DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H19-0543-22**	**Applicant:**	**Mr M Walsh**
Proposal:	Rebuilding of former dwelling including extension approved under H19-0939-21		
Location:	Luttongate Farm 15 Luttongate Gedney Hill		
Terminal Date:	20th September 2022		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
04	Approach to Flood Risk
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
17	Providing a Mix of Housing
28	The Natural Environment
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2021

Section 2 - Achieving sustainable development
Section 5 - Delivering a sufficient supply of homes
Section 11 - Making effective use of land
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

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1

SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	2
NORTH LEVEL INTERNAL DRAINAGE BOARD	0	0	0	2

CASE OFFICER ASSESSMENT

Proposal

This is a full application seeking permission for a replacement two storey dwelling at Luttongate Farm. The dwelling would be built like for like with some minor fenestration changes and with the addition of a two storey extension previously approved under application H19-0939-21.

The existing bricks and rooftiles would be reused with new upvc doors/windows similar to the existing.

Site Description

The application site comprises a two storey detached dwelling located on Luttongate in Gedney Hill. It is located outside any settlement boundary and within the open countryside. The dwelling itself has been extended recently and various outbuildings have been approved for the site in recent years. The site is well enclosed by high level boundary trees/hedges. The site is surrounded by open countryside and there are no immediate neighbours.

History

H19-0939-21 - Proposed two storey extension - Approved

H19-0184-21 - Proposed Hay Barn - Granted 5 October 2021

H19-0273-20 - Full - Detached garage - Granted 29 July 2020

H19-0921-20 - Full - Proposed stable block - Granted 11 January 2021

H19-0411-18 - NMA - Proposed extensions - approved under H19-0249-17. Amendments to change garage to kitchen - Granted 1 June 2018

H19-0249-17 - Full - Proposed extensions - Granted 11 April 2017

H19-0185-16 - Full - Proposed two-storey extension and alterations - Granted 31 March 2016

Consultation Responses

North Level District Internal Drainage Board

No objections subject to compliance with the Boards Bylaws.

South Holland Internal Drainage Board

No comments as the site lies outside the Internal Drainage District of the South Holland Internal Drainage Board and the proposal is classed as a minor development therefore it does not meet our threshold for commenting

LCC Highways/SUDS Authority

Does not wish to restrict the grant of permission as the existing access would be utilised and sufficient parking and turning provision would be provided within the site

Planning Considerations

Principle of development

The site is located outside of any settlement boundary and within the open countryside however, given there is already a residential dwelling present on the site, the principle of a replacement dwelling would be accepted subject to the below criteria set under Policy 22 of the SELLP:

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.

The replacement dwelling has not been abandoned, it is a permanent dwelling, is not of architectural or historic merit, the replacement dwelling would be of good standard in terms of materials, it would be positioned on a similar footprint to the existing dwelling and it its floor area would not exceed more than 40% of the original dwelling.

As such the replacement dwelling is considered t accord with Policy 22 of the SELLP and is considered acceptable in principle subject to the below material considerations.

Design and layout

Paragraph 130 of National Planning Policy Framework (NPPF), 2021 establishes that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area; are visually attractive as a result of good architecture and sympathetic to local character and history, including the surrounding built environment and landscape setting. Policies 2 and 3 of SELLP 2019 amongst other matters seek to ensure that development respects the character and appearance of the area and the relationship to existing development and land uses.

The proposed replacement dwelling would have the same footprint to the existing (including the previously approved two storey extension which has not been implemented) and would be near enough identical to the existing dwelling in terms of its appearance. As such there would be little discernible difference in the overall appearance of the site.

The dwelling is considered to be proportionate to the size of the plot and would retain sufficient amounts of outdoor amenity space. As such it is not considered that the proposal results in overdevelopment of the site. The front/side gravelled area would be retained for parking. The boundary treatments would remain largely the same. Internally, all the proposed bedrooms would be above the minimum space standards and the future householders would enjoy good living conditions.

The majority of the materials would be reused from the existing dwelling therefore there would be little discernible difference in its appearance.

As such the proposed development is considered acceptable in terms of its appearance and impact on the street scene.

Residential amenity

Paragraph 130 of National Planning Policy Framework (2021) amongst other matters seeks places with a high standard of amenity for existing and future users. Policies 2 and 3 of South East

Lincolnshire Local Plan (2019) set out residential amenity and relationship to existing development and land uses as main considerations when making planning decisions.

There are no immediate nieghbours given the remote location of the site therefore no unacceptable impact is considered to result on neighbouring amenity.

As such there are no neighbouring amenity concerns and the replacement dwelling is considered to accord with the above mentioned policies.

Highway safety and car parking provision

In conjunction with Policy 36 of SELLP 2019, Appendix 6 sets out the minimum standards for parking provision upon the use class. Three spaces for dwellings with 4+ bedrooms should be provided within the curtilage. The proposed dwelling would have 4 bedrooms therefore 3no parking spaces would be required. The proposed driveway layout would be sufficient for at least 3no cars that could enter and egress the site in a safe and forward manner. Overall, the proposals would ensure minimum parking standards.

The County Highways Authority has not objected to the scheme as the existing access would be utilised and sufficient off-street parking would be provided within the site.

Flood risk and drainage

The site is located within Flood Zone 3 of the Environment Agency's Flood Maps, however, in this instance a flood risk assessment is not required as a basis to apply the sequential test as the replacement dwelling would be like for like with no additional hard surfacing and the finished floor levels would be the same as existing. As such it is not considered that there would be any increased flood risk.

Policy 4 of the SELLP relates to flood risk management and states that new development will be permitted if appropriate flood resistance and resilience measures are proposed (criterion c); it incorporates the use of Sustainable Drainage Systems (SuDS) (criterion e); and demonstrates that adequate foul water treatment and disposal already exists or can be provided in time to serve the development (criterion g).

North Level Internal Drainage Board has advised that the Board's Kingston to Luttongate South Drain forms the eastern boundary to the site and therefore the Board's Bylaws apply. In particular Bylaw no.10 which states that 'no person without the previous consent of the Board shall erect any building or structure whether temporary or permanent within 9 metres of the drain'. This is noted, however, the dwelling would be sited more than 10 metres from the drain in question therefore the proposal would comply with the Board's Bylaws.

Given the above the proposal is considered to be in accordance with Policies 2, 3 and 4 of the Local Plan and Section 14 of the National Planning Policy Framework (2021) with regard to their provisions on flood risk and drainage.

Planning balance

The principle of a replacement dwelling is acceptable at such location given the site already has long established residential use.

The siting, external materials, and mean of enclosure would be sympathetic with the neighbouring land uses and the rural character of the area. The footprint of the dwelling would be the same as the existing with the addition of an extension previously approved and would sit well within the plot. No unduly harm would occur upon neighbouring amenity given the remote location of the site. On-street parking would be prevented by appropriate car parking arrangement within the plot and no cumulative impact upon highway safety is anticipated by the proposal. There would not be any flood risk concerns as the replacement dwelling would be like for like.

As such no adverse impact of granting planning permission would significantly and demonstrably outweigh the benefits of doing so, when assessed against the planning policies taken as a whole.

Conclusion

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

Taking into account the above, this application complies with Policies 1, 2, 3, 4, 10, 11, 17, 28, 36 and Appendix 6 of South East Lincolnshire Local Plan (2019) as well as Sections 2, 5, 11, 12, 14 and 15 of National Planning Policy Framework (2019).

Accordingly, it is recommended to approve this application via delegated powers.

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

The application can be approved under delegated powers.