

DECISION DELEGATED TO HEAD OF PLANNING

Application No:	H11-1241-21	Applicant:	Ms S Gaskin
Proposal:	Demolition of existing bungalow and erection of new dwelling		
Location:	80 Wisbech Road Long Sutton Spalding		
Terminal Date:	9th February 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
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2021

Section 2. Achieving sustainable development.
 Section 4. Decision making.
 Section 5. Delivering a sufficient supply of homes.
 Section 11. Making effective use of land.
 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	0	0
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE	0	0	0	1

BOARD				
SHDC INTERNAL	0	0	0	1

CASE OFFICER ASSESSMENT

PROPOSAL

Full planning permission is sought for demolition of an existing bungalow and erection of new 5 bed dwelling.

SITE DESCRIPTION

The site is located in countryside on the eastern side of Wisbech Road and is currently occupied by a bungalow and outbuildings/stables, plus a large pond. The nearest property is a house and vehicle workshop (Wisbech Road Autos) to the north-west on the opposite side of Wisbech Road. A builders' yard is located some 120 metres to the north.

RECENT HISTORY

None.

CONSULTATION RESPONSES

Long Sutton Parish Council

No comments received.

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).

SHDC Environmental Protection

Request contaminated land condition.

Public

No comments received.

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 regards to the first criterion, the dwelling to be replaced is currently occupied.

Concerning the second criterion, the building is of permanent construction and is capable of occupation.

Turning to the third criterion, the dwelling is a relatively modest detached bungalow and has no significant historic/architectural interest. There is not considered to be justification for it to be retained and repaired.

Concerning criteria 4-6, there is an eclectic mix of existing properties within the locality in terms of scale and design/appearance. The existing property is of no significant merit. The replacement dwelling is significantly larger than the present property and has been re-sited to enable occupation of the existing bungalow whilst it is being constructed. Although it is not of exceptional quality, it is nevertheless individualistic in terms of design and incorporates some traditional architectural features. Although there is some conflict with Policy 22 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

Policies 2 and 3 of the South East Lincolnshire Local Plan (2019) set out residential amenity and the relationship to existing development and land uses as main considerations when making planning decisions. They are consistent with advice within the National Planning Policy Framework (2021). Paragraph 130, amongst other matters, seeks places with a high standard of amenity for existing and future users.

There are no immediate neighbours in this case. The nearest property is a house and vehicle workshop (Wisbech Road Autos) to the north-west on the opposite side of Wisbech Road. A builders' yard is located some 120 metres to the north. The separation distance from nearby dwellings is such 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 proposal therefore satisfactorily complies with Policies 2 and 3 of the SELLP in this respect.

Car parking provision and highway safety

Policies 2 and 3 of the SELLP indicate that sustainable development considerations should be met in terms of access and vehicle generation levels and layout of car parking. Policy 36 and Appendix 6 set out the minimum standards for parking provision based upon the use class. Two spaces for dwellings with 3 or less bedrooms should be provided within the curtilage. Three spaces for dwellings with 4 or more bedrooms should be provided within the curtilage.

The proposed dwelling would have 5 bedrooms. Three spaces for dwellings with 4 or more bedrooms should be provided within the curtilage. The parking area shown on the block plan provides 5 spaces so is satisfactory.

The proposed new dwelling would utilise the existing vehicular access onto Wisbech Road as the existing property. LCC Highways consider that there would not be an unacceptable impact upon highway safety, subject to a satisfactory vehicular crossing.

The proposal therefore satisfactorily complies with Policies 2, 3 and 30 of the SELLP, 2019.

Flood risk and drainage

Policy 4 of SELLP is concerned with flood risk management and states, inter alia, that new development should pass the sequential test and should incorporate the use of Sustainable Drainage Systems (SuDS), unless it is demonstrated that it is not technically feasible.

The site is located within Flood Zone 3 of the Environment Agency's Flood Maps. A sequential test therefore needs to be undertaken.

The Environment Agency's Flood Maps have been created as a tool to raise awareness of flood risk with the public and partner organisations, such as Local Authorities, Emergency Services and Drainage Authorities. The Maps do not take into account any flood defences. Also, large parts of the South Holland District lie within Flood Zone 3. It is therefore necessary to use the refined flood risk information (Hazard and Depth maps) within the South East Lincolnshire Strategic Flood Risk Assessment (2017) as a basis to apply the sequential test

The SFRA indicates that the site is within an area identified as "Low Hazard". This is low risk and more preferable than the location of the existing bungalow, which is "Danger for Some". The proposal therefore passes the sequential test.

Nevertheless, given that the proposal is vulnerable form of development flood mitigation measures are proposed in accordance with details within the submitted flood risk assessment. Finished floor levels should be set at 500mm with 300mm of flood resilient construction.

Surface water runoff would be disposed of via soakaways and foul water to a package treatment plant. The site is large enough for any drainage fields required. The drainage strategy is deemed acceptable in the interest of promoting sustainable approaches to surface water flooding.

Ecology

Policy 3 of the SELLP indicates that development proposals should, where relevant to the proposal, include the incorporation of existing hedgerows and trees and the provision of appropriate new landscaping to enhance biodiversity.

Policy 28 indicates that all development should provide an overall gain in biodiversity. The explanatory text sets out that development can incorporate a number of simple, low-cost measures to deliver biodiversity benefits and enhance priority habitats and species, such as, the use of bat roost boxes, green roofs or walls, and integrating nesting opportunities into buildings and green infrastructure.

No details of landscaping have been provided and should therefore be conditioned. A condition should also be imposed requiring bio-diversity measures.

PLANNING BALANCE

The proposal satisfactorily 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. It is therefore recommended that the application

be approved under 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.