating both traditional and contemporary features and using attractive materials of construction.
5) the dwelling is not sited on a similar footprint to the original building, being set approx. 5.6m further south. However, re-locating the dwelling further away from the existing sheds would have a beneficial impact in terms of improving residential amenity.
6) the replacement dwelling is significantly larger than the original dwelling. However, it is a substantial plot and the proposed dwelling is considered to be high quality in terms of design, etc, incorporating both traditional and contemporary features and is considered to be satisfactory in terms of criterion 6.

Impact on character and appearance of the area

The site is located within the countryside with one neighbouring property to the west known as Fleetwood and four dwellings to the north of the application site located on Hazelwood Lane. A 1.8-metre high closed boarded fence running along the west boundary reducing to 1.2 metres at the road is proposed. To the east and south the existing boundary treatments of trees and hedging are to remain and to the north (front boundary) a black powder coated estate fencing is proposed with a shrubbery area. There are a number of different boundary treatments along Hazelwood Lane including boundary walls and hedging, it is therefore considered that that proposed fencing will not have any adverse impact on the character and appearance of the area.

The dwellings along Hazelwood Lane are predominately bungalows, however, the dwelling directly north of the application site has had alterations in the past including a side extension above the garage creating additional living area in the roof space. It is therefore not considered that the proposed two storey dwelling will have an unacceptable adverse impact on the character and appearance of the area.

Taking everything into account, it is not considered that the proposal will have a material adverse impact on the character and appearance of the area. It is therefore concluded that the proposal accords with Policies 2 and 3 of the Local Plan. Policy 2 of the Local Plan requires development proposals to take into account sustainable development considerations such as: impact on character and appearance of the area and the relationship to existing development. Policy 3 requires development proposals to respect the density, scale and massing of neighbouring buildings and the landscape character of the location.

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.

There have been no neighbour objections and it is not considered that there would be a material adverse impact on residential amenity in terms of overlooking, loss or light or an overbearing effect.

The proposed new dwelling will only have one first floor window facing the neighbouring property to the west, however, this window will be a bathroom window and will therefore be obscure glazed. The separation distance from the proposed new dwelling to the neighbouring property is elevation is 25.3m which is a sufficient distance away to not be affected by the proposed side elevation. However, the detached double garage is in-between the application site and the neighbouring property to the west creating a screen. This is still sited 9.6m from the boundary.

The proposed dwelling is not considered to be overbearing or would create unacceptable overshadowing upon the neighbouring amenity to the north, due to it being approx. 31m away from the neighbouring front elevation and would not detrimentally impact upon any neighbouring front elevation windows.

Taking the above into account, the proposed development is deemed to comply with Policies 2 and 3 in the SELLP, 2019 and Section 12 in the NPPF, 2021 in terms of residential amenity.

Highways and parking

The Highway Authority have no objection to the proposal. The proposal is therefore considered to be acceptable on highways grounds and in accordance with Policy 2 of the Local Plan which requires it to be demonstrated that access and vehicle generation levels will be acceptable.

Appendix 6 of the Local Plan sets out parking standards for residential dwellings and states that 3 vehicle parking spaces are required for dwellings with 4 or more bedrooms. The proposed vehicle parking arrangements are in accordance with this.

Flood Risk and Drainage

The site is within Environment Agency Flood 3. However, it does not fall within a hazard zone in the South East Lincolnshire Strategic Flood Risk Assessment (2017).

With regards to the comments from the Internal Drainage Board, there are no known ground permeability issues in this area of the district and soakaways are generally considered suitable.

Planning Balance

The proposal is considered to satisfactorily accord with the Local Plan's replacement dwellings policy and there are no concerns in relation to residential amenity, impact upon character and appearance of the area, highway matters or flood risk.

The planning balance is therefore considered to be in favour of the proposal.

Conclusion

The proposal is considered to satisfactorily accord with Policies 2, 3, 4, 22 and 36 (incl. Appendix 6) of the South East Lincolnshire Local Plan (2019).

The recommendation is therefore to 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.