DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H19-0232-21**	**Applicant:**	**Mr M D Broker**
Proposal:	Erection of 4 bed two storey barn style dwelling with detached garages, new vehicular access, fencing & landscaping, including existing stable to be removed - approved under H19-0271-20. Modification of Condition 2 to allow amendments to previously approved plans.		
Location:	Masons Lodge Coronation Avenue Throckenholt		
Terminal Date:	7th May 2021		

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
11	Distribution of New Housing
28	The Natural Environment
30	Pollution
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2019

Sections 2, 3, 4, 5, 12 and 14

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
NORTH LEVEL INTERNAL DRAINAGE BOARD	0	0	0	1

OTHER STATUTORY BODIES	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

Planning permission was granted for an agricultural barn in September 2003 (ref. H19-0380-03) and development was commenced - the foundations are in situ. More recently, planning permission was granted for the erection of two-storey barn style dwelling with integral garage, new vehicle access, fencing, landscaping and stable (ref. H19-0437-18). The design was subsequently varied, which included extending the floor plan 3 metres to the east to improve the accommodation area and the garages were detached (ref. H19-0271-20).

This application is for additional alterations, which include:
- The main building floor plan extended by 1 metre to the east and by 1.5 metres to the south;
- The main body of the building changed to a cream smooth rendered finish from Cederal lap horizontal cladding (Violet Blue);
- Finished floor levels raised to approximately 600mm (with terracing) to comply with the flood risk assessment.

The overall design and location of the building remains basically the same.

Site Description

The site (some 0.09ha) is land associated with no. 41 Coronation Avenue and is mainly grassed, including foundations of a building previously approved. Native hedging and a drain are situated along the frontage and the North Level Internal Drainage Board's Main Drain is located to the south.

Policies/Constraints

The site adjoins the settlement limit for Throckenholt (Other Service Centre and Settlement) as defined in the South East Lincolnshire Local Plan, 2019.

History

H19-0380-03 - Full - Erection of agricultural building - Granted 2 September 2003.

H19-0437-18 - Full - Erection of 5 bed two-storey barn style dwelling with integral garage, new vehicle access, fencing, landscaping and stable - Granted 3 July 2018.

H19-0271-20 - Full - Erection of 4 bed two storey barn style dwelling with detached garages, new vehicular access, fencing and landscaping including existing stable to be removed - Granted 15 July 2020

Consultation Responses

Sutton St Edmund Parish Council - No response

LCC Highways/SUDS - Does not wish to restrict the grant of permission

North Level Internal Drainage Board - No objections in principle.

Lincolnshire Wildlife Trust - Please note that this development is immediately adjacent to New South Eau and North Level Main Drain Local Wildlife Site. Care should be taken during construction and the finished development to avoid impact on the interest features of this designated site.

Planning Considerations

The main issues in this case are:

- Policy/principle;
- Character/appearance;
- The likely impact upon the amenity of nearby residents;
- Highway safety;
- Other material considerations such as flood risk and drainage.

Policy/principle

In accordance with Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, the determination must be made in accordance with the development plan, unless material considerations indicate otherwise.

The site is outside Throckenholt Settlement Limit as defined in the South East Lincolnshire Local Plan, 2019. Policy 1 is therefore applicable. It indicates that development outside a defined settlement limit will only 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.

In this case, however, foundations are in situ from a previous permission for an agricultural barn (H19-0380-03), although there is some doubt as to whether they are in the correct position and whether the previous permission has therefore been implemented. Even if this is the case, it is unlikely that the Authority would resist a retrospective application for the agricultural barn in the alternative position. Moreover, it currently has an extant permission for a dwelling, the most recent ref. H19-0271-20. This application is solely to vary the scheme. These factors are material considerations that outweigh any policy objection.

Character/appearance

The original proposal had the appearance of a barn. This is less so with the present scheme, as in the case of application ref. H19-0271-20. However, existing development within the locality is generally varied, including semi-detached local authority houses and other dwellings of various styles and design. Taking this into consideration it would be difficult to resist the application on grounds that the proposal would materially harm the character/appearance of the rural locality.

The proposal satisfactorily accords with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 in this respect.

Residential Amenity

The nearest property is No. 41 Coronation Avenue some 15.8 metres to the north, which is presently associated with the site. A detached house is situated to the north-west on the opposite side of the road (Cherrytree House). Colesbridge Farm is situated further to the south on the opposite side of the North Level Main Drain. Given the general relationship of the site to neighbouring properties and the separation distances involved it is considered that neighbouring residents would not be materially harmed by the amended proposal in terms of overlooking, lack of privacy, overshadowing, loss of light, overbearing effect, noise and disturbance.

The proposal therefore satisfactorily accords with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019, which aim to protect the amenity of nearby residents, both existing and future.

Highway Safety

The County Highways Authority has indicated that the proposed modification of the details previously approved would not be expected to give rise to any unacceptable impact upon highway safety and, therefore, does not wish to object to this planning application.

Other Material Considerations

Drainage - Foul drainage would be disposed of via a private treatment plant and surface water via a drain. North level IDB has no objections in principle to the application. Separate formal applications

to both alter the watercourse and to discharge additional surface water will be required.

Flood Risk - The site is within Flood Zone 3 as defined within the Environment Agency's Flood Maps. However, it is within an area of no hazard within the SHDC Strategic Flood Risk Assessment. The proposal therefore passes the sequential test.

In terms of the exceptions test, the flood risk assessment accompanying application ref. H19-0271-20 recommends that finished floor levels should be 300mm above the carriageway of Coronation Avenue, which is at a higher level than the site. Finished floor levels would therefore need to be approximately 600mm above existing ground level to achieve this.

Ecology - The Lincolnshire Wildlife Trust has noted that the site is immediately adjacent to the New South Eau and North Level Main Drain Local Wildlife Site. Consequently, they have indicated that care should be taken during construction and the finished development to avoid impact on the interest features of this designated site. There is sufficient separation distance in this case. An advisory note is therefore recommended under the circumstances.

Planning Balance

The site is outside Throckenholt Settlement Limit as defined in the South East Lincolnshire Local Plan, 2019. However, the proposal is solely to vary an extant planning permission (ref: H19-0271-20). This is a material consideration that outweighs development plan policy in this case.

The proposal is acceptable in terms of design and would not materially harm the character/appearance of the rural locality. Nor would it materially harm the amenity of nearby residents. It complies with Policies within the South East Lincolnshire Local Plan, 2019 and advice within the National Planning Policy Framework, 2019. There are no adverse impacts that would significantly and demonstrably outweigh the benefits.

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.

Recommendation

That the application be approved under delegated powers.