DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H09-0490-22**	**Applicant:**	**Mr & Miss J & S Caley & Neve**
Proposal:	Demolition of existing dwelling and erection of new dwelling.		
Location:	Hollands 120 Dog Drove North Holbeach Drove		
Terminal Date:	13th July 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
22	Replacement Dwellings in the Countryside
28	The Natural Environment
30	Pollution
31	Climate Change and Renewable and Low Carbon Energy
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2021

National Planning Policy Framework (2021)

Section 2: Achieving sustainable development
Section 4: Decision-making
Section 5: Delivering a sufficient supply of homes
Section 9: Promoting sustainable transport
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

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	1	0
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS	0	0	0	1

SUPPORT				
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This application seeks approval for the erection of a replacement dwelling at Hollands, 120 Dog Drove North, Holbeach Drove. The proposed dwelling would be one and a half stories in height, predominantly of a gable design that would be finished in a mix of red facing brick, light grey render and red cedar cladding.

Site Description

The site currently comprises a single storey, gable, red brick property. The existing property benefits from a lawned garden to the front and rear of the property with an area of hardsurfacing to the front of the property for off-street car parking. The site benefits from an existing vehicular access off Dog Drove North.

To either side of the property lies non-residential properties with a barn to the north and a workshop to the south. Opposite the existing dwelling sits a number of residential dwellings that vary in scale and design.

History

There is no relevant planning history on site.

Consultation Responses

Holbeach Parish Council
No objections.

Lincolnshire County Council Highway Authority and Lead Local Flood Authority
No objections.

South Holland District Council Environmental Protection
No objections.

South Holland Internal Drainage Board
No objections.

Planning Considerations

Principle

The site is located outside any settlement boundary and is therefore considered to be 'Countryside' land as defined by the South East Lincolnshire Local Plan (SELLP, 2019). Policy 1 of the SELLP states 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.

Policy 22 of the SELLP states that the erection of replacement dwellings outside defined settlement boundaries will be permitted provided that it meets the following criteria:

1. the residential use of the building to be replaced (the original building) has not been abandoned;

Based on the information submitted and following a site visit by the case officer, the Local Planning Authority are of the view the application satisfies this criterion.

2. the original building is permanent, has not become derelict and is not the result of a temporary permission;

The original building in question is a permanent building 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;

Given the design of the dwelling, it is not considered to be of architectural merit. Furthermore, the property is not of historic merit.

4. the replacement building is of a high standard in terms of architectural detailing and materials of construction;

The replacement dwelling is of a high standard in terms of architectural detail - including a feature, external double chimney stack and materials of construction and therefore satisfies this criterion.

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

The proposed replacement dwelling would be positioned on a similar footprint to the original dwellinghouse and therefore satisfies this criterion.

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.

The floor area of the existing dwellinghouse is approximately 32sqm and the floor area of the proposed dwellinghouse would be approximately 60sqm. Whilst the proposal would see a significant increase to the floor area including a first floor, given the scale of the site, the number of two storey properties in the vicinity and the existing property benefitting from permitted development rights that would allow the existing floor area to significantly increase without the requirement of planning permission, it would be unreasonable to refuse planning permission solely on this basis in this instance given the acceptable design of the proposal.

On balance, the principle of development is considered to be acceptable and the proposal would be in accordance with Policies 1, 2, 3 and 22 of the adopted South East Lincolnshire Local Plan (2019) and the guidance within the National Planning Policy Framework (2021).

Flood Risk and Drainage

The site is located within Flood Zone 1 as per both Environment Agency's Flood Map and South East Lincolnshire Strategic Flood Risk Assessment (March 2017). The land therefore has having the lowest probability of flooding from fluvial and tidal sources.

The applicant has indicated that foul water would be discharged via package treatment plant and surface water via sustainable drainage system.

South Holland Drainage Board have indicated that the proposed sustainable drainage system should be supported by ground investigation to determine the infiltration potential of the site and the depth to groundwater and would be subject to separate consents.

Design

The proposed replacement dwelling would be predominantly of a gable design, one and a half

storey in height and be constructed of a mix of facing red brick, light grey render and red cedar cladding. Given the varied streetscene of Dog Drove North and the surrounding area, the proposal is considered to be acceptable and would not be to the detriment of the character of the area. Furthermore, the use of cedar cladding is considered to be acceptable in this instance given the rural character of the area with a large number of mature trees in the vicinity.

Overall, the proposal is considered to be in accordance with Policy 3 of the South East Lincolnshire Local Plan (2019) and the guidance within the National Planning Policy Framework (2021).

Impact on Neighbouring Amenity

Given the closest neighbouring residential properties are sited west of the highway (Dog Drove North) approximately 38m away, the proposal is not considered to result in any detrimental impacts on any neighbouring properties amenities.

Highway Safety

The proposal includes the demolition of the existing three-bedroom dwelling and the erection of a replacement four-bedroom dwelling. In accordance with Policy 36 and Appendix 6 of the adopted SELLP, three off-street car parking spaces are required to be provided. Based on the site layout plan provided, including the proposed garage, there is adequate space to provide to accommodate three off-street car parking spaces.

Adequate turning facility are proposed within the site to allow vehicles to enter and leave in a forward gear and, sufficient visibility can be achieved at the sites access. The proposed gates are set back to allow calling vehicles to manoeuvre off the highway without causing obstruction to other users whilst opening.

Overall, the proposal is considered to be acceptable in terms of highway safety and would be in accordance with Policy 36 and Appendix 6 of the adopted SELLP (2019) and guidance within the NPPF (2021).

Planning Balance

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 proposal generally accords with Policies 1, 2, 3, 4, 22 and 36 of the adopted South East Lincolnshire Local Plan (2019) plus advice within the National Planning Policy Framework (2021). There are no other material considerations that indicate planning permission should not be granted in this instance.

Conclusion

Planning permission granted subject to conditions.

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 xxx 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 xxx 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.