

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	H09-0800-20	Applicant:	Mr J Jones
Proposal:	Erection of replacement bungalow		
Location:	Redwood Lodge 96 Dog Drove North Holbeach Drove		
Terminal Date:	17th November 2020		

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
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2019

Paragraph 127 of Section 12. Achieving well-designed places

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
IAN MARSHMAN, HISTORIC ENVIRONMENT OFFICER	0	0	0	1
RESIDENTS	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This is a full planning application that seeks permission for a replacement dwelling at Redwood Lodge, 96 Dog Drove North, Holbeach Drove.

Site Description

The site forms part of ribbon development on Dog Drove North as it approaches the highway junction with Main Road/B1166. The area is predominately residential within a wider rural location. Open agricultural fields and drains are found beyond the cluster of properties.

To the south, the site accommodates the residential property No. 98 and encroaching onto the fields, the remainder of the curtilage accommodates several kennels and unused glasshouses. To the north and east, there are fields. To the east, three detached houses opposite the road.

The site is fully bounded by mature hedgerow and planting. The dwelling is a vacant bungalow. Brick-built outbuildings stand to the north side and rear of the property which were used incidentally to the enjoyment of the dwelling.

History

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

Consultation Responses

LCC Highways/SUDS Authority

No objection.

Two informative notes to ensure the new vehicular access complies with Highways' technical specifications.

LCC Historic Environment Officer

"The proposed development is situated in an area of archaeological interest. However, the site will have previously been disturbed by the construction of the existing bungalow and the new building will occupy much of the same footprint.

Therefore it is unlikely that any archaeological input would produce meaningful results. So in this instance we would recommend no archaeological input be required."

Holbeach Parish Council

Supports the proposals.

Members of the public

One resident has made a representation raising the following issues:

- The removal of the existing hedge onto Dog Drove North will cause overlooking effect to the properties opposite the road. Request to keep the hedge as it stands.
- Request to restrict the parking of vehicles associated to the construction works in order to ensure free access and sufficient visibility on a neighbouring vehicular access.

Planning Considerations

Principle of development

Albeit the site forms part of ribbon development, it lies in the countryside as set out in Policies Map

of South East Lincolnshire Local Plan (SELLP), 2019.

Policy 1 of 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.

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.

Design and layout

The principle of developing a replacement dwelling is intrinsically associated with considerations about design and layout.

Policy 22 of SELLP 2019 is specifically aimed to provide framework for proposals of replacement dwellings in the countryside. The rural areas of South East Lincolnshire are a precious resource and, consequently, the replacement of an original dwelling outside a settlement boundary will only be acceptable in certain circumstances.

It goes on to state 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.

In regard to the second criterion, the building is currently vacant but in good condition. No evidence of dereliction has been observed. The building was constructed to be of permanent residential use and such use has been never temporary.

Turning into the 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 of 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. However, no justification has been provided with this application to demonstrate whether the building is capable of repair or not. By the looks of it, it is the case officer's opinion that the building could be fairly easily restored and upgraded. No structural survey has been submitted to the Local Planning Authority to indicate otherwise.

Concerning the fourth criterion, the proposed materials schedule is considered acceptable and in keeping with the character of the area. The proposed dwelling would be a bungalow tantamount with the building to replace. It is by no means considered that the proposed dwelling would be of low

standards and visually intrusive to the extent which it would detract from the rural character of the area.

Turning into the fifth criterion, the proposed bungalow overlaps with approximately 85% of the original footprint. It might be considered that the replacement building is positioned on a similar footprint to the original building. However, the replacement dwelling will entail a re-position of the original building. The bungalow is currently set at an angle facing south-east whereas the replacement dwelling will be positioned slightly facing north-east. Additionally, the proposed footprint will be larger than the original footprint of the bungalow. No evidence has been raised to demonstrate the benefits of such alterations.

In respect of the sixth criterion, the footprint of the replacement dwelling will approximately amount to 292.14 sq. metres and the footprint of the current bungalow, roughly 129.23 sq. metres. 40% of the floor area of the original dwelling is 51.69 sq metres. Once this amount is added up to the total floorspace of the existing dwelling, the number raises up to 180.92 sq metres which is the maximum amount for a replacement dwelling. The footprint of the new dwelling (292.14 sq. metres) clearly exceeds the maximum floorspace allowed (180.92 sq metres).

Although the design and layout will be appropriate to the rural character of the wider area, the proposals are not of exceptional quality or innovative in nature in terms of its design, use of materials neither levels of energy efficiency.

Residential amenity

The restricted height of the dwelling would not cause any impact upon the neighbouring properties in terms of overbearing impact. The form of the dwelling is of a bungalow tantamount to the type of the existing building. Mature hedge obscure views to the site from the adjacent locations.

It is assumed from the block plan that mature hedge on the front boundary will be removed. The resident representation has made reference to some potential overlooking from the bedroom window to the properties opposite the road. The shortest separation with No. 95 will be in the region of 24.65 metres. At such distance, no unacceptable overlooking will occur.

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 will 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 accommodate such number of spaces although they have not been marked.

The existing access will be widened and improved in accordance with LCC Highways specifications. The County Authority has not objected the principle of doing so.

In summary, the development proposals provide acceptable car parking standards and on balance comply with Appendix 6 of 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 as 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 to soakaways and fould waters into a septic tank given the absence of 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.

Conclusion

In principle, the proposals are acceptable on the grounds of residential amenity, car parking provision, highways safety and flood risk. However, adverse impacts of granting permission to the development as submitted would significantly and demonstrably outweigh the benefits.

Given the replacement nature of the proposed dwelling at such countryside location, Policy 22 is paramount to determine this application.

The proposals fully comply criteria 1, 2 and 4 of this policy but fails against criteria 3, 5 and 6. No evidence has been provided to demonstrate that the existing bungalow is not capable of repair. The replacement building is not positioned on a similar footprint to the original building and benefits of doing so have not been provided neither identified. The footprint of the new dwelling exceeds the floor area of the original dwelling by more than 40% and no exceptional quality or innovative features have been remarked neither identified throughout the assessment. The wording of the policy clearly indicates that all criteria should be fully satisfied to permit proposals for replacement dwellings in the countryside.

Taking into considerations above, the development proposals are contrary to Policy 22 of South East Lincolnshire Local Plan (SELLP), 2019.

It is accordingly recommended to refuse this application via delegated powers.

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.