DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H09-0270-21**	**Applicant:**	**C A Holmes Construction Ltd**
Proposal:	Erection of replacement bungalow - re-submission of H09-0800-20		
Location:	Redwood Lodge 96 Dog Drove North Holbeach Drove		
Terminal Date:	4th June 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
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	1	0	0
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	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 for a replacement bungalow.

SITE DESCRIPTION

The site is located on the western side of Dog Drove North and is currently occupied by a vacant bungalow. A residential property (No. 98) is located to the south with associated glasshouses and domestic kennels (max 13 adult dogs). Agricultural land is located to the north and residential development opposite.

The site is fully bounded by mature hedgerow and planting. Brick-built domestic outbuildings stand to the north side and rear of the property.

HISTORY

H09-0920-89 - Change of use only. Residential home for the elderly - Permitted Development

H09-0800-20 - Full - Erection of replacement bungalow - Refused 12 November 2020.

CONSULTATION RESPONSES

Holbeach Parish Council

Supported.

LCC Highways/SUDs

Request conditions.

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).

SHDC Environmental Protection

No comments or objections

Public

Resident comments received (summarised):
Request condition to restrict the parking of vehicles associated with the construction works from obstructing Dog Drove, in order to ensure free access and sufficient visibility from our opposite vehicular access.

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 planning material 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.

With regard to the first criterion, the dwelling to be replaced has not by its condition or subsequent use led to the abandonment of its residential use.

Concerning the second criterion, the building is currently vacant but in good condition. No evidence of dereliction has been observed. The building is of permanent construction and not temporary.

Turning to third criterion, the dwelling is a relatively modest detached bungalow. The building has no historic interest. Red dark timber cladding coats most of the elevations of the building. There are interlocking concrete tiles on the roof. Original fenestration is made of timber and subsequent fenestration is made of white UPVC. Facing brickwork outbuildings stand within the plot which were of incidental enjoyment to the dwelling. In light of the external materials and detailing, it is considered that the building and its setting has neither architectural or historic significance to be retained. Consequently, there is not considered to be justification for it to be retained and repaired. Moreover, a structural survey indicates that extensive works would be required to repair/upgrade it and that it may well prove uneconomical.

Concerning the fourth criterion, the proposed dwelling is a replacement bungalow. It is considered acceptable and in keeping with the character of the area. It would not detract from the rural character of the area.

Regarding the fifth criterion, the proposed bungalow is more or less on the same footprint as the present bungalow. It is therefore considered to be satisfactory in this respect.

In respect of the sixth criterion, the replacement bungalow is larger than the present property. Although it is not of exceptional quality, it is not significantly more imposing and would appear acceptable with the streetscene, which contains an eclectic mix of properties. Although there is some conflict with criterion 6 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.

Residential amenity

The proposal is for a bungalow. The restricted height of the dwelling would not cause any impact upon the neighbouring properties in terms of overbearing impact.

The property has a bathroom window and secondary bedroom window on its southern elevation. The separation distance from the dwellings opposite is 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. The issues raised by a resident can be addressed by means of a construction management plan.

The proposal therefore satisfactorily complies with Policies 2 and 3 of the SELLP in this respect.

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 4 bedrooms. Three spaces for dwellings with 4 or more bedrooms should be provided within the curtilage. The parking area shown on the block plan appears to be sufficient to accommodate this.

The existing access will be widened and improved in accordance with LCC Highways specifications. The County Highways Authority has raised no objections on highway safety grounds,.

In summary, the development proposals provide acceptable car parking standards and on balance comply with Appendix 6 of the SELLP, 2019.

Flood risk and drainage

The site has the lowest flood risk probability (Flood Zone 1) according to both Environment Agency's Flood Map and 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 SELLP, 2019 and Paragraph 162 of National Planning Policy Framework (NPPF), 2019.

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

PLANNING BALANCE

The proposal generally complies with the aims and objectives of Policies 1, 2, 3, 4, 22 and 36 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

The application was referred to Chairman's Panel on 28 May 2021, where it was accepted that the decision be delegated.