DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H15-0669-23**	**Applicant:**	**The Sylvia Rose White Will Trust**
Proposal:	Demolition of a detached residential dwelling with outbuildings and the construction of a new residential dwelling with detached garage		
Location:	The Ferns Beck Bank Quadring Fen		
Terminal Date:	28th September 2023		

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
33	Delivering a More Sustainable Transport Network
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2023

Section 2 - Achieving sustainable development
Section 9 - Promoting sustainable transport
Section 12 - Achieving well-designed places
Section 14 - Meeting the challenge of climate change, flooding and coastal change

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
SHDC INTERNAL	0	0	1	0

OTHER STATUTORY BODIES	0	0	1	1

CASE OFFICER ASSESSMENT

Description of Proposal

The proposal seeks outline planning permission for a replacement dwelling and detached garage at The Ferns, Quadring Fen. The existing dwelling is a 165sqm, white rendered, detached bungalow. It is proposed that this would be replaced with a 224sqm two-storey dwelling. As the application is in outline only, no elevational drawings have been submitted.

Site Description

The site is outside of any settlement boundaries outlined within the South-East Lincolnshire Local Plan, 2019, lying approximately 3.5km west of Quadring. Despite the remoteness of this dwelling, there are a number of houses along Beck Bank, with the nearest being located 23 metres to the south.

The existing dwelling is a modest bungalow, situated within a large, well vegetated plot. There is a neighbouring dwelling to the immediate south, and a row of six semi-detached dwellings starting approximately 50 metres to the north. Beyond these houses, the area is dominated by agricultural land.

Relevant History

No relevant history.

Consultation Responses

The responses received from consultees during the initial consultation exercises, which can be viewed in their entirety through the South Holland website, can be summarised as follows:

Highway and Lead Local Flood Authority

"No objection: The proposal is to replace the existing dwelling on the Application Site with a new dwelling. The site's existing vehicle access is to be utilised for the proposed dwelling. There is an existing footway on the site side of Beck Bank which provides safe and suitable pedestrian access. 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), 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 and therefore does not wish to object to this planning application."

environmental Protection

No observations

Historic Places Team

No observations

Lincolnshire Bat Group

"Given the number of bat records we hold for this area and the proximity of the South Forty Foot Drain, a major bat feeding area, we would recommend that a protected species survey be carried

out on this site, for both bats and nesting birds"

Public Representations

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance, no letters of representation have been received.

Key Planning Considerations

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.
The adopted South-East Lincolnshire Local Plan 2011-2036, adopted March 2019 (SELLP), is the development plan for the district, and is the basis for decision making in South Holland. The relevant development plan policies are detailed within the report above.

The policies and provisions set out in the National Planning Policy Framework, 2021 (NPPF) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

Principle of Development

Policy 1 of the SELLP sets out the settlement hierarchy in respect of delivering sustainable development, which 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 need, whilst making more sustainable use of land, and to minimise the loss of high-quality agricultural plots by developing in sustainable locations and at appropriate densities.

Policy 1 expresses this sustainable hierarchy 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 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.

The site is not located within any defined settlement boundaries and as such is considered to be within the countryside.

Development within the countryside is restricted under Policy 1 of the SELLP. However, as the application is for a replacement dwelling, there would be no overall increase in the number of dwellings in the countryside and no additional units would be created in an unsustainable location.

In cases of replacement dwellings within the open countryside, Policy 1 is supported by Policy 22. Proposals outside of the defined settlement boundaries must be assessed against the six criteria outlined in the Policy. Assessing the proposal against said criteria, the following is considered:

1.The residential use of the existing dwelling has not been abandoned.
2.The original building is permanent and not derelict. Supporting information has demonstrated that while the site is overgrown, the dwelling is structurally sound and capable of habitation.
3.The original building is of no architectural or historic merit.
4.No elevations have been submitted; therefore, the proposal cannot be assessed against criterion 4. That being said, the elevations would be assessed as part of a Reserved Matters application and would be required to conform to the high architectural standard detailed here.
5.The positioning of the building is comparable to the existing.
6.The replacement dwelling would not exceed 40% of the floor area of the original.

Therefore, on balance the proposal conforms to Policy 22. While in its current state, the proposal does not demonstrate Criterion 4, there is an opportunity to address this at the Reserved Matters stage.

Therefore, the proposal is considered to be in accordance with Policies 1 and 22 of the SELLP. The

principle of development on this site is considered acceptable subject to other material considerations being met.

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

Section 12 of the NPPF, "Achieving well-designed places", states that " 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 NPPF, 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. 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.

Likewise, Policy 2 of the SELLP outlines sustainable development considerations for proposals; providing a framework for an operational policy to be used in assessing the sustainable development attributes of all development proposals. Furthermore, Policy 3 of the SELLP 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. 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.

No elevational drawings have been submitted as part of this proposal. Therefore, the ability to comment on the aesthetic qualities of a potential new dwelling is limited. That being said, it is considered that the addition of a two-storey dwelling on the site would not be out of keeping with the established built form of the area.

The scale of development proposed is proportionate to the size of the plot. The plot is large enough as to take the increase in scale, while still appearing well proportioned and sitting well.

Taking account of the design, scale, and nature of the development, as detailed above, the proposal is considered to be acceptable. The proposal would not cause an adverse impact to the character or appearance of the area and would therefore be in accordance with Policies 2 and 3 of the SELLP and Section 12 of the NPPF.

Impacts Upon Resident Amenity

Paragraph 130 of the NPPF 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.

Policies 2 and 3 of SELLP sets out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

The proposal does not represent a significant overlooking concern. The neighbour to the north is situated over 50 metres away, reducing the potential for overshadowing. However, it is the significant boundary treatments present on the site which would fully ensure no overlooking or overshadowing occurs. Large trees, exceeding the height of the potential dwelling, are present around the site's perimeter. It is recommended that if permission is granted here, that the retention of these boundary treatments is conditioned.

As detailed above, the scale and design of the proposal is considered to have no significant or unacceptable impact on the residential amenities of the occupiers of adjacent properties or land users, when also taking account of the conditions recommended. As such, the proposal is considered to accord with the Section 12 of the NPPF and Policies 2 and 3 of the Local Plan in terms of impact upon residential amenity.

Highway Safety and Parking

Section 9 of the NPPF is titled 'Promoting sustainable transport'. Within this, Paragraph 111 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".

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. Policy 33 further reinforces the need for developments to be accessible via sustainable modes of transport.

The relevant consultee from the highway department has raised no objections to the proposal. The existing access would be utilised and, therefore, there would be no detrimental impact upon highway safety. The site is accessible via an existing footway, enabling suitable pedestrian access. As such, the proposal would conform to Section 9 of the NPPF as well as Policies 2, 3 and 33 of the SELLP.

Policy 36 of the SELLP, in conjunction with Appendix 6, 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.

No details of the number of bedrooms in the new dwelling have been submitted. However, it is considered that the site provides ample room for the parking of three or more vehicles. The proposed garage would further ensure adequate parking is maintained.

The proposal would therefore be acceptable and would not have an unacceptable adverse impact on highway safety in accordance with Policies 2, 3, 33 and 36 of the SELLP, as well as Section 9 of the NPPF.

Flooding Considerations

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: applying the sequential test and then, if necessary, the exception test as set out below".

Paragraph 162 of the NPPF states " 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". The sequential approach is 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 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.

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 SELLP 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.

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 SFRA as a basis to apply the sequential test.

Within the SFRA the site is classed not as an area of flood risk. As such, the tangible risk of flooding is extremely low.

As the proposal is a replacement dwelling, and the SFRA indicates the risk of flooding is low, it is considered the proposal passes the Sequential and Exceptions test.

It is proposed that the finished floor levels of the dwelling are raised by 300mm and that there is 300mm of flood resilient construction above the finished floor level. While this is not strictly necessary, it is considered to be good practice. The proposed raised floor levels would not increase the potential amenity impacts of this proposal or make the dwelling appear out of keeping with the area.

The addition of a second storey would offer a safe haven for residents in the unlikely event flooding occurs, thus further increasing the flood resilience of the proposed dwelling.

It is not considered that the replacement dwelling would increase the potential for flooding elsewhere.

Overall, when considering the development on balance, it is considered, given the mitigation measures detailed and recommended by condition, that the proposal accords with Policies 2, 3 and 4 of the SELLP and the intentions of the NPPF with regards to flood risk.

Natural Environment

Policy 28 of the SELLP concerns the natural environment. The overgrown nature of the site, coupled with the proximity to South Forty Foot Drain, means there is the potential for species of interested to be affected by the proposal.

A structural survey was conducted to ensure the dwelling is weather tight and that there are no obvious entry points for wildlife. Following the positive findings of this survey, it has been considered appropriate to request a species survey to be conducted prior to the commencement of the development, as requested by the relevant consultee.

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 outline proposal represents an improvement over the existing dwelling. All necessary policy concerns at this stage have been addressed. All outstanding issues, such as the design of the dwelling, will be fully assessed at a reserved matters stage.

The planning balance is in favour of the proposal.

Conclusion

Taking into consideration these factors, the proposal is considered to comply with Policies 1, 2, 3, 4, 22, 29, 33 and 36 of the SELLP, as well as Sections 2, 9, 12 and 14 of the NPPF. There are no significant factors in this case that would outweigh the benefits of the proposal; therefore, the planning balance is in favour of the proposal.

Based on the assessment detailed above, it is recommended that the proposal should be approved 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.