DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H23-0933-23**	**Applicant:**	**Mr A Dickens**
Proposal:	Erection of 6 bed 3 storey dwelling		
Location:	Orchard Farm Dowsdale Bank Shepeau Stow		
Terminal Date:	14th December 2023		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02	Development Management
03	Design of New Development
04	Approach to Flood Risk
22	Replacement Dwellings in the Countryside
28	The Natural Environment
30	Pollution
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2023

Section 2 - Achieving sustainable development
Section 4 - Decision-Making
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
Section 15 - Conserving and enhancing the natural environment

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	1

SHDC INTERNAL	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

The proposal is to erect a detached 6-bedroom dwelling. The application site benefits from an extant permission for the erection of a 4-bedroom dwelling. This proposal would seek amendments to that previously approved scheme by introducing a further two bedrooms in the loft space. This necessitates the requirement to install roof lights to serve 2nd floor rooms. The approved location of the attached garage would also be handed on the opposite side and the dwelling is reorientated with the principal elevation projecting in a south westerly direction.

Site Description

The application site is located outside of any defined settlement boundary and within the open countryside. The nearest settlement is Shepeau Stow located to the north east. The application site itself is located within Flood Zone 1 in accordance with Environment Agency Mapping Systems.

The wider site benefits from planning permission to erect a number of dwellings. The initial scheme was approved under H23-0594-20 where a conversion of a barn to make five number dwellings was considered appropriate. Following this a full application was submitted and approved to erect 4 dwellings, demolishing the existing barns (H23-0794-21). This application site was approved as plot 3. An application for a further 4 dwellings across the wider farm has also been approved to the east of this application site under H23-0274-23.

From site visit it was evident that plots 1 and 2 of planning permission H23-0794-21 were almost complete, whilst 3 and 4 were not yet begun. The proposed site access which was approved to serve plots 1-3 (inclusive) is already established. Plot 3 at present has portacabins located on it.

History

H23-0594-20 - Proposed barn conversion into 5 dwellings. Approved 15-10-20
H23-0794-21 - Demolition of existing buildings and erection of 4 dwellings. Approved 16-11-21
H23-0205-23 - Demolition of existing buildings and erection of 4 dwellings - approved under H23-0794-21. Removal of Condition 5 to allow uPVC windows with wood grain effect in lieu of timber windows Approved 20-04-23
H23-0274-23 - Demolition of existing barns and erection of four 4-bed 2-storey detached dwellings. Approved 17-07-23

Consultation Responses

South Holland Drainage Board

The site is within the Internal Drainage District (IDD) of the South Holland Internal Drainage Board (IDB) and therefore the Board's Byelaws apply. Whilst the Board's regulatory process (as set out under the Land Drainage Act 1991 and the Board's Byelaws) is separate from planning, the ability to implement a planning permission may be dependent on the granting of any required Land Drainage Consents.

The Board's Officers have reviewed the documents submitted in support of the above planning application. Officers have noted works which may require Land Drainage Consent from the Board as outlined in the table below and detailed overleaf. Please be aware of the potential for conflict between the planning process and the Board's regulatory regime.

Where consents are required, the Board strongly recommends that these are sought from the Board prior to determination of this planning application. The annexe at the end of this letter outlines the Board's regulatory function and how to apply for Land Drainage Consent.

Highways & Suds Support
No objection: The principle of residential development on this land has been established by previous Consents, to which there were no highways objections. The dwelling being proposed in this Application follows the pattern of the Consented development and so no objection is raised by the highway authority to the grant of Consent to this Application.

Environmental Protection
I request a standard contaminated land condition be applied at this location.

Parish
No comments

Planning Considerations

The application is for a replacement dwelling on plot 3. Full planning permission was achieved on 16th November 2021 under planning application H23-0794-21 for the erection of 4 number dwellings, one of which relates to this site. Therefore given that an extant permission exits for a dwelling on site it is considered that there is no reason to revisit matters of planning principle.

The following issues are therefore relevant to this assessment:
-Character, landscaping and Appearance
-Amenity, Environmental Issues
-Highway Safety and Parking Provision
-Flood Risk
-Land Contamination
-Ecology/Biodiversity

Character, Landscaping & Appearance

Policy 2 of the SELLP states 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. Policy 2 point 1 states that proposal should meet with sustainable development considerations specifically in relation to 'size, scale, layout, density and impact on the amenity, trees, character and appearance of the area and the relationship to existing development and land uses'.

Policy 3 sets out the 'Design of new development' in part it states 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"

Part 12 of the NPPF (Achieving well-designed places) states that good design is a key aspect of sustainable development and new development should be visually attractive as a result of good architecture and appropriate landscaping. It is important that new residential development should be of the highest quality to enhance and reinforce good urban design characteristics. It is generally accepted that good design plays a key role towards sustainable development. Regard must be had towards the impact that the proposed dwelling would have on local character, including topography, street patterns, building lines, boundary treatment and through scale and massing.

Paragraph 174 (of section 15) seeks to conserve and enhance the Natural Environment. Paragraph 'b' states that (proposals should contribute to and enhance the natural and local environment by) "recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services - including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;"

The proposal would retain a similar appearance, scale and massing but would utilise the space above the eaves to create a second floor, thus the addition of two extra bedrooms over what has previously been approved. The integrated garage would now be handed to the left of the principal elevation rather than the right and 4 number roof lights would be located on the roof pitch of the rear elevation (rather than solar panels). The central glazed feature would still be present on the principal elevation creating a gallery entrance, with Italianate style openings still featuring on all

elevations. The dwelling would be turned with the principal elevation facing south westerly rather than south easterly.

Since the original approval permission H23-0205-23 (S73 application) allowed for the variation of a condition that enforced all opening would be timber treated, to allowing that a UPVC wood grain effect would be appropriate. The applicant proposes 'dark blend brickwork' for the facing brick finish and timber cladding painted black on upper floors. The roof is proposed to be dressed with Sandtoft Shire Pantile, in rustic. Openings are wood grain Upvc and rainwater goods are black cast iron.

It is considered that given the previously approved scheme along with the variation of condition application that allowed for Upvc woodgrain effect openings that the proposal is character terms is considered acceptable and that the palate of materials proposed under this application are sympathetic to the wider scheme with limited wider detriment upon the open countryside.

Lastly the proposed hard and soft landscaping scheme shown on drawing number PP1000 Rev A is considered commensurate with the previously approved scheme and will be conditioned to be implemented in accordance with that plan. As is the scheme of fencing.

The proposal would therefore accord with policies 2 and 3 of the South East Lincolnshire Local Plan as well as section 12 and section 15 of the National Planning Policy Framework. The proposal would also meet with policy 22 of the SELLP, which is loosely applicable to this proposal.

Amenity, Environmental Issues

Policy 2 and of South East Lincolnshire Local Plan (2019) sets out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

Policy 30 is concerned with pollution and places impacts in relation to noise, disturbance and air quality as important consideration when considering proposals for planning.

Paragraph 130 of the National Planning Policy Framework (2021) states that development should 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; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

The principal elevation of the dwelling faces in a south westerly direction, towards the principal elevation of plots 1 and 2. These plots retain a sufficient separation distance for there to be limited impact through overshadowing, overbearing and overlooking. On the south east elevation 4 number openings are proposed, two at ground serving the lounge and two on first floor serving bedrooms 3 and 4. These first floor openings would look across toward another approved residential scheme (H23-0274-23), and may have the potential to offer an unacceptable level of visual intrusion. These rooms are served by other openings and so a condition will be applied that the first floor side openings (serving bedrooms 3 and 4) are to be obscured. The rear elevation would look upon an approved site access (H23-0274-23) and would not give rise to any unacceptable harm in relation to overlooking. All other openings are in appropriate locations and would not give rise to harmful levels of overlooking.

Under H23-0794-21 a condition was attached that requested the erection of an acoustic fence to the south of the wider application site, this took in the south eastern boundary of this application site. Condition compliance application 23-0545-22 approved the details of this acoustic fence. Subsequently a planning approval H23-0274-23 has allowed for a residential development of 4 dwellings to the south east of the application site. Despite this approval, the two planning applications/residential schemes are distinct and at present the potential for a working farm exists where the application site associated with H23-0274-23 approved 4 dwellings. There is no evidence that this scheme has yet to come forward and so the mitigation provided by the acoustic fence is still required. The proposed site plans show that a s 2x2m Forest Acoustic Noise Reduction Fence treats the south eastern boundary. This is of the same specification as previously approved. Therefore, a condition will be attached that prior to the first occupation the fence shall be erected and retained for the lifetime of the development, this is in the interest of amenity for future residents.

Therefore, subject to conditions in relation to noise mitigation and the obscuration of two number side openings the proposal in amenity terms would accord with policies 2 and 30 of the South East Lincolnshire Local Plan as well as paragraph 130 of the National Planning Policy Framework.

Highway Safety and Parking Provision

Policy 2 details that proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to access and vehicle generation.

Policy 3 details that development proposals will demonstrate how accessibility by a choice of travel modes including the provision of public transport, public rights of way and cycle ways will be secured, where they are relevant to the proposal.

Policy 36 is concerned with Vehicle and Cycle Parking it states that "All new development, including change of use, should provide vehicle and cycle parking, in accordance with the minimum Parking Standards adopted by the Local Planning Authorities (in Appendix 6).

Section 9 of the National Planning Policy Framework (2021) specifically relates to 'Promoting sustainable transport'. Paragraph 111 of the National Planning Policy Framework (2021) 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".

The previously approved access arrangement would remain unchanged however a new turning head is proposed to the fore of the dwelling. This would not undermine the ability for plots 1 and 2 to negotiate the site and all 3 properties would be able to enter and leave the site in a forward gear. Furthermore, alongside the garage ample off-street parking provision exits to achieve the required parking requirements.

The Highway Authority have been consulted and have stated that they have no objections to the proposal. Therefore, subject to a condition that all hard areas relating to driveways and parking are laid/formulated prior to the first occupation then the proposal is considered acceptable.

The proposal would accord with policies 2, 3 and 36 of the South East Lincolnshire Local Plan as well as section 9 of the national planning policy framework.

Flood Risk & Drainage

Policy 4 of the South East Lincolnshire Local Plan sets out the districts approach to flood risk. Section 14 of the National Planning Policy Framework sets out an approach in national policy. The application site is located within flood zone 1 in accordance with the EA mapping systems and permission for a dwelling currently exits on site.

In principle flood risk terms then this application is acceptable given the fall-back position for a dwelling on site. In terms of drainage, a strategy for the wider scheme (H23-0794-21) was approved under H23-0545-22. Infiltration was demonstrated not possible and so surface water would be disposed of to an existing watercourse to the north and foul water to into a wastewater treatment plant and to discharge the treated effluent into the existing culvert, which enters the landowners open watercourse and eventually into the IDB drain.

Despite the reorientation of this plot this agreed drainage strategy is still achievable and would not be jeopardised. The flows which ultimately lead to IDB water courses are governed through Byelaws, these agreements sit outside of the control of planning. Therefore, given an acceptable drainage strategy has already been considered and agreed, and that this dwelling despite the changes proposed would not prevent that strategy from being implemented there is no requirement for conditionality in relation to surface water or foul water disposal.

On this basis the proposal is considered to align with policy 4 of the South East Lincolnshire Local Plan and Section 14 of the National Planning Policy Framework

Land Contamination

Policy 30 of the South East Lincolnshire Local Plan is concerned with Pollution, it states that "Development proposals will not be permitted where, taking account of any proposed mitigation measures, they would lead to unacceptable adverse impacts upon... land quality and condition".

A Site Investigation Report and Geo-Environmental Desk Study were considered and approved under H23-0545-22 for the wider application site, though a verification report is still anticipated to close of the condition. Environmental Protection concur with the findings of this report and the effect of condition 11 attached to planning application H23-0274-23 has already ensured that land civilisation and demolition works are carried in accordance with the agreed details. It is not considered that the changes made by this application undermine that strategy and given the requirement for a verification report to complete the process the attachment of a condition in relation to unforeseen contamination being found during construction would provide adequate mitigation in this instance.

Therefore given the planning history of the site and subject to a compliance condition the proposal is considered to meet with the requirements of policy 30 as regards land contamination.

Ecology

Policy 28 is concerned with 'The Natural Environment' and point 3 is concerned with addressing gaps in the ecological network. It states this is achieved by:

a. by ensuring that all development proposals shall provide an overall net gain in biodiversity, by:
i. protecting the biodiversity value of land, buildings and trees (including veteran trees) minimising the fragmentation of habitats;
ii. maximising the opportunities for restoration, enhancement and connection of natural habitats and species of principal importance;
iii. incorporating beneficial biodiversity conservation features on buildings, where appropriate; and maximising opportunities to enhance green infrastructure and ecological corridors, including water space; and
iv. conserving or enhancing biodiversity or geodiversity conservation features that will provide new habitat and help wildlife to adapt to climate change, and if the development is within a Nature Improvement Area (NIA), contributing to the aims and objectives of the NIA.

The applicant has shown on drawing 'PP1000 Rev A' a scheme to encourage bio-diversity to the site, this includes landscaping and the provision of bird and bat boxes. These methods are commensurate with the biodiversity management scheme approved under H23-0545-22, it is also of note that this application was found acceptable in relation to wider ecological survey on this site. Therefore a compliance condition will be attached to ensure that biodiversity enhancement measures are carried out in accordance with the approved plans.

Conclusion

The proposal represents in effect a plot substitution, however the changes proposed are modest. The dwelling is commensurate in appearance and scale of that already approved on the plot whilst the landscaping, boundary treatments and biodiversity measures are in line with previously approved details.

There is no requirement to attach drainage related conditions given that both the surface water and foul water strategies have been demonstrated as effective and already agreed. This proposal would not jeopardise those strategies and legislative Byelaws are in place to mitigate/oversee drainage scenarios.

A condition ensuring that all areas provided for access and parking that would serve the dwelling are in place prior to occupation will be attached. As will the erection of the acoustic fence on the south-eastern boundary. Bin storage is secured for the wider development outside of this application site and is therefore mitigated.

The proposal then is considered to represent an acceptable form of development given the site history and presence of an extent planning permission to erect a dwelling on this plot.

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.