

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H14-0781-23 **Applicant:** Mr S Wright
Proposal: Proposed Replacement Dwelling
Location: Bridge House Northgate Pinchbeck
Terminal Date: 11th January 2024

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
29	The Historic Environment
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2023

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
Section 16 - Conserving and enhancing the historic environment

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	1	0	0	0
WARD MEMBER	0	0	0	0
PLANNING LIAISON OFFICER - FLOOD RISK ASSESSMENT	0	0	0	1

HIGHWAYS & SUDS SUPPORT	0	0	0	1
BLACK SLUICE INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	1	0	1	0
OTHER STATUTORY BODIES	0	0	0	2
RESIDENTS	0	1	0	0

CASE OFFICER ASSESSMENT

PROPOSAL

This is a full planning application seeking a replacement dwelling at Bridge House, Northgate, Pinchbeck. The proposal seeks to demolish Bridge House and provide a two storey, five bedroom dwelling that at ground floor contains a lounge, combined family / kitchen area, pantry, dining room, wc, utility room and a combined lounge / dining room with a second kitchen. A triple garage is also provided with an external staircase leading to a first floor play room / games room and wc above. Five bedrooms, three en-suites, a bathroom and a balcony are also to be provided at first floor level. The existing vehicular access is to be closed, with a new vehicular access at the south-eastern corner of the site. A scheme of landscaping is also shown. This proposes hedging and two trees toward the north-west corner, a tree on the western boundary and two saplings in the south-western corner. Proposed materials of construction have not been submitted for this application.

The total floor area of the development is 221.4 square metres. The floor area of the existing dwelling is 94.16 square metres. A metal shed with a floor area of 14.24 square metres is also located on site to the west of the dwelling.

An amendment was registered on the 18th of October 2023 to provide a Heritage Impact Assessment and Planning Statement, Visual Structural Inspection, Report and Ecology and Protected Species Survey as well as two 3D elevational drawings.

The agent was informed on the 8th of November 2023 that the Local Planning Authority were prepared to accept one further amendment that addresses the Conservation Officer comments. It was suggested that a design and massing similar to the existing dwelling on site should be brought forward. However, the design that was brought forward on the 17th of November 2023 was an amended version of the submitted design. The amended design removed the balcony and dormer in the games room. The agent claims that the proposed amended design is not excessively large when compared to Bridge House. However, no attempt is made to show if the proposal complies with Policy 22 of the South East Lincolnshire Local Plan (SELLP). It is considered that this design did little to address the Conservation Officer comments and therefore was not requested to be brought forward as a formal amendment.

A site visit was conducted on Thursday the 14th of September 2023.

SITE DESCRIPTION

The site is outside of defined settlement limits and therefore in planning terms is designated as being located in the open countryside. The dwelling is uninhabited but is capable of habitation

following renovation. The site is currently overgrown with trees and hedging to the western, north and eastern boundary. The raised grassed banks of the River Glen form the southern boundary with the river beyond. This bank contains a public right of way. A bungalow named Cor-Den is located 10 metres from the western site boundary at the nearest point. A Grade II Listed Building named Glen House is located 20.5 metres from the eastern site boundary at the nearest point. Dwellings to the south of the River Glen are located 36 metres from the southern site boundary at the nearest point. Arable fields are located to the north of the site.

The site is predominately located in Environment Agency Flood Zone 2 and within Flood Zone 3 along the southern boundary. On the 2115 South Holland Strategic Flood Risk Mapping, the site is in a "Danger for Most" hazard area, with a maximum predicted flood depth of 1 metre in the north-westernmost extent of the site. The submitted Flood Risk Assessment proposes finished floor levels of 4.40mODN which is approximately 200mm above current average ground level. Surface water is to be addressed via soakaway, with the means of foul water drainage currently unknown.

RELEVANT HISTORY

H14-0989-22

Outline - Replacement dwelling - Refused - 08 June 2023.

Reason for refusal - *"Despite requests from the Local Planning Authority, insufficient material information concerning bat habitats, protected species and historic impact has been provided to determine the application."*

CONSULTATION RESPONSES

Initial Responses Received (Consultation period between 05 September 2023 and 26 September 2023)

Lincolnshire County Council - County Highways & SUDS - 08 September 2023

No objection.

They requested access and utility informatives.

"The proposal is to demolish the existing dwelling house on the Application Site and to replace it with a new dwelling. The proposal includes closing-up the existing vehicular access which is towards the western end of the frontage and beyond a bend in the road which restricts a drivers visibility to the right when entering the highway, and creating a new vehicular access, towards the eastern end of the site frontage where the visibility to the right is much improved. There is an existing footway at the frontage of the site that provides safe pedestrian access between the site and the centre of the village. The proposed development includes ample vehicle parking and manoeuvring space. In view of the above and having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework)(NPPF), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development would not be expected to have an unacceptable impact upon highway safety or a severe residual cumulative impact upon the local highway network or increase surface water flood risk and therefore does not wish to object to this planning application."

Lincolnshire County Council - Historic Places Team - 10 October 2023

"This section offered comments on a previous proposal to erect a replacement dwelling on this site (H14-0989-22) and the tenets of this advice still stand. The building proposed for demolition is of traditional construction and appears to be relatively un-modernised. It is recorded on the earliest historic mapping from the 1880s, although a building also appears to be shown here on the 1815 Ordnance Survey drawings held by the British Library. Bridge House is therefore likely to be at least 140 years old and can be considered a non-designated heritage asset."

"The developer has provided no information on the building's significance and nor is any justification provided for its demolition and replacement with a new dwelling. This is not in accordance with the National Planning Policy Framework (section 16, paragraph 194) or the South East Lincolnshire Local Plan (Policy 29F). On initial inspection the asset would appear to draw significance from its relationship to surrounding listed buildings and in its archaeological and architectural value."

"In addition to the building itself, the site is also situated within an area of archaeological potential. Opposite Bridge House to the north side of North Gate an archaeological evaluation within 'Abbey Field' has revealed evidence for relatively high-status medieval occupation, with imported stone and brick buildings likely located within that site, as well as later post medieval flax processing industry once the medieval building had gone out of use. An L-shaped fishpond or moat like feature is illustrated on 19th century mapping immediately to the west of, and on the same alignment as Bridge House, which may be associated with this known medieval occupation site, potentially having linked it to the River Glen."

"If, however, the local planning authority is minded to grant permission it is recommended that the developer should be required to commission a Scheme of Archaeological Works (on the lines of 4.8.1 in the Lincolnshire Archaeological Handbook). This should be secured by South Holland District Council's standard conditions AR01, 02 and 03. Initially it is envisaged that this would involve full historic building recording of the historic Bridge House prior to its demolition, as well as archaeological monitoring and recording during all subsequent groundworks, including the grubbing out of any existing foundations. This is in accordance with NPPF para.205."

Following these comments the agent submitted a Heritage Impact Assessment and Planning Statement. A further consultation was sent but no response has been received from the Historic Places Team.

South Holland District Council - Conservation Officer - 08 September 2023

Objection.

"The proposal site is situated on the opposite side of the road to the Grade II listed. Whilst minor proposals on this site could be considered to have no appreciable effect upon the setting of the listed building, the proposal to remove an existing property and build a larger property in its stead can be considered to risk the potential of a major impact upon the listed asset's setting."

"Therefore, this proposal should be governed under Policy 29, Section A(3) of the SELLP. Which states that "Proposals that affect the setting of a Listed Building will be supported where they preserve or better reveal the significance of the Listed Building." In this instance, I do not feel that this proposal satisfactorily meets this test. The proposed design of the replacement dwelling is incongruous, and I believe represents a major overdevelopment of the site, which would have a negative resultant effect upon the appreciation of the nearby listed heritage asset, meaning that this proposal fails to either 'preserve or better reveal the significance of the listed building.'"

"Furthermore, Policy 22 of the SELLP, which covers the replacement of dwellings in the countryside states, under Section 3, that such proposals shall only be supported where "the original building is not of architectural or historic merit and is not capable of repair". The extant building is an attractive example of its type that fits well into the surrounding character and setting. I cannot see that the applicant has provided evidence to suggest that the building is beyond repair. As such, I would therefore question whether this proposal breaches Policy 22, Section 3 of the SELLP."

South Holland District Council - Environmental Protection - 21 September 2023

No comments.

Environment Agency - 19 September 2023

They request that a condition that finished floor levels shall be set no lower than 4.4m above Ordnance Datum. Flood resilient construction shall be to a height of 300mm above the predicted flood depth, and the development shall have at least two storeys.

Black Sluice Internal Drainage Board - 26 September 2023

They request a soakaway calculation condition. They also request a foul water drainage details condition, and highlight that *"The discharge of foul or dirty water direct into any watercourse is strictly prohibited."*

"There are a number of watercourses bounding or crossing the site. The large open watercourse to

the south (the River Glen) is an Environment Agency Main River and as such consent will be required from the Agency for any works affecting this watercourse, or for any works within 8 metres of the landward toe of the embankment."

"There is also a pipeline which lies on the eastern part of the site, extending from the existing outfall structure and slacker door on the bank of the River Glen, under the highway, and into the open watercourse along the frontage of Glen House to the north of the highway. Within common law, the owner of the property in question is deemed to have ownership and maintenance responsibility for this pipe, unless proved otherwise in writing. Please check your deeds."

"The applicant will therefore be expected to ensure that their proposals for the replacement dwelling do not affect this pipeline in any way. The Board's recommendation would be for no footings or foundation structures of the new dwelling within 5 metres of the piped structure. Any other structures, such as sheds, fences, etc, shall be placed entirely at the applicant's risk."

Pinchbeck Parish Council - 04 October 2023

Objection.

"Overdevelopment of plot."

Members of the public

This application has been advertised in accordance with the Council's Statement of Community Involvement and the Development Procedure Order. In this instance, one letter of representation has been received.

This can be summarised as:

Support

...believe that the proposal will enhance the site and this part of Pinchbeck. I particularly like the contemporary design elements and their relationship to the traditional elements of the proposal."

Responses Received following Re-consultation (Consultation period between 19 October 2023 and 29 October 2023)

South Holland District Council - Conservation Officer - 03 November 2023

Objection

"The recent amendment to this application does not in any way alter my original stance on this proposal."

"No amendment has been proposed to the design. I still consider the proposal to represent an unattractive, incongruous overdevelopment of a sensitive site within relatively close proximity to a prominent listed building."

"The applicant's Heritage Impact Assessment states that Bridge House is currently in poor condition and therefore draws upon the character of the setting. It should be noted that disrepair does not represent justification for the demolition of a building within the historic environment, and that Policy 22 of the SELLP specifically seeks to encourage and facilitate the restoration of existing assets in poor condition. Furthermore, the applicant states that the conifer hedge shields the nearby Glen House from any negative impact. The hedging is not subject to any protection under planning legislation and could, in theory, be removed without the need to consult with the LPA. Therefore, I cannot take the existence of the hedge into account in issuing my advice. Finally, I fundamentally disagree with the agent's statement that the proposed design is 'traditional' in any sense. The inclusion of a fairly featureless 3-bay frontage does not represent 'traditional' design overall. Nevertheless, the building would appear shrouded with incongruous and visually obtrusive modern additions, with any 'traditional' elements of the proposed frontage being largely shielded from public views along northgate."

"The supplied 'visual structural inspection and report' does not in any way suggest that the original building is incapable of repair, merely supporting the case that there is a substantial amount of work

to be carried out to repair it. Furthermore, the agent draws attention to the fact that previous pre-application advice was returned suggesting that the original building is not worthy of retention due to the site not being subject to 'existing preservation or listing orders' - it is true that the building is neither listed nor subject to an article 4, however, it can quite clearly be seen as a non-designated heritage asset."

Lincolnshire County Council - Historic Places Team - 07 December 2023

"With regard to Amendment 1 submitted in support of this application I would endorse the comments made by the conservation officer and reiterate our former advice concerning the need for an adequate record of the building and for archaeological monitoring."

Lincolnshire Bat Group - 30 October 2023

"Thank you for consulting Lincolnshire Bat Group on the protected species report, reference bats. Note that transient day roosts were found for common pipistrelle bats and that a low impact licence will be required from Natural England if planning permission is granted. See 5.1.2 and Section 6. Further surveys will be required in May/June 2024."

KEY PLANNING CONSIDERATIONS

The main issues and considerations in this case are (but are not limited to):

Principle of development and sustainability
Presumption in Favour
Layout, Design and Consideration of the Character and Appearance of the Area
Impact on Residential Amenity/Land Users
Parking / Highway Safety
Flooding Considerations / Drainage
Replacement Dwellings in the Countryside
Conservation and Heritage Impact

EVALUATION

Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

In this case, the adopted South East Lincolnshire Local Plan 2011-2036, adopted March 2019, forms the development plan for the District, and is the basis for decision making in South Holland. The relevant development plan policies are detailed above.

The policies and provisions set out in the National Planning Policy Framework (updated September 2023) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

Furthermore, where a Neighbourhood Plan has been adopted, this alongside the adopted Local Plan, forms part of the Development Plan for the District, and must be considered when assessing development proposals. In this instance, no relevant neighbourhood plans have been adopted. The Authority is able to demonstrate a supply of deliverable sites equivalent to in excess of 5 years through the latest Housing Land Supply Assessment.

Principle of Development and Sustainability

To support the Government's objective of significantly boosting the supply of homes, paragraph 60 of the National Planning Policy Framework (2023) details that "it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay".

In identifying land for homes, paragraph 69 of the National Planning Policy Framework also emphasises the importance that the contribution of small to medium sized sites can make in meeting the housing requirements, detailing that "Small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built-out

relatively quickly".

The South East Lincolnshire Local Plan sets out the settlement hierarchy in respect of delivering sustainable development that meets the social and economic needs of the area whilst protecting and enhancing the environment; in order to provide enough choice of land for housing to satisfy local housing need, whilst making more sustainable use of land and to minimise the loss of high-quality agricultural land by developing in sustainable locations and at appropriate densities.

Policy 1 of the South East Lincolnshire Local Plan sets out a spatial strategy for delivering sustainable development across South East Lincolnshire to 2036. Policy 1 (Spatial Strategy) expresses this sustainable framework of settlements, ranking the settlements deemed to be most sustainable in descending order. The most sustainable locations for development are situated within the 'Sub-Regional Centres', followed by 'Main Service Centres'. Lower down the hierarchy in respect of sustainable development are areas of limited development opportunity including Minor Service Centres, with areas of development constraint comprising 'Other Service Centres and Settlements'. The countryside is at the bottom of the settlement hierarchy and represents the least sustainable location in terms of sustainability.

The proposal is submitted as a replacement dwelling, the local plan (under Policy 22) allows for such development and by its very nature it is linked to the location of the existing dwelling, which in this case has an open countryside location. The plan therefore makes allowances for such proposals, and in broad terms the proposal (not being a departure) is commensurate with the plan. The proposal for a dwelling is therefore acceptable subject to meeting the policy requirements set out by Policy 22: 'Replacement Dwellings in the Countryside', as well as other policies within the SELLP.

Presumption in Favour

Paragraph 10 of the National Planning Policy Framework details that "so that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development (paragraph 11)".

Paragraph 11 expresses that for decision-taking this means: "c) approving development proposals that accord with an up-to-date development plan without delay; or d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

However, paragraph 12 of the National Planning Policy Framework reiterates that "The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making".

Layout, Design and Consideration of the Character and Appearance of the Area

Section 12 of the National Planning Policy Framework (2023) specifically relates to 'Achieving well-designed places' and details that "The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve" and as such, it is generally accepted that good design plays a key role towards sustainable development.

Paragraph 130, contained within section 12 of the National Planning Policy Framework (2023), states that new development should function well and add to the overall quality of the area (including beyond the short term) and should be visually attractive as a result of good architecture and appropriate landscaping. This goes on to establish that it is important that new development should be of the highest quality to enhance and reinforce good design characteristics, and that decisions must have regard towards the impact that the proposed development would have on local character and history, including the surrounding built environment and landscape setting such as topography, street patterns, building lines, boundary treatment and through scale and massing. Development proposals should also ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users, among other considerations.

Proposals for new development would therefore require the aforementioned considerations to be adequately assessed and designed, including the siting, design and scale to be respectful of surrounding development and ensure that the character of the area is not compromised.

Policy 2 of the South East Lincolnshire Local Plan outlines sustainable development considerations for development proposals, providing a framework for an operational policy to be used in assessing the sustainable development attributes of all development proposals. Furthermore, policy 3 accords with the provisions of section 12 of the National Planning Policy Framework, in that it requires development to comprise good design; identifying issues that should be considered when preparing schemes so that development sits comfortably with, and adds positively to, its historically-designated or undesignated townscape or landscape surroundings.

These policies accord with the provisions of the National Planning Policy Framework and require that design which is inappropriate to the local area, or which fails to maximise opportunities for improving the character and quality of an area, will not be acceptable.

The floor area of the development is 221.4 square metres. The floor area of the existing dwelling is 94.16 square metres. Whilst the site is large, the footprint of the replacement dwelling is not considered to sit well within the site, and has little respect for the built character of the surrounding area, nor the prominent location of the site.

There is considered to be a material impact from the proposed dwelling on the character and appearance of the surrounding area. No pre-application advice was sought prior to submission of the application and this is considered to be reflected in the proposed design. The design is not reflective of a countryside vernacular dwelling and does not appear to follow a defined architectural style. No materials of construction have been submitted to support this application. Given, the scale of the design and the proximity to a Grade II listed building, a substantive assessment of the materials of construction cannot be undertaken, which is considered of material importance to the application. Further assessment against replacement dwelling and conservation / heritage local and national policy will be made later in the report.

Taking account of the design, scale and nature of the development, as detailed above, the proposal is not considered to be acceptable. The proposal would cause an adverse impact to the character or appearance of the area and would therefore not be in accordance with policies 2 and 3 of the South East Lincolnshire Local Plan and Section 12 of the National Planning Policy Framework.

Impact on Residential Amenity/Land Users

Paragraph 130 of the National Planning Policy Framework (2023) states that development should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Policies 2 and 3 of South East Lincolnshire Local Plan (2019) sets out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

There is considered to be a material amenity impact from the proposal. With regard to overdevelopment the proposal is a significant increase in floorspace compared to the existing dwelling on site. The total floor area of the development is 221.4 square metres. The floor area of the existing dwelling is 94.16 square metres. The plot size is 1338.57 square metres. 16.54% of the site would be covered by development. 7.03 % of the site is currently covered by development.

When compared to the dwelling size and plot size of adjacent sites the following can be observed. Cor-Den to the west of the site has a floor area of 144.36 square metres with a plot size of 2,520.50 square metres. 5.73% of the site is covered by development. Glen House to the east of the site has a floor area of 185.47 square metres and a plot size of 2,960.30 square metres. 6.27% of the site is covered by development. The Keep to the north-east of the site has a total floor area of 368 square metres and a plot size of 5,151.33 square metres. 7.14% of the site is covered by development.

Therefore, the new dwelling at Bridge House would cover more than two times as much of the site than the existing dwelling and more than two times as much of the site when compared to three adjacent dwellings. Therefore the proposed dwelling is considered to represent overdevelopment.

With regard to overlooking the following can be observed. These observations take into account the finished floor levels of 4.40mOND which averages 200mm above existing ground level.

There is considered to be an overlooking impact from some of the south-western elevation ground floor fenestration. The windows predominately face the river bank at the southern boundary of the site. However, the south-west facing window of the family room faces the side elevation eastern elevation windows of Cor-Den. This area of the boundary is bordered by a 1 metre high post and rail fence with a 2 metre high hedge only starting further up the western boundary. The south-western first floor fenestration does not directly face Cor-Den to the west. However, there is a balcony serving bedroom 1 that can afford an overlooking aspect to the rear garden and east elevation windows of Cor-Den. The rear garden and rear fenestration of Cor-Den is visible from the public right of way that sits atop the river bank on the southern boundary as well as from the first windows of Bryfield on the opposite southern side of the River Glen. Therefore from the south-western fenestration there is considered to be additional overlooking but not a new overlooking impact.

The ground floor fenestration on the north-western elevation serves a family room, kitchen, utility, wc and a lounge / dining area. The north-west facing window of the family room faces the side elevation eastern elevation windows of Cor-Den. This area of the boundary is bordered by a 1 metre high post and rail fence with a 2 metre high hedge only starting further up the western boundary. The kitchen, utility, wc and a lounge / dining area windows face the 2 metre high hedge. The first floor fenestration on the north-western elevation serves an en-suite, bedroom 3 and another bedroom not allocated a number on the floor plan. The en-suite window will be obscure glazed and the bedroom 3 is served by rooflights approximately 2 metres above floor level. Therefore there is not considered to be an overlooking impact from these two rooms. The window serving the unnumbered bedroom will face the frontage garden of Cor-Den to the west. As this site has a 1 metre high post and rail fence along the frontage northern boundary, there is considered to be additional overlooking of the garden but not a new overlooking impact.

The ground floor fenestration on the north-eastern elevation serves a kitchen and a lounge / dining area. These windows directly face arable fields on the opposite side of Northgate and the junction with Herring Lane. The ground floor windows are approximately 46 metres to Glen House and 71 metres to The Keep to the east and north-east respectively. Given the separation distances to both properties there is not considered to be a material overlooking impact. Additionally, the frontage of Glen House is predominately bordered by established trees and hedging. The first floor fenestration on the north-eastern elevation serves bedroom 2, a staircase, a wc rooflight, a narrow games room window and a large games room window. These windows directly face arable fields on the opposite side of Northgate and the junction with Herring Lane. The window of bedroom 2 does offers a small overlooking aspect on the open frontage garden of Cor-Den and no overlooking aspect to Glen House or The Keep. The staircase window does not serve a habitable room and is 43 metres from Glen House, 70 metres from The Keep. Given the separation distances to both properties there is not considered to be a material overlooking impact. Additionally, the frontage of Glen House is predominately bordered by established trees and hedging. The wc rooflight is approximately 2 metres above floor level therefore there is not considered to be an overlooking impact from this fenestration. The large first floor window of the games room directly faces the junction with Herring Lane and an area of grassed land to the front of Glen House. This window is 30 metres from Glen House and 66 metres from The Keep which is not materially impacted by this window. Glen House is predominately bordered by established trees and hedging and therefore there is not considered to be a material overlooking impact from this window.

The ground floor fenestration on the south-eastern elevation serves a lounge, dining room and utility. The utility window faces the blank side elevation wall of the garage. The lounge and dining room windows face toward the proposed vehicular entrance and river bank along the southern boundary. Due to the two storey garage to the north-east of these windows, there is no overlooking aspect toward Glen House which is predominately bordered by established trees and hedging. The first floor fenestration on south-eastern elevation serves bedroom 1, a bathroom, bedroom 4, bedroom 3, and a door on the exterior staircase serving the games room. The windows serving the bathroom will be obscure glazed and the bedroom 3 window faces the blank side side elevation wall of the games room. The windows serving bedrooms 1 and 4 face toward the proposed vehicular entrance and river bank along the southern boundary. Due to the two storey garage to the north-east of these windows, there is no overlooking aspect toward Glen House which is predominately bordered by established trees and hedging. The exterior staircase to the games room is not an area where someone would be expected to spend a large amount of time, and is 4 metres from the boundary and 28 metres from Glen House in total. However, whilst there maybe an opportunity for overlooking the boundary at Glen House is predominately bordered by established trees and

hedging. The staircase is visually prominent and detracts from the appearance of the dwelling. Therefore given the size of triple garage it is considered that this staircase can be internal, thereby improving the exterior appearance of the dwelling and reducing the potential for overlooking to Glen House should frontage trees and hedging be removed in the future.

As detailed above, the scale and design of the proposal is considered to be such that there would be a significant and unacceptable impact on the residential amenities of the occupiers of adjacent properties from overdevelopment and overlooking impacts. As such, the proposal is not considered to accord with the provisions of the Section 12 of the National Planning Policy Framework, and Policies 2 and 3 of the Local Plan.

Parking / Highway Safety

Section 9 of the National Planning Policy Framework (2023) specifically relates to 'Promoting sustainable transport'. Paragraph 111 of the National Planning Policy Framework (2023) advises that "development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe".

Within this context, development should give priority first to pedestrian and cycle movements, facilitate access to high quality public transport, address the needs of people with disabilities and reduced mobility in relation to all modes of transport, safe, secure and attractive places, allow for efficient delivery and access for emergency services, and be designed to enable and encourage ultra-low emission vehicles in safe, accessible and convenient locations.

In respect of highway matters, Policy 2 details that proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to access and vehicle generation. Policy 3 details that development proposals will demonstrate how accessibility by a choice of travel modes including the provision of public transport, public rights of way and cycle ways will be secured, where they are relevant to the proposal.

Furthermore, Policy 36, to be read in conjunction with Appendix 6 of the South East Lincolnshire Local Plan, sets out minimum vehicle parking standards and requires at least two spaces for dwellings of up to three bedrooms and three spaces for dwellings with four or more bedrooms.

The submitted plans show five external off road parking spaces with a further three parking spaces available in the triple garage. However, the application form states that the proposed number of parking spaces is five. With either number of parking spaces the proposal accords with Appendix 6 of the South East Lincolnshire Plan.

The County Highways & SUDS Officer responded on the 8th of September 2023 to state that they had no objections and requested standard access and utility informatives.

"The proposal is to demolish the existing dwelling house on the Application Site and to replace it with a new dwelling. The proposal includes closing-up the existing vehicular access which is towards the western end of the frontage and beyond a bend in the road which restricts a drivers visibility to the right when entering the highway, and creating a new vehicular access, towards the eastern end of the site frontage where the visibility to the right is much improved. There is an existing footway at the frontage of the site that provides safe pedestrian access between the site and the centre of the village. The proposed development includes ample vehicle parking and manoeuvring space. In view of the above and having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework)(NPPF), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development would not be expected to have an unacceptable impact upon highway safety or a severe residual cumulative impact upon the local highway network or increase surface water flood risk and therefore does not wish to object to this planning application."

The proposal would therefore be acceptable and would not have an unacceptable adverse impact on highway safety in accordance with Local Plan Policies 2, 3 and 36, and Section 9 of the National Planning Policy Framework.

Flooding Considerations / Drainage

Section 14 of the NPPF requires development plans to "apply a sequential, risk-based approach to the location of development - taking into account all sources of flood risk and the current and future impacts of climate change - so as to avoid, where possible, flood risk to people and property. They should do this, and manage any residual risk, by: a) applying the sequential test and then, if necessary, the exception test as set out below".

Paragraph 162 details "The aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding", with the sequential approach being required in areas known to be at risk now or in the future from any form of flooding, with the flood risk assessment being the tool to demonstrate this.

If, following the application of the Sequential Test, it is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding, the Exceptions Test can be applied if appropriate.

The site lies within Flood Zones 2 and 3 of the Environment Agency's Flood Maps. These 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.

It is worth noting that large parts of the district of South Holland 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 South East Lincolnshire Strategic Flood Risk Assessment (SFRA) provides an overview of how flood risk has been considered in shaping the proposals of the Local Plan; including the spatial strategy and the assessment of housing and employment sites. Policy 4 of the South East Lincolnshire Local Plan is clear in that "Development proposed within an area at risk of flooding (Flood Zones 2 and 3 of the Environment Agency's flood map or at risk during a breach or overtopping scenario as shown on the flood hazard and depths maps in the Strategic Flood Risk Assessment) will be permitted" in instances where specific criteria is met.

The site is predominately located in Environment Agency Flood Zone 2 and within Flood Zone 3 along the southern boundary. On the 2115 South Holland Strategic Flood Risk Mapping, the site is in a "Danger for Most" hazard area, with a maximum predicted flood depth of 1 metre in the north-westernmost extent of the site. The submitted Flood Risk Assessment proposes finished floor levels of 4.40mODN which is approximately 200mm above current average ground level. The Environment Agency has no objections to the proposed finished floor levels despite the potential flood depth shown on the 2115 South Holland Strategic Flood Risk Mapping.

Surface water is to be addressed via soakaway, with the means of foul water drainage currently unknown. The Environment Agency has no objections to the submitted details.

Replacement Dwellings in the Countryside

The proposal is for a replacement dwelling outside of defined settlement limits. Therefore, Policy 22 of the South East Lincolnshire Local Plan should be used to assess the proposal.

Policy 22 states:

"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.

Where permission is granted, Permitted Development Rights may be removed in order to control future alterations or extensions that may impact on the appearance and character of the surrounding area."

When assessed against the relevant criteria the following can be observed:

1. The residential use of the building has not been abandoned, however, it is in need of renovation.
2. The original building is permanent and whilst dilapidated is not considered to be derelict.
3. The original building is considered to be a non-designated heritage asset.
4. The replacement building is not of a high standard of architectural detailing and materials of construction have not been submitted. No pre-application advice was sought prior to submission of the application and this is considered to be reflected in the proposed design. The design is not reflective of a countryside vernacular dwelling and does not appear to follow a defined architectural style.
5. The replacement dwelling is positioned on the footprint of the original dwelling but is more than twice the size of the footprint of the dwelling to be replaced.
6. The replacement exceeds the floor area of the original dwelling by almost 150%. The development is not of exceptional quality, not innovative in its design, no materials of construction have been submitted, and solar panels on the south-east elevation roof is not considered to represent a material energy efficiency impact.

Insufficient supporting justification has been given as to why such an increase in scale is required, nor what the design focus is, or how the building can demonstrate energy efficiency. Therefore the building is contrary to the aims of Policy 22 of the SELLP and therefore unacceptable.

Conservation and Heritage Impact

Policy 29 of the SELLP and Section 16 of the NPPF concern the conservation of heritage assets. Policy 29 (The Historic Environment) states amongst other matters that the distinctive elements of the South East Lincolnshire historic environment will be conserved and, where appropriate, enhanced, in keeping with the policies in the National Planning Policy Framework. Development proposals will expected to conserve and enhance the character and appearance of designated and non-designated heritage assets... and their settings through high-quality sensitive design.

The National Planning Policy Framework (NPPF) expresses the importance of considering the impact of development on the significance of designated heritage assets; advising that development and alterations to designated assets and their settings can cause harm. These policies ensure the protection and enhancement of the historic buildings and environments. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance should be treated favourably.

Section 16 of the National Planning Policy Framework (2021) states that "When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance".

Paragraph 201, relating to substantial harm, details that "where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss".

The existing dwelling is considered to constitute a non-designated heritage asset. Paragraph 203 of the National Planning Policy Framework (2023) relates to non-designated heritage assets and details that "the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or

indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset".

In assessing proposals of this nature, the Local Planning Authority must ensure special regard to preserving the Listed Buildings and their settings in relation to Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act'). No harm should be caused with the historical assets and their surroundings requiring to be preserved or enhanced.

Following submission of a Heritage Impact Assessment, the Conservation Officer made the following comments:

"The recent amendment to this application does not in any way alter my original stance on this proposal."

"No amendment has been proposed to the design. I still consider the proposal to represent an unattractive, incongruous overdevelopment of a sensitive site within relatively close proximity to a prominent listed building."

"The applicant's Heritage Impact Assessment states that Bridge House is currently in poor condition and therefore draws upon the character of the setting. It should be noted that disrepair does not represent justification for the demolition of a building within the historic environment, and that Policy 22 of the SELLP specifically seeks to encourage and facilitate the restoration of existing assets in poor condition. Furthermore, the applicant states that the conifer hedge shields the nearby Glen House from any negative impact. The hedging is not subject to any protection under planning legislation and could, in theory, be removed without the need to consult with the LPA. Therefore, I cannot take the existence of the hedge into account in issuing my advice. Finally, I fundamentally disagree with the agent's statement that the proposed design is 'traditional' in any sense. The inclusion of a fairly featureless 3-bay frontage does not represent 'traditional' design overall. Nevertheless, the building would appear shrouded with incongruous and visually obtrusive modern additions, with any 'traditional' elements of the proposed frontage being largely shielded from public views along northgate."

"The supplied 'visual structural inspection and report' does not in any way suggest that the original building is incapable of repair, merely supporting the case that there is a substantial amount of work to be carried out to repair it. Furthermore, the agent draws attention to the fact that previous pre-application advice was returned suggesting that the original building is not worthy of retention due to the site not being subject to 'existing preservation or listing orders' - it is true that the building is neither listed nor subject to an article 4, however, it can quite clearly be seen as a non-designated heritage asset."

The views of the Conservation Officer are supported by the Historic Places Team of Lincolnshire County Council in their consultation response of the 7th of December 2023.

Overall, the proposal is considered to cause material harm to the amenity and character of the surrounding area, and as such does not conform to Policy 22 of the South East Lincolnshire Local Plan and Section 16 of the National Planning Policy Framework. This application for a replacement dwelling cannot be supported by the Local Planning Authority in its present form.

PLANNING BALANCE

As detailed above, Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

The proposal represents inappropriate development outside the defined settlement boundary. The development hereby proposed causes material harm to the character and appearance of the locality, as well as the amenity of nearby residents. Therefore the proposal is not in accordance with Policies 1, 2, 3 and 22 of the South East Lincolnshire Local Plan and the provisions of the National Planning policy Framework when viewed as a whole.

In this instance, there are material considerations that weigh against the proposal and as such, the planning balance is in not in favour of the development.

CONCLUSION

This application is not considered to accord with Policies 1, 2, 3, 4, 22, 28, 29, 36 and Appendix 6 of the South East Lincolnshire Local Plan, 2019, as well as Sections 2, 4, 5, 9, 12, 14, 15 and 16 of the National Planning Policy Framework, 2023.

RECOMMENDATION

Based on the assessment detailed above, it is recommended that the proposal should be refused under Delegated Authority.

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.