DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H19-0384-19**	**Applicant:**	**Mr & Mrs T Simmons**
Proposal:	Replacement Dwelling - approved under H19-1126-18. Removal of Conditions 6 and 7 relating to window frames and glazing.		
Location:	Eye Farm Broadgate Sutton St Edmund		
Terminal Date:	3rd June 2019		

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
29	The Historic Environment
30	Pollution

National Guidance

National Planning Policy Framework 2019

Sections 2, 4, 5, 12, 14 and 16

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	1
WARD MEMBER	0	0	0	0
SHDC INTERNAL	0	0	0	1
OTHER STATUTORY BODIES	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

The site has full planning permission for a replacement dwelling of traditional design reflecting a late 19th Century 5 bay Victorian farm house (ref. H19-1126-18). This application is to modify conditions 6 and 7 relating to window details and materials.

Site Description

The site is located on the eastern side of Broadgate, Sutton St Edmund and is currently occupied by a farmhouse. Existing Willow trees front the site.

Policies/Constarints

The site is outside a defined settlement limit and within an area of no hazard within the SHDC Strategic Flood Risk Assessment.

Representations

Sutton St Edmund Parish Council - No objections

Environmental Protection - No objections.

Previous Decisions

H19-1126-18 - Replacement dwelling, Eye Farm, Broadgate, Sutton St Edmund - Granted 21 January 2019.

Material Considerations

The main issue in this case is whether the revised siting and design/appearance of the property is satisfactory.

As indicated in paragraph 47 of the National Planning Policy Framework, 2018, planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

Policy 22 of the South East Lincolnshire Local Plan, 2019 indicates that proposals for the erection of replacement dwellings outside defined settlement boundaries will be permitted provided that:
1. the residential use of the building to be replaced (the original building) has not been abandoned;
2. the original building is permanent, has not become derelict and is not the result of a temporary permission;
3. the original building is not of architectural or historic merit and is not capable of repair;
4. the replacement building is of a high standard in terms of architectural detailing and materials of construction;
5. the replacement building is positioned on a similar footprint to the original building unless it can be demonstrated that the re-positioning would have beneficial impacts such as improving the character and appearance of the site and its locality; and
6. the replacement building does not exceed the floor area of the original dwelling by more than 40%, unless the development is of exceptional quality or innovative in nature in terms of its design, use of materials and levels of energy efficiency.

Addressing the above, the site has planning permission for a large replacement dwelling. This application is solely a modification. Criterion 1- 3 are satisfied therefore. In respect of criterion 4 and 6, the Authority exceptionally grants permission for larger dwellings if they are of a high standard of design, reflecting traditional vernacular. The present proposal is considered to be satisfactory in this respect. No objections are raised to the principle elevation facing Broadgate as opposed to south as at present.

Criterion 5 indicates that the replacement should be on a similar footprint. In this case, the replacement has been positioned further forward on the plot. However, properties within the vicinity are generally on a varied building line. The existing Willow trees along the frontage would be retained. Planning permission has also recently been granted for a stable block on a similar building

line (ref. H19-0686-18). Taking these matters into account, it is considered that the proposal would not materially harm the character/appearance of the countryside.

Condition 7 of H19-1126-18 stipulates that the windows shall be constructed in timber. The applicants' now propose to use Roseview "Ultimate Rose" uPVC windows. They are high spec and are recommended for use in heritage buildings and conservations areas. The detailing closely matches timber sliding sash windows and they are considered to be an acceptable alternative in this case.

Concluding, therefore, it is considered that the proposal would not conflict with the overall aims and objectives of Policy 22, which are to protect the rural character of the countryside. It is consistent with advice contained within Section 12 of the National Planning Policy Framework, 2019. Paragraph 127 stresses that planning policies and decisions should ensure that developments are visually attractive, add to the overall character of the area and are sympathetic to local character and history.

In terms of amenity, the nearest residential property is Ashfield House to the north, which is situated beyond a range of agricultural outbuildings. The replacement dwelling currently proposed is situated further forward. However, it would overlook the front garden area of Ashfield at a distance and not the dwelling itself to a significant degree. It is considered that the amenity of neighbouring residents would not be materially harmed in terms of overlooking, lack of privacy, overbearing effect, noise and disturbance, etc.

LCC Highways/SUDs has previously indicated that it does not wish to restrict the grant of planning permission.

Environmental Protection has reviewed the Goldfinch Environmental Ltd Geo-environmental Desk Study Report and recommends discharge of Condition 15 of H19-1126-18 in full.

In terms of flood risk, the site is in Flood Zone 3 within the Environment Agency 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, a condition was previously imposed stipulating that finished floor levels be set no lower than 2.0m aOD and that the development be 2 storey.

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 to grant permission 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 to grant permission 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 to grant permission is considered to be a proportionate response to the submitted application based on the considerations set out in this report.