

DECISION DELEGATED TO HEAD OF PLANNING

Application No:	H22-0684-23	Applicant:	Mr & Mrs M Goddard
Proposal:	Demolition and replacement of existing dwelling including change of use of agricultural land to residential curtilage - re-submission of H22-0058-23		
Location:	28 Broadgate Weston Hills Spalding		
Terminal Date:	9th October 2023		

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
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2023

Section 5 - Delivering a sufficient supply of homes
 Section 9 - Promoting sustainable transport
 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	0	0	0
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE	0	0	0	1

BOARD				
SHDC INTERNAL	0	0	1	0
OTHER STATUTORY BODIES	0	0	0	2

Route for determination of application	Delegated	X	Committee	
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CASE OFFICER ASSESSMENT

Proposal

This is a full application seeking permission for the demolition and replacement of existing dwellings including the change of use of agricultural land to residential curtilage. The proposal is for a single four bed residential dwelling.

Site Description

The site is situated within the countryside, according to the South East Lincolnshire Local Plan, 2019 (SELLP). The existing dwelling on site was most likely a pair of dwellings which have subsequently been converted into a single dwelling and then extended and altered including the introduction of some plastic windows and concrete roof tiles. Very little maintenance has been carried out over the years and the dwelling is now in a very poor state; it offers little in terms of overall physical appearance, modern construction or efficiency.

History

H22-0058-23 - Demolition and replacement of existing dwelling including change of use of agricultural land to residential curtilage.

Consultation Responses

South Holland Internal Drainage Board

No objection.

They have advised that consent may be required under Byelaw 3 'If the applicant proposes to discharge surface water to a watercourse, consent would be required under Byelaw 3. Please note that we recommend that any discharge is in line with the Non-Statutory technical standards for sustainable drainage systems, therefore the Board is unlikely to grant consent for discharges in excess of greenfield rate'.

Lincolnshire County Council Highways

No objection.

As a replacement of an existing dwelling with a new dwelling, the proposed development would not be expected to have any material impact upon the operation of the local highway network. The proposal includes relocating the access to the property a short distance to the north, but the new access position still enjoys suitable visibility in both directions for safe egress into the highway and there is sufficient space to be provided within the curtilage of the proposed dwelling for vehicle parking and manoeuvring. In view of the above and having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development would not be expected to have an unacceptable impact upon

highway safety and does not wish to object to this planning application.

Informative

Highway Informative 03

The permitted development requires the formation of a new/amended vehicular access. These works will require approval from the Highway Authority in accordance with Section 184 of the Highways Act. Any traffic management required to undertake works within the highway will be subject to agreement. The access must be constructed in accordance with a current specification issued by the Highway Authority. Any requirement to relocate existing apparatus, underground services, or street furniture because of the installation of an access will be the responsibility, and cost, of the applicant and must be agreed prior to a vehicle access application. The application form, costs and guidance documentation can be found on the Highway Authority's website, accessible via the following link:

<https://www.lincolnshire.gov.uk/licences-permits/apply-dropped-kerb>.

Highway Informative 08

Please contact the Lincolnshire County Council Street works and Permitting Team on 01522 782070 to discuss any proposed statutory utility connections, Section 50 licences and any other works which will be required within the public highway in association with the development permitted under this Consent. This will enable Lincolnshire County Council to assist in the coordination and timings of these works. For further guidance please visit the Highway Authority's website via the following link: Traffic Management - <https://www.lincolnshire.gov.uk/traffic-management>

Lincolnshire Bat Group

Thank you for referring these surveys to Lincolnshire Bat Group for comment. We broadly agree with the conclusions, though note that although presumably within the guidelines, 4 May is a little early to establish if a maternity roost could be present, as pipistrelles, the species mostly recorded here, don't normally move into their roosts until the second half of the month. There was certainly plenty of activity there - as there is generally in the area, according to our records, so if permission is granted to demolish, the directions in the activity report should be followed exactly.

Historic Places Team Lincolnshire County Council

This is a re-submission of previous proposal to demolish an existing dwelling and to erect a replacement dwelling. Previous advice from this section highlighted the house as an un-designated heritage asset that should be recorded prior to demolition. I can confirm that the report submitted with the current application satisfies those requirements excepting the need for the report to include a site code, museum accession number and the archive to be deposited accordingly. To ensure this I recommend that a suitable condition along the lines of the following is attached to any planning permission.

No demolition shall take place until a copy of the final Historic Building Recording report by Witham Archaeology (Report No. 543) has been submitted to the Local Planning Authority for approval. The photographic and paper archive shall be deposited with an appropriate archive in accordance with guidelines published in The Lincolnshire Archaeological Handbook and a further copy of the report shall be deposited with the Lincolnshire Historic Environment Record.

Reason: To ensure an appropriate record of the building has been made prior to demolition.

I also note that the proposed new dwelling is larger than that previously proposed and will occupy a new footprint to the east of the current dwelling, extending into the field to the north which is to be part of the garden of the new property. Within the field on the opposite side of the road an extensive area of ring ditches has been identified from aerial photographs, along with several other linear features which may be trackways. While the ring ditches may be Bronze Age in date and represent the remains of prehistoric burial mounds, it is considered more likely that these represent dwellings, round house, and are later prehistoric and/or Roman in date. Further cropmarks of Roman period settlement are known to the northwest of the site.

This indicates that the site is within an area of considerable archaeological sensitivity and the

proposed development has the potential to damage or destroy significant archaeological remains.

Paragraph 205 of the NPPF states: 'Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible.'

While I appreciate that this matter was not raised for the previous application, it would be consistent with our advice for other similar development in the vicinity to recommend that the developer should be required to commission a Scheme of Archaeological Works (on the lines of 4.8.1 in the Lincolnshire Archaeological Handbook). This should be secured by South Holland District Council's standard conditions AR01, 02 and 03.

Initially I envisage that this would involve monitoring of all groundwork's, with the ability to stop and fully record archaeological features.

South Holland District Council Environmental Protection

No comments.

Public Representation

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance, no letters of representation have been received.

Planning Considerations

Evaluation

Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

The adopted South-East Lincolnshire Local Plan 2011-2036, adopted March 2019 (SELLP), is the development plan for the district, and is the basis for decision making in South Holland. The relevant development plan policies are detailed within the report above.

The policies and provisions set out in the National Planning Policy Framework, 2023 (NPPF) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

Principle/Policy

The South East Lincolnshire Local Plan sets out the settlement hierarchy in respect of delivering sustainable development that meets the social and economic needs of the area whilst protecting and enhancing the environment; in order to provide enough choice of land for housing to satisfy local housing need, whilst making more sustainable use of land and to minimise the loss of high quality agricultural land by developing in sustainable locations and at appropriate densities.

Policy 1 of the South East Lincolnshire Local Plan sets out a spatial strategy for delivering sustainable development across South East Lincolnshire to 2036. Policy 1 (Spatial Strategy) expresses this sustainable framework of settlements, ranking the settlements deemed to be most sustainable in descending order. The most sustainable locations for development are situated within the 'Sub-Regional Centres', followed by 'Main Service Centres'. Lower down the hierarchy in respect of sustainable development are areas of limited development opportunity including Minor Service Centres, with areas of development constraint comprising 'Other Service Centres and Settlements'. The countryside is at the bottom of the settlement hierarchy and represents the least sustainable location in terms of sustainability.

The application site is located outside of the defined settlement boundaries and, in policy terms, lies within the open countryside. Development within the countryside is limited to that where it "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".

Independent dwellings within the open countryside, which do not meet a specific housing need as illustrated within the supporting context of Policy 1, would therefore typically be resisted in principle.

Principal - Extended Curtilage

The extension of the garden area would project into agricultural land. It is noted, as detailed above, that development of this nature would typically be resisted and considered to be contrary to Policy 1, except where the proposal meets the sustainable development needs of the area in terms of economic, community or environmental benefits, as to ensure development takes place where it is appropriate and in order to protect the visual amenity of the countryside.

Notwithstanding this, nor the relatively remote siting of the application site, the properties residing within the surrounding area comprise garden areas of differing extents and scales; albeit the residential built form is predominantly linear in form along Broadgate and Moulton Chapel Road, whilst also being relatively irregular and spacious along the application site road.

The use of the partial existing piece of agricultural land as garden area would provide a resultant amenity space that would not appear out of context, given that the area proposed for residential use comprises a 'triangular section' of land that 'extends' to the south beyond the wider parcel of agricultural land. As such, whilst the proposal would result in a loss of agricultural land to form additional residential land, this is considered to be minimal given the substantial land that would remain and the characteristics of this specific parcel of agricultural land. Overall, whilst this aspect of the proposal would be at conflict with Policy 1 of the South East Lincolnshire Local Plan, the proposal allows for a clear and defined boundary end which does not appear out of context and on balance, when considered with the other aspects of the proposal, it is considered that in this instance the proposal can be supported.

Open Countryside - Local Policy for Replacement Dwelling

The supporting text to Policy 1 states that "housing needs may also, by exception, be justified in the Countryside; for example, for Gypsy, Traveller and Travelling Showpeople accommodation (Policy 20: Accommodation for Gypsies, Travellers and Travelling Showpeople) or to meet the specific housing settlement needs of a settlement (see Policy 19: Rural Exceptions Sites)". The application site comprises an existing residential property and as such, is not considered to meet the provisions of either of these policies.

Notwithstanding this, the proposal comprises the erection of a new residential dwelling located within the open countryside, replacing that which currently resides on site. The application is for a replacement dwelling with no overall increase in the number of dwellings on site, or within its countryside location, ensuring a net increase in units would not be created in an unsustainable location.

Therefore, notwithstanding the above, the relevant policies of the Local Plan should be read as a whole and as such, the provisions of Policy 22 (Replacement Dwellings in the Countryside) must also be considered and can be viewed as being an example where development could be acceptable and justified within the open countryside, 'by exception'. Policy 22 has been discussed in turn.

Policy 22: "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 has not been abandoned
- The residential use of this building has not been abandoned and it still holds its use.
- 2 - The original building is permanent, has not become derelict and is not the result of a temporary permission
- The original building on this site is a permanent structure and is not the result of a temporary permission. The dwelling does appear, however, to be derelict and dilapidated to an extent that is potentially beyond repair and therefore will need to be demolished to ensure that future development on site is habitable and safe. As such, there is a minor conflict with this criterion of the policy.
- 3 - The original building is not of architectural or historic merit and is not capable of repair
- Following consultation with the Historic Places Team, it was concluded that the building is an 'un-

designated heritage asset' that should be recorded prior to demolition. The report submitted with the current application satisfies those requirements expecting the need for the report to include a site code, museum accession number and the archive to be deposited accordingly'.

It is therefore considered that this building could be identified as a non-designated heritage asset and as such, would have been of some architectural or historic merit. As such, the proposal is at minor conflict with this criteria of the policy. Notwithstanding this, due to the fact the building is currently severely run down, the property is beyond repair and as such, safest way to provide habitable accommodation is by demolishing and re-building. Therefore, the opportunity to record such building, which is now somewhat in a state of disrepair, with a view to provide a habitable and optimum development on site of a similar scale is considered to outweigh such conflict in this instance. Further assessment in relation to this aspect is highlighted within the report below.

4 - The replacement building is of a high standard in terms of architectural detailing and materials of construction

- The replacement dwelling can be considered to be of high standards in terms of its architectural design and the materials that will be used in 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

- The building will be positioned on a similar footprint, although it will be slightly re-positioned by extending onto the adjacent land, incorporating the need for a change the use of the land. It can be seen that the position change would provide some beneficial impacts, as it would improve the locality by renovating what is currently there.

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 building in this instance exceeds the original floor area by more than 40%, proposing an appropriate increase of up to 95%; therefore this is considered comprise a further conflict.

In light of the above, the proposed development, when assessed against the provisions of Policy 22 as a whole, conforms with some aspects of the requirements. However, it does conflict with Policy 22 in that the building was of architectural or historic merit, given its consideration as a non-designated heritage asset, it is in a state of disrepair and the proposal, at conflict with criterion 6, seeks to increase the floor space by approximately 95%.

Therefore, whilst it is concluded that the proposal is at conflict with some criterion outlined within Policy 22, the following is also considered. The increase is of a notable scale, being around 95%; however, the development features a relatively high quality design that partially reflects that of the current built form of which is currently in a state of disrepair without viable option for repair. The new dwelling is also considered to provide better energy efficiency thus proving better for the environment than the existing dwelling. The property is of merit, given its status highlighted by the Historic Places Team; however, subject to appropriate conditions, the merits of the building can be appropriately recorded and archived. The loss of the building, whilst unfortunate, is required given its current state and its impractical opportunity to be re-used by way of repair.

Overall, despite the significant increase and conflicts identified, the current state of the property and due to the reasons and the benefits it will provide, the development, on balance, is considered to be acceptable.

National Planning Policy Framework - Replacement Dwelling

Furthermore, beyond Policy 22, Paragraph 80 of the National Planning Policy Framework (NPPF) states that "Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

- a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;
- b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;
- c) the development would re-use redundant or disused buildings and enhance its immediate setting;

d) the development would involve the subdivision of an existing residential building; or

e) the design is of exceptional quality, in that it:

- is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and

- would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area".

Criteria a-d of para 80 do not apply to this proposal as it does not comprise a 'rural workers dwelling' whereby a property is required nearby to their place of work, the conversion or viable use of a heritage asset, the re-use of a redundant or disused building given that the existing building is to be demolished, or comprise the sub-division of an existing residential building.

Point e. of para 80 is clear in detailing that, for the development of new isolated home within the open countryside, the proposal must comprise a: "design of exceptional quality, in that it: - is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and - would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area". It is also appreciated that Paragraph 134 of the NPPF does require decision makers to give "significant weight to outstanding or innovative designs which promote high levels of sustainability or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings".

In this respect, whilst the adopted Local Plan does not permit new-build residential properties in the open countryside and therefore the proposal would be at conflict with Policy 1 unless compliant with Policy 22 as detailed above, the provisions of Paragraph 80 would be a key material consideration in the determination of this planning application, with the revised NPPF having been adopted more recently in 2023.

The proposed dwelling in this instance is not considered to be innovative or comprise a design that is 'truly outstanding' or of the 'highest standards in architecture', as specifically required by Paragraph 80 of the NPPF. Furthermore, the submission fails to illustrate how the proposal meets the provisions of para 80, and in particular does not demonstrate that the development has been designed to reflect and sensitively coincide with the existing rural setting or characteristic that it would reside within. It is also worth noting that the proposal has been submitted as a 'replacement dwelling' and does not seek to comply with this criterion of Paragraph 80.

Principal - Conclusion

It is clear that the proposed development would not comply with the criteria outlined under Paragraph 80 of the NPPF, as outlined above. However, it is considered that given the nature of the proposal, in that it seeks permission for a replacement dwelling, ensures that this would comprise a suitable form of development in any case, subject to the assessment of Local Plan policies in respect of one-for-one replacement properties.

In this instance, in respect of the proposals acceptability or compliance with Local Plan Policy 22, it is noted that conflict does occur given the increase in size of the proposed dwelling, the merits of the existing built form and its current state of use. Likewise, the proposal consists of a change of use of existing agricultural land within the open countryside, to form an extended residential curtilage that would serve the proposed replacement dwelling. Therefore, the proposal is considered to be at conflict with Policy 1 and 22 of the South East Lincolnshire Local Plan, by virtue of its failure to comply with the entirety of the criteria outlined.

However, the development comprises a replacement dwelling, of which would provide an improved built form in respect of its potential to be adequately habitable. The proposed additional garden area, which itself would incorporate a wildlife tower, relates to a small parcel of agricultural land that in its current form, projects southwards from the wider agricultural land to which it relates. Overall, due to the reasons justified and outlined above, the proposal is not considered to give rise to an unacceptable impact or result in a notable or harmful loss of agricultural land; therefore, it is considered the proposal would comprise an appropriate form of development and on balance, is supported when taking the site characteristics and the provisions of the NPPF and Local Plan as a whole subject to other material considerations being met.

Previous Proposal - H22-0058-23

The application site has been subject to a previous planning application in the form of reference H22-0058-23, which sought full planning permission for the 'demolition and replacement of existing dwelling including change of use of agricultural land to residential curtilage'. This proposal was subsequently withdrawn following correspondence between the Local Planning Authority and applicant's agent.

The previous proposal on site, whilst seeking permission for development of a similar nature in principal, comprised a differing scale and design in respect of the replacement dwelling.

The dwelling previously proposed consisted of a sizeable two-storey dwelling, comprising a modern design which failed to reflect that of the existing dwelling or that of the rural context to which it relates. As is further advised below, the current proposal, subject to this ongoing application, seeks permission for a replacement dwelling that is more reflective of the existing positive building on site; including its dormer frontage design, albeit on a larger scale.

Layout, Design and Consideration of the Character and Appearance of the Area

Section 12 of the National Planning Policy Framework (2023) specifically relates to 'Achieving well-designed places' and details that "The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve" and as such, it is generally accepted that good design plays a key role towards sustainable development.

Paragraph 130, contained within Section 12 of the National Planning Policy Framework (2023), states that new development should function well and add to the overall quality of the area (including beyond the short term) and should be visually attractive as a result of good architecture and appropriate landscaping. This goes on to establish that it is important that new development should be of the highest quality to enhance and reinforce good design characteristics, and that decisions must have regard towards the impact that the proposed development would have on local character and history, including the surrounding built environment and landscape setting such as topography, street patterns, building lines, boundary treatment and through scale and massing. Development proposals should also ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users, among other considerations.

Proposals for new development would therefore require the aforementioned considerations to be adequately assessed and designed, including the siting, design and scale to be respectful of surrounding development and ensure that the character of the area is not compromised.

Policy 2 of the South East Lincolnshire Local Plan outlines sustainable development considerations for development proposals, providing a framework for an operational policy to be used in assessing the sustainable development attributes of all development proposals. Furthermore, Policy 3 accords with the provisions of Section 12 of the National Planning Policy Framework, in that it requires development to comprise good design; identifying issues that should be considered when preparing schemes so that development sits comfortably with, and adds positively to, its historically-designated or undesignated townscape or landscape surroundings. These policies accord with the provisions of the National Planning Policy Framework and require that design which is inappropriate to the local area, or which fails to maximise opportunities for improving the character and quality of an area, will not be acceptable.

The materials being used on the proposed replacement dwelling include the walls being made of Rose of the Alps in the style of Vandersanden with the roof being Marley Thrutone slates. The windows will be power coated aluminium cream and the doors will be composite grey. Finally, the rainwater goods will be made of black uPVC. It can be considered that the materials being used to make the dwelling are not common for the area and will not look similar to what is already on site. However, there is a variety of different style of buildings along Broadgate consisting of different brick types, roof tiles and overall designs. Dwellings to the south of this appear to be more modern looking in terms of their materials and layout whereas buildings to the north look slightly older matching what is currently on site. It can therefore be considered that this is acceptable due to the varying designs and materials used on other buildings in the immediate area.

The design of the building incorporates gable roofs on all sides of the main dwelling with two gable

edge windows in the roof of the front elevation, on the rear elevation there are also two gable edged windows with a larger gable window leading onto the balcony on the flat roof section. Gable roofs are a common roof style in this area and one that features on other dwellings therefore meaning it will suit the locality. There is a small slanted roof attached to the side of the dwelling with the eaves being level with the rest of the house and the ridge will meet just over half of the height. There will be a double garage on the north side of the dwelling with a hallway connecting it to the main dwelling, these are both slightly smaller than the ridge height of the house. At the rear there is a small flat roof section for a snug area, flat roofs are not commonly favourable by LPA's however it will be at the rear of the dwelling and therefore not as visible from the highway, these are also used on other dwellings. It could be considered that certain features of the design are similar to other houses like the gable roof/window and the use of a smaller side building as these exist on the current house and other houses located nearby. However, other design features are not as common, things like the balcony at the rear and the large double garage to the north are not incorporated on other dwellings in the immediate area. As mentioned previously, due to the different designs and styles along Broadgate there is no one set design of features that should be used for the replacement dwelling and therefore it can be considered acceptable due to these varying designs. Policies 2 & 3 of the SELLP require that designs which fail to maximise opportunities for improving the character and quality of the area will not be acceptable, the proposed design maximises the opportunities to improve the character and quality by incorporating new and modern design features.

The ground floor of the proposed dwelling features a bedroom with a dressing area and en-suite. On the opposite side there is a study with a WC and cupboard just adjacent. At the rear there is a lounge and an open plan dining/kitchen/snug. Access to the double garage on the north is through the utility and boot room. On the first floor there are three bedrooms and two bathrooms (one being an en-suite). The master bedroom is a large open plan bedroom with a dressing area and runs the full width of the first floor, it also features a balcony section on the flat roof design at the rear.

The design features a new vehicular access with a gravel driveway leading to the garage and to the rear of the site. At the front there will be a 1.5m high brick wall with a 1.8m high wooden fence around the side and rear of the site with a variety of trees to remain along the north side and at the rear.

Of further note are the comments received that outline the existing building as a 'non-designated heritage asset'. Policy 29 states that 'distinctive elements of the South East Lincolnshire historic environment will be conserved and, where appropriate, enhanced. It can be considered by demolishing this dwelling and rebuilding it in a new updated design will be enhancing the area and the land it is situated on. It therefore conforms to this.

Further, Paragraph 203 of the National Planning Policy Framework (2023) relates to non-designated heritage assets and details that "the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset".

In this instance, the existing building is considered to be of a very poor state; it offers little in terms of overall physical appearance, modern construction or efficiency. The building is such that it is more viable and feasible for the property to be replaced. Conditions have been attached, in accordance with the advice gained from the Historic Places Team, requiring the recording of the property as further outlined below.

The proposal also incorporates the change of use of an existing parcel of agricultural land, to form an extended residential curtilage. This extended residential area would extend into the land that currently provides a modest southern projection from the wider agricultural land. The resultant residential area would provide a clear and defined boundary end, and provide a clear distinguished difference between the commencement of agricultural land and residential land, which would comprise a much more regular boundary line, which has already been segregated from the wider agricultural land by way of fencing.

The northern boundary of this extended residential curtilage would be bounded by existing leylandii, which can increase in maturity; providing an adequate form of boundary, further defining the commencement of the differing uses.

The proposal is therefore considered, when viewed in its entirety, to accord with Policies 2, 3 and 29

of the South East Lincolnshire Local Plan and Section 12 and 16 of the National Planning Policy Framework.

Impact on Residential Amenity/Land Users

Paragraph 130 of the NPPF amongst other matters, seeks places with a high standard of amenity for existing and future users. Policies 2 and 3 of the SELLP set out residential amenity and relationship to existing development and land uses as main considerations when making planning decisions.

The proposed replacement of the existing dwelling would have no impact on residential amenity. The nearest resident is over 100m away. There would be no concerns regarding overshadowing or overlooking due to the distance and as the use of the building is currently a dwelling there will be no new issues. The development would not be overbearing on the area or locality as there is already a dwelling on site. Likewise, the additional residential curtilage would not extend within close proximity to any neighbouring properties and would not give rise to unacceptable impacts upon amenities.

The proposal is therefore in accordance with Policies 2 & 3 of the South East Lincolnshire Local Plan and Section 12 of the National Planning Policy Framework.

Highway Safety

Section 9 of the National Planning Policy Framework (2023) specifically relates to 'Promoting sustainable transport'. Paragraph 111 of the National Planning Policy Framework (2023) advises that "development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe". It can be considered that as a result of this replacement dwelling it won't cause an unacceptable impact on highway safety as compared to the existing there is only one additional bedroom and therefore should be minimal additional traffic on the road, therefore it should not be refused on highway grounds.

Policy 36 (Appendix 6) of the SELLP sets out the minimum requirements for car parking provision. 3 spaces must be provided within the curtilage for dwellings with 4 or more bedrooms. Currently there is a large grass area the front of the property used for parking, however this will be changed as part of the proposal to accommodate the residents. A new vehicular access will be situated at the front of the property with the existing one being blocked up, this access will lead to a garage on the north side and round to the rear of the property on the south. This area will clearly provide enough parking for the residents and ensure that they will be safe and away from the highway.

In regards to the new vehicular access LCC Highways were consulted and raised no objection stating 'The proposal includes relocating the access to the property a short distance to the north, but the new access position still enjoys suitable visibility in both directions for safe egress into the highway and there is sufficient space to be provided within the curtilage of the proposed dwelling for vehicle parking and manoeuvring', the new access is clearly safe and acceptable.

It can be considered that the proposal is in accordance with Policy 36 (Appendix 6) of the SELLP and Section 9 of the NPPF in terms of parking provision and highway safety and it also meets LCC's standards.

Flood Risk & Drainage

The NPPF requires the application of the Sequential Test to steer new development to areas with the lowest probability of flooding. If, following the application of the Sequential Test, it is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding, the Exceptions Test can be applied if appropriate.

The site is located within Environment Agency Flood Zone 1 and is therefore in a sequentially preferable location in flood risk terms. The South East Lincolnshire Strategic Flood Risk Assessment (March 2017) (SFRA) indicates no hazard and no depth for the site.

In terms of foul sewage they will dispose of it through a package treatment plan. The proposed new driveway will be made of gravel and therefore is a permeable material and will not increase the potential for flooding risk in this area.

Given the above, the proposal is considered to be in accordance with Policy 4 of the SELLP and Section 14 of the NPPF with regard to their provisions on flood risk and drainage.

Ecology

Policy 28 details the requirements in respect of ecology, biodiversity and the natural environment. This policy, along with Section 15 of the NPPF, seeks to conserve the natural environment, including ecology and protected species; outlining that plans should "promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species", amongst other things.

The application in this instance has been accompanied by a Preliminary Ecological Appraisal, along with a further Presence/Absence Bat Survey which was recommended within the aforementioned Preliminary Ecological Appraisal. These surveys/appraisals contain numerous recommendations, including (but not limited to) the protection of badger, bats, birds and habitats/plant species.

In relation to badgers and bats the protected species report outlines that there is no evidence/low possibility of these animals featuring within this area 'during the survey' and thus will not be impacted following the development. Despite this, it was recommended in regards to the badgers that 'vigilance should be maintained and advice must be sought if any setts are found. To safeguard ground mammals, it is essential that no trenches or pipes are left uncovered overnight unless a suitable escape ramp is provided. No pipes should be left uncapped overnight'. As such, this should be followed if any setts are found. The following recommendation has been suggested for the protection of birds 'Any removal/management of any of the buildings, trees, shrubs or brash piles on the site, or any ground works within the neutral grassland area should commence outside the active nesting season which typically runs from early March through to early September. If work commences during the bird breeding season, a search for nests should be carried out beforehand by a suitably experienced ecologist, and active nests protected until the young fledge'. It was noted that there are no priority habitats on site, the habitats with the most value have been identified as 'mature trees, fruit trees and the small areas of grassland' it is advised that these sites are to be retained and/or enhanced. The following was also included within the report - 'The destruction of, or damage to, priority habitats must be avoided if at all possible. If avoidance is not possible due to overriding factors, then the mitigation hierarchy must be followed, with any damage or loss to be minimised and compensated for, preferably on-site, with creation of new areas of priority habitat off-site as a last resort'. Overall, based on this protected species report it was outlined that there are minimal chances that this development could effect the wildlife and habitats but it is important the measure and recommendations submitted should be adhered to.

Bats as a protected species have been mentioned within the protected species report and of course the bat survey. The recommendations that have been suggested will adequately protect any potential bats that are in the site or around the area and therefore ensure their safety. It was outlined there are 'gaps and niches' which could not be fully assessed during the surveys and multiple records of bats living in the area have been assessed. The following recommendations can be seen within the bat survey -

1. Before work begins on the roof or the rest of the building, a toolbox talk will be given to the work force with the contact details of a suitably qualified ecologist on it. This is in case a bat is found during the removal of the roof tiles etc., the roofers know what to do. This is because all bats and their roosts are protected under the Wildlife and Countryside Act 1981 (as amended);
2. As there are bats in the area, then some bat features need to be incorporated or added to the new dwelling or area such as bat tiles, bat bricks or woodcrete bat boxes. If bat tiles are to be added then bat friendly roof membrane needs to be added such as bitumen felt;
3. As bats are feeding in the area, then some native trees need planting which will act as a wind break and provide foraging areas for bats.

The following precautionary measures were suggested within the protected species report -

- The existing native trees must be retained if possible, and if not, they should be replaced with new native landscaping.
- Any external lighting must be kept to a minimum. If it is necessary to include some external lighting, this should be carefully designed to minimise disturbance to bats by using down-lights on low bollards rather than up-lights and using shields to limit light spill. Any external lighting on the new dwelling must be sensor-activated and on a timer, to limit light pollution. There must be no light

spill onto the site boundaries or on any new areas of planting, to maintain dark areas for bats to commute and forage.

- Any external lighting used should emit minimal ultra-violet light, be narrow-spectrum (avoiding white and blue wavelengths) and should peak higher than 550nm. Ideally, 'warm-white' LED lights with no UV component would be used. It should be remembered that artificial lighting disrupts and disturbs many animals, including birds and invertebrates, as well as bats.

Again, providing these precautions and recommendations are followed, any potential bats within the area will face adequate protection and should not be harmed during development.

As such, subject to the development complying with the recommendations set out within these surveys, which have been attached by way of condition, the proposal is considered to be acceptable in this regard; in accordance with Section 15 of the NPPF and Policy 28 of the South East Lincolnshire Local Plan.

Planning Balance

As detailed above, Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

The proposal lies outside the defined settlement boundaries and, for the reasons outlined within the report above, conflicts with Policy 1 and 22 of the South East Lincolnshire Local Plan.

Notwithstanding this, when considering the proposal on balance, it is considered that the proposed development allows for the construction of a habitable and more sustainable residential property, within land that is currently occupied by an existing property, albeit being of some disrepair; coupled with this, the replacement dwelling is also considered to be of good quality design.

The additional residential curtilage would also ensure adequate boundary treatments, which provide a clear and defined boundary edge between the proposed residential land and that of the more established and useable agricultural land.

Overall, on balance, the proposal is considered to represent an appropriate development. The development hereby proposed does not materially harm the character or appearance of the locality, or amenity of nearby residents, and provides adequate parking.

Conclusion

Taking the above considerations into account, whilst the proposal fails to strictly accord with Policy 1 of the South East Lincolnshire local Plan and fails to accord with all criterion of Policy 22, the proposal is in accordance with Policies 2, 3, 4, 29, 30, 36 and Appendix 6 of the SELLP, along with Sections 5, 9, 12 & 14 of the National Planning Policy Framework (NPPF) (2023).

On balance, the proposal comprises an adequate and acceptable form of development that is supported by the Local Planning Authority when considering both the South East Lincolnshire Local Plan and National Planning Policy Framework as a whole. There are no significant factors in this case that indicate against the proposal and outweigh the consideration in favour of the proposal.

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

Based on the assessment detailed above, it is recommended that the proposal should be approved under Delegated Authority.