DECISION DELEGATED TO DEVELOPMENT MANAGER

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| **Application No:** | **H22-0756-21** | **Applicant:** | **Mr & Mrs T Barnett** |
| **Proposal:** | Conversion of former agricultural building to annex | | |
| **Location:** | Primrose Cottage 701 Broadgate Weston | | |
| **Terminal Date:** | 3rd September 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 |
| 30 | Pollution |
| 32 | Community, Health and Well-being |
| 36 | Vehicle and Cycle Parking |
| APPENDIX 6 | Parking Standards |

**National Guidance**

**National Planning Policy Framework 2019**

**NPPF 2021**
Section 2. Achieving sustainable development.
Section 4. Decision making.
Section 5. Delivering a sufficient supply of homes.
Section 8. Promoting healthy and safe communities.
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 |
| SHDC INTERNAL | 0 | 0 | 0 | 1 |

## CASE OFFICER ASSESSMENT

### Proposal

Full planning permission is sought for a self-contained detached one bedroom annex to be occupied by a family member.

### Site Description

The building is located within the curtilage of Primrose Cottage, which is located on the eastern side of Broadgate in open countryside. It is predominantly of block construction with an asbestos/fibre cement roof.

A house (no. 699) and associated yard are located some 75 metres to the south beyond agricultural land and a chalet (no. 705) approximately 60 metres to the north beyond grassland and trees.

### Recent History

H22-0353-08 - Full - Proposed extensions and alterations to house - Granted 13 May 2008.

H22-0487-21 - PAA - Conversion of barn into dwelling - Withdrawn 25 June 2021.

### Consultation Responses

Weston Parish Council

No response

LCC Highways/SUDs

Does not wish to restrict the grant of permission.

Environmental Protection

Request contaminated land condition.

### Planning Considerations

The main issues in this case are:

- Principle;
- Character/appearance;
- Impact upon nearby residents;
- Highway issues

Principle/Policy

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 site is outside Weston 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 (No. 701

Broadgate). It would be occupied by a family member(s). It is closely related to the main dwelling and is relatively small, being restricted to a single bedroom. 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.

Character/Appearance

Policies 2 and 3 of the 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. They are consistent with advice within the National Planning Policy Framework (NPPF), 2021. Paragraph 130 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.

The building is located at the rear of the main dwelling and is presently of utilitarian appearance. It would be clad in dark grey composite timber effect cladding with an artificial slate roof. The proposed woks are considered to be an enhancement and in accordance with Policies 2 and 3 of South East Lincolnshire Local Plan, 2019 in this respect.

Residential Amenity

Policies 2 and 3 of the South East Lincolnshire Local Plan (2019) set out residential amenity and the relationship to existing development and land uses as main considerations when making planning decisions. They are consistent with advice within the National Planning Policy Framework (2021). Paragraph 130, amongst other matters, seeks places with a high standard of amenity for existing and future users.

There are no immediate neighbours. A house (no. 699) and associated yard are located some 75 metres to the south beyond agricultural land and a chalet (no. 705) approximately 60 metres to the north beyond grassland and trees. The proposal would not materially harm the amenity of nearby residents in terms of overbearing effect, overlooking, lack of privacy, noise and disturbance, etc, given the separation distances involved.

The proposal is in accordance with Policies 2 and 3 of South East Lincolnshire Local Plan, 2019 in terms of amenity.

Highway Safety/Parking

Policies 2 and 3 of the SELLP indicate that sustainable development considerations should be met in terms of access and vehicle generation levels and layout of car parking. Policy 36 and Appendix 6 set out the minimum standards for parking provision based upon the use class. Two spaces for dwellings with 3 or less bedrooms should be provided within the curtilage.

The access arrangements remain unchanged and there is ample space for parking on the property. LCC Highways have indicated that the proposal would not have an unacceptable impact on highway safety. The proposal is in accordance with Policies 2, 3 and 36 of South East Lincolnshire Local Plan, 2019 in this respect.

Flood Risk

The site lies within Flood Zone 3 defined by the Environment Agency Flood Map. The latter 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 hazard mapping within the SFRA shows the site to be unaffected if a breach of the flood defence were to occur. The site is therefore sequentially preferable in flood risk terms.

Policy 4 of SELLP is concerned with flood risk management and states that new development will be permitted if appropriate flood resistance and resilience measures are proposed (criterion c); 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).

In this case, it is recommended that finished floor levels be set 300mm above ground level. Foul and surface water would be disposed of to a septic tank and soakaways respectively. The site is large enough to accommodate any necessary associated drainage fields.

Planning Balance

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.

Given the ancillary nature of the development, the proposal cannot be located elsewhere within a settlement boundary. The principle of development for the proposal is therefore considered acceptable, subject to a condition restricting occupation to family members only.
It is considered that the proposal would not materially harm the character/appearance of the locality or amenity of neighbouring residents in terms of overlooking, lack of privacy, overshadowing, overbearing effect, noise and disturbance etc. There are no highway or flood risk issues in this case.

The proposal therefore satisfactorily complies with Policies 1, 2, 3, 4 and 36 of the South East Lincolnshire Local Plan (SELLP), 2019, plus advice within the National Planning Policy Framework (NPFF), 2021. There are no significant factors in this case that indicate against the proposal and outweigh factors in favour of the scheme and the policies referred to above.

## 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.

## Conclusion

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