DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H13-0506-22**	**Applicant:**	**Miss J Stanberry**
Proposal:	Demolition of existing bungalow & erection of detached house		
Location:	Westlyn Fengate Moulton Chapel		
Terminal Date:	30th September 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
32	Community, Health and Well-being
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2021

National Planning Policy Framework (NPPF, 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

Planning Practice Guidance

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 BOARD	0	0	0	1
SHDC INTERNAL	0	0	1	0

CASE OFFICER ASSESSMENT

Proposal

This application seeks permission for the part demolition and re-build of the existing dwelling of Westlyn, Fengate, Moulton Chapel. The proposed part that would be re-built would be two-storey in height, of a gable design and would be constructed of red facing brick and blue-grey roof tiles.

Site Description

The existing dwelling is comprised of a single storey element that functions as the main dwelling (the part to be demolished) that is connected to an outbuilding (approved under planning permission H13-0157-98) by a conservatory. The conservatory and outbuilding are to remain.

The site is bound to the south and east by Tulipland, a food products supplier. The northern boundary is made up of a low-level stone wall, hedgerow and tree planting.

History

H13-0235-10 - Proposed self-contained annexe - Refused 18th June 2010.

H13-0256-02 - Erection of a single-storey extension to front of bungalow - Approved 3rd May 2002.

H13-01478-00 - Erection of a swimming pool enclosure - Permitted 12th February 2001.

H13-0157-98 - Alterations and new roof, plus conservatory - Permitted 7th April 1998.

Consultation Responses

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

South Holland District Council's Environmental Protection Team
No objections.

South Holland Internal Drainage Board
No objections.

Planning Considerations

Principle

The site is located outside the settlement boundary of Moulton Chapel and is therefore classified as 'Countryside' land in accordance with Policy 1 of the adopted South East Lincolnshire Local Plan (SELLP, 2021). Policy 1 of the adopted Local Plan goes on to state that development in the countryside will be permitted where it is necessary 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 adopted Local Plan states that proposals for the erection of replacement dwellings outside defined settlement boundaries will be permitted provided it meets the below criteria. Whilst the proposal seeks the demolition and re-build of part of the original dwellinghouse, it is considered that given the extent to which that is proposed to be demolished and re-built, Policy 22 is relevant in this instance.

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 existing 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 proposed replacement dwelling is considered to be of a high standard in terms of architectural detailing would be reflective of a traditional farmhouse with vertical sliding sash windows, stone sills and brick arches, as well as a chimney breast on both end gables. The proposed dwelling would be constructed of red facing brickwork and blue-grey natural or artificial slate. The Local Planning Authority would look to secure natural slate roof tiles to ensure a high standard and would be secured via condition, alongside agreeing the proposed red facing brickwork.

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.

As a result of the proposed development, the dwelling would increase in floor area from approximately 229m2 to 379m2. Whilst this increase in floor area would exceed the 40% of Policy 22, it is noted that the proposed development is not a complete replacement dwelling and therefore would be unreasonable to refuse planning permission solely on this basis.

Overall, the principle of development is considered to be acceptable and would generally accord with Policies 1, 2, 3 and 22 of the adopted South East Lincolnshire Local Plan (SELLP, 2019) in this regard.

Flood Risk and Drainage

The site is located within Flood Zone 2 and is on land identified as no flood risk to people in accordance with the South East Lincolnshire Strategic Flood Risk Assessment. In accordance with the submitted Flood Risk Assessment, a condition would be imposed on any planning permission granted to ensure finished floor levels are 0.3m above site levels and there is 0.3m of flood resilient construction above finished floor level.

The proposal seeks to dispose of surface water via soakaway and foul drainage via septic tank. The Local Planning Authority have no objections to this subject to the submission of specific details that

would be secured via a suitably worded condition.

Overall, the proposal is considered to be acceptable in terms of flood risk and drainage and would therefore be in accordance with Policies 2, 3 and 4 of the adopted South East Lincolnshire Local Plan (SELLP, 2019) and the guidance within the National Planning Policy Framework (NPPF, 2021).

Highway Safety

As a result of the proposal, the number of bedrooms at the property would increase from two to three. Whilst the proposal would see an increase in the number of bedrooms, no additional off-street car parking spaces are required to be provided as the South East Lincolnshire Local Plan indicates that two off-street car paring spaces are required to be provided for properties with three or less bedrooms.

It is worth noting that the existing off-street car parking provision and access arrangements would remain unaltered.

As such, 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 South East Lincolnshire Local Plan (SELLP, 2019) as well as the guidance within the National Planning Policy Framework (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, 28, 30, 31, 32, 36 and Appendix 6 of the adopted South East Lincolnshire Local Plan (SELLP, 2019) plus advice within the National Planning Policy Framework (NPPF, 2021). There are no other material considerations that indicate planning permission should not be granted in this instance.

Conclusion

Approve.

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.