

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H20-0836-21 **Applicant:** Mr D Mitchell
Proposal: Proposed erection of dwelling with attached annexe (part retrospective)
Location: The Challenge Childersgate Sutton St James
Terminal Date: 1st November 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
22	Replacement Dwellings in the Countryside
28	The Natural Environment
29	The Historic Environment
30	Pollution
31	Climate Change and Renewable and Low Carbon Energy
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2021

Section 2. Achieving sustainable development.
Section 4. Decision making.
Section 5. Delivering a sufficient supply of homes.
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	1
SHDC INTERNAL	0	0	1	0
RESIDENTS	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

Full planning permission was granted for a replacement dwelling and detached garage on 21 September 2012 (ref. H20-0495-12) and conditions subsequently discharged (ref. H20-0495-12). Work was subsequently commenced on the detached garage foundations on 14 April 2015.

Planning permission was subsequently granted to alter the dwelling from a 4 bed house to a larger 6 bed 2½ storey house of traditional design positioned slightly further forward on the plot (ref. H20-0726-18). The garage remained unaltered.

The current application is for a 3 bed house with attached annexe. As previously, the garage would remain unaltered.

Site Description

The site is located in open countryside on the north-eastern side of Childersgate Lane. It is currently occupied by a static caravan and some outbuildings. It also contains the foundations of a garage block.

The nearest residential property is "Benamy" some 200 metres to the north-west.

Planning History

H20-0557-97 - Full - Erection of three bedroomed bungalow - Refused 16 January 1998.

H20-0337-05 - Full - Erection of a dwelling - Withdrawn 28 March 2011.

H20-0220-11 - S191 - Erection of single storey dwelling - approved 18 May 2011.

H20-0625-11 - S191 - Erection of single-storey dwelling - Approved 17 October 2011.

H20- 0495-12 - Full - Erection of replacement dwelling - Granted 21 September 2012.

H20-1130-17 - Full - Replacement two-storey dwelling and detached double garage (retrospective) - Refused 28 February 2018.

H20-0726-18 - Full - Erection of detached dwelling and detached double garage (garage already started under approval H20-0495-12) - Approved 2 October 2018.

Consultation Responses

Sutton St James Parish Council

No response.

LCC Highways/SUDs

Does not wish to restrict the grant of permission

SHIDB

If (following testing) a strategy wholly reliant on infiltration is not viable and a surface water discharge is proposed to a watercourse, then the proposed development will require land drainage consent in line with the Board's byelaws (specifically byelaw 3).

Environmental Protection

No comments or objections.

Public

Request Swift boxes.

Planning Considerations

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. The key material considerations are addressed below.

Policy 1 of the South east Lincolnshire Local Plan, 2019 (SELLP) is aimed to define a local spatial strategy from which new development should be steered to most sustainable locations. This Policy also establishes a settlement hierarchy that indicates the most and least sustainable locations. It goes on to state that "in the Countryside development will 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."

Policy 22 of the SELLP 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.

With regards to criterion 1-3, full planning permission was granted for a replacement dwelling and detached garage on 21 September 2012 (ref. H20-0495-12) and conditions subsequently discharged (ref. H20-0495-12). Work was subsequently commenced on the detached garage foundations on 14 April 2015. The principle of a replacement dwelling on the site has therefore been established by virtue of this fallback position.

Concerning the fourth criterion, the proposed replacement dwelling is a 3-bed house of bespoke design. It includes some traditional architectural features such as brick dentil course and segmental arches. It would be constructed in red brickwork with a clay pantile roof. It is interesting architecturally and would not materially harm the character or appearance of the countryside.

Regarding the fifth criterion, the dwelling is located in a similar position to the previous scheme (ref. H20-0726-18). Its position would not be harmful to the existing character or appearance of the countryside.

In respect of the sixth criterion, its gross or total floorspace is not significantly larger than the existing house. Although it is not of exceptional quality, it is of bespoke design and would not be significantly more imposing.

In respect of the sixth criterion, the replacement dwelling is significantly larger than the original property. Although it is not of exceptional quality, it is arguably less imposing than the dwelling previously approved and is of bespoke design with some interesting architectural features. It would be constructed in red brickwork with a clay pantiled roof. Although there is some conflict with criterion 6 it is considered, on balance, that the proposal does not materially conflict with the aims and objectives of SELLP Policy 22 and advice within the Framework aimed at protecting the rural character of the countryside.

In terms of amenity, the nearest residential property is some 200metres to the north-west. It is considered that the amenity of occupiers of this property would not be materially harmed in terms of such matters as overlooking, lack of privacy, noise and disturbance, etc.

Concerning highway issues, an existing access would be utilised and ample space is available on site for the parking/turning of vehicles. No objections are raised to the proposal on highway safety grounds.

In terms of flood risk, the site is located within Flood Zone 3 of the Environment Agency's Flood Maps. The Environment Agency's Flood Maps 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. Also, large parts of the South Holland District 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 SFRA indicates that the site is within an area identified as "Danger to Some". However, this is a less severe categorically. Moreover, a previous planning permission for a replacement dwelling has been implemented. This is a material consideration that outweighs flood risk in this case.

In terms of the exceptions test, it needs to be ensured that the development will be safe for its lifetime without increasing flood risk elsewhere and, where possible, will reduce flood risk overall. To achieve this, it is recommended that finished floor levels be 500mm above existing ground level, plus flood resilience measures.

Foul drainage would be disposed of via an existing septic tank and surface water via soakaways. There is ample capacity of drainage fields due to the size of the site. The submitted drainage details are considered acceptable therefore.

Policy 3 of the SELLP indicates that development proposals should, where relevant to the proposal, include the incorporation of existing hedgerows and trees and the provision of appropriate new landscaping to enhance biodiversity.

Policy 28 indicates that all development should provide an overall gain in biodiversity. The explanatory text sets out that development can incorporate a number of simple, low-cost measures to deliver biodiversity benefits and enhance priority habitats and species, such as, the use of bat roost boxes, green roofs or walls, and integrating nesting opportunities into buildings and green infrastructure. A condition promoting bio-diversity is therefore considered justifiable.

Planning Balance

The proposal generally complies with the aims and objectives of Policies 1, 2, 3, 4, 22, 29 and 36 of the South East Lincolnshire Local Plan and advice within the National Planning Policy Framework, 2019. The proposal is considered acceptable on amenity, highway safety and flood risk grounds. There are no adverse impacts from the proposal that would significantly and demonstrably outweigh the benefits.

Conclusion

The planning balance lies in favour of the proposal. It is therefore recommended that the application be approved under 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.