

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H07-0144-21 **Applicant:** Mr T Hanna
Proposal: Demolition of existing dwelling and erection of 4 bed dwelling
Location: Dorlands 60 Mole Drove Gedney Hill
Terminal Date: 11th May 2021

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
04	Approach to Flood Risk
22	Replacement Dwellings in the Countryside
29	The Historic Environment
30	Pollution
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2019

Sections 2, 4, 5, 12 and 14.

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
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1

SHDC INTERNAL	0	0	1	0
OTHER STATUTORY BODIES	0	0	1	0
RESIDENTS	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

Full planning permission is sought to demolish an existing single storey dwelling upon the site and replace it with a four-bed two storey dormer style house. It is essentially a renewal of H07-0192-17.

Site Description

The site is located on the eastern side of Mole Drove and includes an unoccupied bungalow and outbuildings, plus a temporary static caravan. A Lleylandii hedge presently exists along the site's frontage.

Agricultural land is situated to the north and a bungalow (no. 58) to the south. A house (no. 61) is located opposite.

Consultation Responses

Gedney Hill Parish Council

No response

LCC Highways/SUDs

Does not wish to restrict the grant of permission.

South Holland Internal Drainage Board

If surface water discharge is proposed to a watercourse, then the proposed development will require land drainage consent in line with the Board's byelaws (specifically byelaw 3).

Environmental Protection

No comments or objections

LCC Archaeology

No archaeological impact

Public

Resident comments/observations received (summarised):
Request swift boxes.

Planning History

H07-0192-17 - Full - Demolish existing single-storey dilapidated dwelling and erect four-bed two-storey, dormer style house - Granted 4 May 2017.

Material Considerations

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

As indicated in paragraph 47 of the National Planning Policy Framework, 2019, planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

Policy 22 of the South East Lincolnshire Local Plan (SELLP), 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, the existing building is of permanent construction and appears to have been occupied until comparatively recently. It is considered that the residential use has not been abandoned. It is not of architectural or historic merit. No objections are therefore raised in principle to a replacement.

The proposed replacement is on a similar footprint. Although it is larger than the present property, it includes some interesting design features and has a cottage like appearance. Although there is some conflict with the criteria within Local Plan Policy HS17, it is considered, on balance, that the proposal does not materially conflict with the aims and objectives of the policy; namely, protecting the rural character of the countryside. It also constitutes an enhancement, so is consistent with the advice contained within Sections 5 and 12 of the National Planning Policy Framework 2019.

In terms of amenity, a bungalow (no. 58) is located to the south and a house (no. 61) opposite. The relationship to these properties is considered such that the amenity of neighbouring residents would not be materially harmed in terms of overlooking, lack of privacy, overbearing effect, overshadowing, noise and disturbance, etc. The proposal therefore satisfactorily complies with Policies 2 and 3 of the SELLP in this respect.

An existing access would be utilised and there would be sufficient on-site parking. The County Highways Authority raises no objections on highway safety grounds. The proposal therefore satisfactorily complies with Policies 2, 3 and 36 in this respect.

In terms of flood risk, the site is in Flood Zone 3 within the Environment Agency Flood Maps. However, it is within an area of no hazard within the SHDC Strategic Flood Risk Assessment. No objections are therefore raised on flood risk grounds.

It has been requested that the proposed houses include swift nesting boxes. Both the SELLP and Framework indicate that opportunities should promote biodiversity enhancements in respect of new development. A condition is therefore considered justifiable in this case.

Planning Balance

The proposal generally complies with the aims and objectives of Policy 22 (Replacement Dwellings) of the South East Lincolnshire Local Plan. The proposal is considered acceptable on amenity, highway safety and flood risk grounds. There are no adverse impacts from the proposal that would significantly and demonstrably outweigh the benefits.

Conclusion

The planning balance lies in favour of the proposal.

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.

Recommendation

That the application be approved under delegated powers.