DECISION DELEGATED TO HEAD OF PLANNING

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| **Application No:** | **H21-0469-22** | **Applicant:** | **Mr & Mrs S Venni** |
| **Proposal:** | Re-build collapsed barn and enlargement to form residential annexe | | |
| **Location:** | Ven Acres Parsonage Lane Tydd St Mary | | |
| **Terminal Date:** | 23rd August 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 |
| 36 | Vehicle and Cycle Parking |
| APPENDIX 6 | Parking Standards |

**National Guidance**

**National Planning Policy Framework 2021**

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 | 1 | 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 |
| RESIDENTS | 0 | 1 | 0 | 0 |

## CASE OFFICER ASSESSMENT

## PROPOSAL

This is a full application seeking permission to re-build the collapsed barn and enlargement to form a detached residential annexe to be used by family members. The building would comprise two bedrooms, a bathroom, a living room, kitchen, utility and a w/c.

The building would be constructed from red brickwork, terracotta pantile rooftiles and off-white upvc windows.

## SITE DESCRIPTION

The site is located off Parsonage Lane in Tydd St Mary. The site is outside any defined settlement boundary and within the open countryside. The site is associated with Ven Acres and currently comprises detached barn buildings. The site is well enclosed by high level boundary trees/hedging. There are two access points to the site from Parsonage Lane. The site is located within flood zone 3.

## RELEVANT PLANNING HISTORY

No relevant planning history.

## REPRESENTATIONS

Tydd St Mary Parish Council

The Council supports the application.

South Holland Internal Drainage Board

The site lies outside the Internal Drainage District of the South Holland Internal Drainage Board

North Level Internal Drainage Board

No comments.

Resident

The neighbour to the west at Schnauzerhaus has commented in support of the scheme.

## PLANNING CONSIDERATIONS

Principle of development

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.

The site is outside any defined settlement boundary as defined in the South East Lincolnshire Local Plan, 2019. Therefore, the site is located within the countryside. Policy 1 of the Local Plan states 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".

In this case, the proposal is for a self-contained annexe to the existing dwelling (Ven Acres). It would be occupied by family members. It is closely related to the main dwelling and is relatively small, being restricted to two bedrooms. Given the ancillary nature of the development, the proposal

cannot readily be located elsewhere. Therefore, the principle of development for the proposal is acceptable unless material considerations indicate otherwise, according to section 70(2) of the Town and Country Planning Act 1990. This is subject to a condition restricting occupation to family members only.

The proposal is in general accordance with Policy 1 of the South East Lincolnshire Local Plan, 2019.

Layout, Design, Size and Scale

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 visual and physical connection between the Ven Acres and the proposed annex is considered appropriate and would be in close proximity to the existing bungalow on the site. Many of the amenities would be shared with the main house, including, access and parking arrangements, amenity space, electricity and water supply, oil tank and refuse storage.

There would not be any prominent views of the proposed detached building from the main public realm given the siting of the proposed building and the high level trees/hedging surrounding the building.

Part of the existing outbuildings are in poor state and are considered to be an eyesore, detracting from the overall appearance of the application site and the wider area. The works are therefore considered to be an enhancement of the site and the overall area.

It is accepted that the building has a large footprint, however, it would still be subservient to the main bungalow and take on the appearance of a domestic outbuilding. It is considered that it would not materially harm the character or appearance of the locality. Overall, the size and external appearance of the proposal would not be at odds with the existing bungalow on the site or the immediate area.

In summary, the proposals are visually acceptable within the locality and comply with Policies 2 and 3 of the SELLP and Section 130 of the NPPF.

Impacts upon 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 neighbours adjacent to the proposed annex building therefore there are no neighbouring amenity concerns.

As such the proposal would accord with Paragraph 130 of National Planning Policy Framework (2021) and Policies 2 and 3 of South East Lincolnshire Local Plan (2019).

Parking

It is unknown the current number of bedrooms within the existing dwelling. Appendix 6 of SELLP 2019 sets out the highest number of car spaces is 3 for dwellings with 4 or more bedrooms. The existing driveway provides ample parking and is able to accommodate at least 3no vehicles. As such the site exceeds the current parking standards.

Flood Risk/Drainage

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 Holland Strategic Flood Risk Assessment (2017) as a basis to apply the sequential test.

The Sequential Test is a decision making tool designed to ensure that areas at little or no risk of flooding are developed in preference to areas of higher risk. For development to pass the sequential test it has to be demonstrated that there are no reasonably available alternative sites appropriate for the proposed development located in areas with a lower risk of flooding.

The proposed development is in Flood Zone 3. The main risk of flooding to the site is if a breach were to occur in the west bank of the tidal River Nene. The risk of this happening along this section of bank can be considered to be low. It is estimated that the predicted flood level in a 1 in 200 year event would be 2.60m ODN. The risk of flooding from high water levels in the IDB system is extremely low, and adequately mitigated by raising ground floor levels of the proposed house 300mm above existing ground level.

In any area at risk of flooding it is recommended that new dwellings should be of two story construction with all bedrooms at first floor level. This will provide a refuge for residents if the building becomes flooded after a major breach of the tidal bank and ensure there is no danger to residents when they are asleep.

To mitigate the risk of a breach in the tidal defences it is recommended that the ground floor level of the proposed annex should be a raised to a minimum level of 2.6m ODN, which is 210mm higher than the bungalow on the site, and this will also be a minimum of 300mm above the existing ground level on the site. In addition, the occupiers of the property would be advised to register with the Environment Agency's Floodline Warnings Direct Service.

The development passes the Sequential Test and Exception Test and is therefore suitable for the proposed location.

Given the above and subject to the suggested mitigation measures within the submitted Flood Risk Assessment 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.

Planning Balance

The principle of an annex is acceptable in this location given its ancillary nature and the fact it would be sited within the existing residential curtilage of Ven Acres.

The proposal will not materially harm the character or appearance of the locality, the amenity of nearby residents or result in flood risk, highway/parking issues. The planning balance is therefore considered to be in favour of the proposal.

## CONCLUSION

In light of the considerations above, the proposal is considered to be in accordance with Policies 1, 2, 3, 4, 36 and Appendix 6 of the South East Lincolnshire Local Plan (2019) and Sections 12 and 14 of the National Planning Policy Framework (2021).

## 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.