

Development Management Delegated Decision Report

B/20/0267



SUMMARY OF APPLICATION

Application Reference	B/20/0267		
Application Type	Full Planning Permission		
Proposal	Proposed replacement dwelling including demolition of existing dwelling		
Location	The Cottage, Common Lane, Old Leake, Boston PE22 9RH		
Applicant	Mr Elsam		
Agent	Mr Neil Dowlman, Neil Dowlman Architecture Ltd		
Received Date:	23-Jul-2020	Consultation Expiry Date:	05-Sep-2020
Valid Date:	11-Aug-2020	Statutory Expiry Date:	06-Oct-2020
Date of Site Visit:	---	Extension of Time Date:	N/A
Objections received?	Yes – Parish Council		
5 day notification record:			
Councillors notified	Date	Response received – date	Ok to continue
Councillor F Pickett	24-Sep-2020	None.	Ok – no response
Councillor T Ashton	24-Sep-2020	24 th September 2020	Ok - delegated
Recommendation	Approve		
Report by:	Richard Byrne		
Date:	24 th September 2020		

OFFICER REPORT

SITE AND SURROUNDINGS:

This application relates to a flat rectangular shaped parcel of land in the countryside. The land is currently occupied by a two storey dwelling with attached single storey barn.

The land is partly enclosed by hedges with the northern corner exposed to the outlying agricultural field. Common Lane runs adjacent with the western side of the plot.

DETAILS OF PROPOSAL:

Planning permission is sought for the demolition of the existing two storey property and barn to be replaced by a two storey dwelling. The proposal also includes a two and single storey outbuilding.

The proposed dwelling would be positioned in the southern third of the plot occupying the majority of the footprint of the demolished building/dwelling. The proposed dwelling measures 6.4 metres in width, 23 metres in length at ground floor with the first floor reduced by approximately 5 metres. The dwelling is constructed with facing brick, clay pantiles and a



pitched roof. The building is punctuated with linear powder coated aluminium framed triple glazed windows and large glazed doors.

Access leads from Common Lane into the central part of the site which is flanked to the south by the dwelling and the north by the outbuilding creating a central courtyard.

The proposed outbuilding measures 6.65 metres in width and has a total length of 23 metres with a return of 7.29 metres towards the proposed dwelling. The outbuilding is two storey in part which projects 7.9 metres to the ridge with the single storey measuring 5.3 metres from ground level. The outbuilding is constructed with a pitched roof and materials and fenestration detailing to match the main dwelling.

A garden area is situated on the north and south side of the outbuilding and dwelling respectively.

Report Note: This application has been amended since the original submission. The superseded scheme included a detached garage in the northern section of the site (which has now been omitted) and the outbuilding taking a more central position in the site (now moved further away from the proposed replacement dwelling).

RELEVANT HISTORY:

None.

RELEVANT DEVELOPMENT PLAN POLICIES AND DOCUMENTS:

The South East Lincolnshire Local Plan 2011-2036 (SELLP) was adopted by Boston Borough Council and South Holland District Council on the 8 March 2019 and forms the Local Plan which is used for the determination of planning applications. The relevant SELLP policies are:

SELLP Policy 1: In the Countryside (where the site is located) 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.

SELLP Policy 2: Development Management requires development to be inter alia sustainable development of a size, scale, layout and density which accords with the surrounding area, pays attention to quality of design, maximises the use of sustainable materials and resources and impacts and enhances areas of natural habitats or historical buildings and heritage assets;

SELLP Policy 3: Design of New Development All development will create distinctive places through the use of high quality and inclusive design and layout and, where appropriate, make innovative use of local traditional styles and materials. 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;

SELLP Policy 4: seeks to ensure that new development is not unnecessarily exposed to flood risk, and does not increase flood risk elsewhere. It identifies the process by which planning applications in Flood Zones 2 and 3 will be considered and sets out requirements for certain types of applications.

SELLP Policy 22: will permit proposals for the erection of replacement dwellings outside defined settlement boundaries provided that a certain criteria is met which relates to the dwelling that exists on the site and the proposed replacement dwelling.

SELLP Policy 28 seeks to provide an overall net gain in biodiversity protecting the biodiversity value of land, buildings and trees, maximise opportunities to enhance natural habitats and species and incorporate beneficial biodiversity conservation features and will provide new habitat and help wildlife.

SELLP Policy 30 will not permit development which would lead to an unacceptable adverse impact on people, buildings, land, air and water by way of a deterioration of air quality, land quality/condition and surface/groundwater quality; an increase of fumes, odour, noise, vibration and adverse light levels;

SELLP Policy 31 requires all development proposals to demonstrate that the consequences of current climate change has been addressed, minimised and mitigated by a high quality design, integration of flood mitigation measures, maintaining water efficiency, reducing the need for travel and promote/enhance green infrastructure resulting in an overall net gain for biodiversity.

SELLP Policy 36 requires all new development, including change of use, provide vehicle and cycle parking, in accordance with the minimum Parking Standards as set out in Appendix 6, unless there are mitigating circumstances which demonstrate that a lower standard of provision is sustainable.

OTHER RELEVANT DOCUMENTS / LEGISLATION / GUIDANCE:

At the heart of the National Planning Policy Framework (2019) is a presumption in favour of sustainable development. The following sections are relevant to this scheme:

1. Introduction
2. Achieving sustainable development
4. Decision-making
5. Delivering a sufficient supply of homes
9. Promoting sustainable transport
11. Making effective use of land
12. Achieving well-designed places
14. Meeting the challenge of climate change, flooding and coastal change
15. Conserving and enhancing the natural environment

National Planning Practice Guidance (PPG)

CONSULTATION RESPONSES:

Old Leake Parish Council – received 21st September 2020 (*based on superseded scheme*)

- Objects to this application;
- 75% of the land would be used for development and this was considered as an over development of the site;
- The Council also raised concerns regarding the backwash of the swimming pool. When it is to be drained where is all the salt/chlorinated water going to go? The site is surrounded by arable land and such contaminated water drained onto the surrounding area could be detrimental to crops.

Witham Fourth District Internal Drainage Board – received 17 August 2020

- Board's consent is required to discharge surface water to a watercourse (open or piped).
- Board's consent is required to discharge treated water to a watercourse (open or piped).

- If there is any change to the surface water or treated water disposal arrangements stated in the application, please contact the Board.

Highway Authority – received 17 August 2020

- Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (a 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 or a severe residual cumulative impact upon the highway network and therefore does not wish to object to this planning application.

Environment Agency – received 18 August 2020

- No comment to make – refer to the Flood Risk Standing Advice (Cell E8)

THIRD PARTY REPRESENTATIONS RECEIVED:

As a result of the publicity no representations have been received.

EVALUATION:

The main considerations in the determination of this application are as follows:

- Principle of development
- Impact on Character and Appearance of the Area
- Flood Risk
- Impact on highway safety
- Impact on ecology
- Effect on amenity

Principle of development

The proposal comprises the replacement of the existing dwelling. As such SELLP Policy 22 needs to be satisfied which would then weigh in favour of the principle of the development.

The application site comprises an existing dwelling and a series of outbuildings. There is clearly a residential use established on the site and this proposal would not see this abandoned or increased.

The original building is a permanent structure and although currently vacant it would not appear to have become derelict. It is considered that the existing dwelling (and the site in general) in its current condition does not necessarily make a significant positive contribution to the character and appearance of the area. Nevertheless, a structural report accompanies the planning application which confirms the building is suffering significantly from general material fatigue. Although efforts have been made over the course of time to maintain the structural integrity of the building they have subsequently failed and further movement has since occurred. The report concludes that the existing fabric of the building would not be able to accommodate further intrusive intervention. The submission of the structural report adds favourable weight in this instance and confirms that the existing dwelling is clearly towards the end of its natural life.

The proposed development will be appraised in more detail later in this report, however, the replacement dwelling is considered to be a high standard of design and architectural merit. Subject to the appropriate finishing materials secured by planning condition this would add favourable weight to the principle of the development.

The proposed replacement dwelling is in a similar position as the existing property. Although the shape is different the elongation of the proposed dwelling reflects the footprint of part of the existing dwelling and the existing barn which is attached to the side. It is therefore considered the proposed position is more reflective of the exiting building that currently occupies the site. Nevertheless the proposed footprint is reflective of a typical barn that has been converted. Taking the existing footprint of the entire building into account and the high standard of design there are sufficient factors to weigh in favour in the balance of the principle of development.

Criteria 6 of SELLP Policy 22 states that planning permission shall not be granted for a replacement dwelling which exceeds the floor area of the original by more than 40%, unless the design is of exceptional quality or innovative in nature on terms of its design, use of materials and levels of energy efficiency in order to justify an exception to the policy limit. The breakdown of the floor areas are as follows:

Existing Gross Internal Floor Area	– 165 square metres
Proposed Gross Internal Floor Area	– 231 square metres

The development would represent a 40% increase and favourable weight has been attached in this respect.

In conclusion it is considered the proposed development would, on balance, satisfy the provisions of SELLP 22. The proposed dwelling is within an acceptable tolerance in respect of the size increase and although positioned slightly different to the existing building the difference is not significant to warrant a refusal of the application. The building has been demonstrated to be at the end of its natural life and its loss would not be detrimental to the character and appearance of the area.

Therefore, subject to the proposal being found to be acceptable in relation to all other policy requirements and objectives and the quantum of the development (i.e. cumulative effect of the dwelling and outbuilding) being acceptable, it is considered that the principle of development could be achieved when taking a balanced view.

Impact on Character and Appearance of the Area

This development relates to an existing dwelling, attached barn set in a defined curtilage, within a rural area. It is acknowledged the area is not particularly distinctive, however, its general character is directly linked to the wider landscape and general rural location.

The proposed development has been amended since submission to remove a detached garage from the site and to provide a greater degree of separation between dwelling and outbuilding. The application has been considered on the basis of the amended scheme.

Proposed dwelling

The proposed dwelling is well proportioned and designed to a high standard. The building has rhythmic linear fenestration at both ground and first floor with oversized entrance doors. The features add interest to the elevations which is carried through to the outbuilding contributing to the consistency to the development. The hidden rainwater goods maintains the simplicity of the building which sits a comfortable distance from the boundary of the site allowing for full solar gain of the building. The inclusion of red brickwork and clay pantiles contribute to the replacement dwelling's appearance and setting within the site.

Outbuilding

It is noted the outbuilding would be a significant addition to the site and proportionally may eclipse the main replacement dwelling. However, the outbuilding has also been well designed taking architectural features from the replacement dwelling. The building has a clear separation from the northern boundary.

Cumulative effect of buildings within the site

When considered against the criteria under SELLP Policies 2 and 3, although the dwelling and outbuilding are of considerable overall scale, it is considered that cumulatively they are appropriate for the site and its constraints/opportunities. The greater separation distance between dwelling and outbuilding, allows for a greater degree of openness within the site and for more outdoor area to be retained, which is a key characteristic of other properties in the area. It is considered that there would be no harmful impact upon the general character and appearance of the area, and in general terms the proposals would be compliant with principles relating to good design and enhancement. Subject to appropriate conditions relating to finishing materials, energy saving mitigation measures and water consumption it is therefore considered that the proposal would be acceptable.

Flood Risk and drainage

The site is located on Flood Zone 3 and falls into the classification of 'danger to some' risk of flooding. As such the applicant has submitted a Flood Risk assessment to accompany the planning application.

Given the proposal is for a replacement dwelling and is in general accord with the principle of development the sequential test has been satisfied in this instance.

The design of the dwelling has taken the Environment Agency's standing advice into account. It is proposed that the finished ground floor for the new dwelling is raised 550mm above the existing average ground level (which is 1.4456mODN) with flood resilient construction incorporated into the build with electrical fittings at least 1.1 metres above finished floor levels.

In respect of the means of draining the site, surface water would run to a soakaway within the site and foul water (including the water from the swimming pool) would be a sewage treatment plant given the remoteness from the public sewer network. The design and output is secured by planning condition.

To ensure this development implements the flood risk prevention measures it is considered expedient to attach a planning condition to require the proposed dwelling is constructed to the specifications set out in the FRA. The development will therefore satisfy SELLP Policy 2 and 4.

Impact on highway safety

The proposed access from Common Lane is chamfered allowing for a safe waiting space off the highway and for vehicle visibility. There is adequate space within the site to accommodate parked vehicles to satisfy SELLP Policy 36 and for vehicles to manoeuvre and leave the site in a forward gear.

It is therefore considered the proposed development complies with SELLP Policy 2 and 36. As such, with the support of the Highway Authority the development is acceptable in respect of the effect on highway safety and parking provision.

Impact on ecology and trees

The applicant has submitted an ecologist survey for the building and site to support the application. The report concludes:

- The survey indicates that the cottage and barn is not being used as a significant long-term roost by bats. No further survey work is required;
- The cottage, barn and garden have high potential to be used for nesting by species of common bird. Appropriate timing is required with respect to common nesting birds.
- The buildings support roosting barn owls and have potential to be used as a nest site. Precautionary measures and mitigation is required in connection with barn owls.

Turning to the impact on trees it is noted that the development is outside of the main canopy areas around the perimeter. There are three trees which are to be felled to facilitate the development. However, two trees would be planted on the perimeter adjacent to the amended entrance and a hawthorn hedge would be planted in the gaps around the site. The remaining trees are mainly on the perimeter of the site and outside of land which would be disturbed by the proposed dwelling and outbuilding. Given the impact on the visual amenity of the area would be minimised by virtue of the retention of the perimeter trees, the proposed development is considered acceptable in regard to the impact on trees.

To ensure SELLP Policy 28 is fully satisfied, is legal compliant and results in no net loss to biodiversity advocated by the NPPF the following measures will be secured by planning condition:

- Enhancements for bats (bat boxes/roost units)
- Appropriate timing with regards to nesting birds
- Provision of bird boxes
- Provision of barn owl nest box
- Appropriate tree planting/landscaping

Effect on amenity

Taking into account the isolated location of the application and the inventing distance to the nearest residential property it is considered unlikely the proposed replacement dwelling would have a harmful effect on the level of amenity.

CONCLUSION:

It is considered the proposed replacement dwelling is acceptable. Although the outbuilding would represent a significant addition to the site it is considered the cumulative effect with the replacement dwelling would not significantly harm the character and appearance of the area.

The risk of flooding is considered acceptable and has an acceptable means of access onto the highway.

The proposed development is in general accord with the South East Lincolnshire Local Plan and is recommended accordingly.

RECOMMENDATION:

CONDITIONS / REASONS	
Pre-commencement conditions?	Yes
Agreed with applicant/agent - Date:	TBC
1	<p>The development hereby permitted shall be begun before the expiration of four years from the date of this permission.</p> <p>Reason: Required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004.</p>
2	<p>The development hereby permitted shall be carried out in strict accordance with the application received 26-Feb-2019 and in accordance with the associated plans referenced:</p> <p>Location Plan – received 23rd July 2020; Drawing Number: B3402-2001 Rev A – received 14 September 2020; Drawing Number: B3402-2002 Rev A – received 14 September 2020; and, Drawing Number: B3402-2004 – received 11 August 2020.</p> <p>Reason: In order to ensure that the development is undertaken in accordance with the details assessed, in the interests of the amenity and character of the area, to accord with policies 1, 2 and 3 of the South East Lincolnshire Local Plan (2011-2036).</p>
3	<p>No development shall take place above ground level until details of the materials proposed to be used in the construction of the external surfaces, to be used in the construction of the dwelling have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.</p> <p>Reason: To ensure the development assimilates within the area and to accord with Policies 2 and 3 of the South East Lincolnshire Local Plan (2011-2036).</p>
4	<p>No above ground works shall take place until a scheme for the disposal of foul and surface water from the site has been submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing with the Local Planning Authority, the scheme shall include:</p>

	<ul style="list-style-type: none"> i. separate systems for the disposal of foul and surface water; ii. details of the rate of surface water discharge from the site to any soakaway, watercourse or sewer (if applicable), including provisions to ensure that the post-development discharge rate does not exceed the pre-development rate (incorporating an appropriate allowance for climate change); iii. details of any necessary flow attenuation measures, including the use of SUDS where appropriate; and iv. details of how the scheme will be maintained and managed after completion. <p>The scheme shall be implemented in accordance with the duly approved details before the dwelling is first occupied, and shall be maintained and managed as such thereafter.</p> <p>Reason: To ensure that the development is not at risk of flooding and does not increase flood risk elsewhere, and that adequate measures are put in place for the disposal of foul and surface water in accordance with the requirements of Policies 2, 4 and 31 of the South East Lincolnshire Local Plan 2011-2036, and the National Planning Policy Framework.</p>
5	<p>If development has not commenced within 6 months of the date of this permission then no demolition or development shall take place until a further survey has been undertaken to establish whether features/habitats on the site are utilised by any protected species and the results submitted to and approved in writing by the Local Planning Authority.</p> <p>Any further survey shall take place during the optimum period for activity. If such a use is established, then no development shall take place until a comprehensive method statement indicating how the protected species are to be safeguarded during the construction period and how appropriate mitigation measures (including habitat compensation and enhancement) are to be incorporated into the development has been submitted to and approved in writing by the Local Planning Authority. The duly approved method statement shall be implemented in full accordance with the details, recommendations and timescales contained therein and any mitigation measures shall be fully implemented before the dwelling hereby approved is first occupied, and retained as such thereafter.</p> <p>Reason: To ensure that appropriate measures are taken to establish whether habitats on the site which are suitable to support protected species are (or become) used by these species in cases where development is delayed, and to ensure that adequate mitigation measures are introduced as part of the development in order that it does not adversely affect the favourable conservation status of any protected species in accordance with the requirements of Policies 2 and 28 of the South East Lincolnshire Local Plan (2011-2036), the National Planning Policy Framework, the Conservation of Habitats and Species Regulations 2010 and the Wildlife and Countryside Act 1981 (as amended).</p>
6	<p>Notwithstanding the submitted details, before any development takes place above ground level, the type of brick bond and the type of pointing of the mortar joints to be used in the construction of the dwelling shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out as approved.</p>

	<p>Reason: To ensure a design of exceptional quality which assimilates within the area and to accord with Policies 2 and 3 of the South East Lincolnshire Local Plan (2011-2036).</p>
7	<p>No development shall take place above ground level until full details of hard and soft landscaping works have been submitted to and approved in writing by the local planning authority The scheme shall include:</p> <ul style="list-style-type: none"> a) boundary treatment b) hard surface materials c) planting schedules (species, sizes densities) d) existing trees to be retained/removed <p>Reason: In the interest of visual amenity and design quality and to ensure that the approved scheme is implemented satisfactorily in accordance with policies 2 and 3 of the South East Lincolnshire Local Plan (2011-2036).</p>
8	<p>All landscape works as required by the preceding condition shall be carried out in accordance with the approved details within 6 months of the date of the first occupation of any building or completion of development whichever is the sooner. Any trees, plants, grassed areas which within a period of 5 years from the date of planting die, are removed or become seriously damaged or diseased shall be replaced in the first available planting season with others of similar size species or quality.</p> <p>Reason: In the interests of visual amenity and design quality and to ensure that the approved scheme is implemented satisfactorily in accordance with policies 2 and 3 of the South East Lincolnshire Local Plan (2011-2036).</p>
9	<p>The water consumption of the dwelling hereby permitted should not exceed the requirement of 110 litres per person per day (as set out as the optional requirement in Part G of the Building Regulations 2010 and the South East Lincolnshire Local Plan, 2019). The person carrying out the work must inform the Building Control Body that this duty applies.</p> <p>A notice confirming the requirement for the water consumption has been met shall be submitted to the Building Control Body and Local Planning Authority, no later than five days after the completion of the dwelling.</p> <p>Reason: To protect the quality and quantity of water resources available to the district. This condition is imposed in accordance with Policy 31 of the South East Lincolnshire Local Plan (2011-2036).</p>
10	<p>Prior to the commencement of development above slab level, final details of measures that aim to reduce pollution and promote renewable and low carbon energy (including measures such as facilities for EV car charging) and details relating to the timing of their implementation, shall be submitted to and approved in writing with the Local Planning Authority. The development shall be constructed in accordance with the approved measures.</p> <p>Reason: To help reduce pollution and promote renewable and low carbon energy in</p>

	new development schemes and to accord with Policies 2, 3, 30 and 31 of the South east Lincolnshire Local Plan (2011-2036) and to accord with the intentions of the National Planning Policy Framework (2019).
11	<p>The development hereby approved shall be carried out in full accordance with the measures (including their timetable for implementation) detailed within the method statement titled 'Ecology and Protected Species Survey' by 'Helen Scarborough' (ref final dated 26th June 2020).</p> <p>Reason: To ensure that adequate mitigation measures are introduced as part of the development in order that it does not adversely affect the favourable conservation status of any protected species and to ensure the provision of appropriate habitat compensation in accordance with the requirements of Policies 2 and 28 of the South East Lincolnshire Local Plan (2011-2036), the National Planning Policy Framework (2019), the Conservation of Habitats and Species Regulations 2010 and the Wildlife and Countryside Act 1981 (as amended).</p>
12	<p>No clearance of any vegetation in preparation for or during the course of development shall take place during the bird nesting season (March to August inclusive) unless an ecological survey has first been submitted to and approved in writing by the Local Planning Authority which demonstrates that the vegetation to be cleared is not utilised for bird nesting. Should the survey reveal the presence of any nesting species, then no clearance of any vegetation shall take place during the bird nesting season until a methodology for protecting nest sites during the course of the development has been submitted to and approved in writing by the Local Planning Authority. Nest site protection shall thereafter be provided in accordance with the duly approved methodology.</p> <p>Reason: In order to prevent any habitat disturbance to nesting birds in accordance with the requirements of Policies 2 and 28 of the South East Lincolnshire Local Plan (2011-2036), the provisions of the Wildlife and Countryside Act 1981 (as amended) and the National Planning Policy Framework (2019).</p>
13	<p>Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no development within Classes A to E (inclusive) of Part 1 of Schedule 2 shall take place.</p> <p>Reason: In order to prevent further uncontrolled expansion of the dwelling or the proliferation of further outbuildings within the site, in order to protect the character and amenity of the area in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan 2011-2036.</p>

INFORMATIVES / NOTES TO BE INCLUDED ON/WITH DECISION NOTICE	
1	<p><u>STATEMENT OF PROACTIVE WORKING:</u></p> <p>In determining this application, the authority has taken account of the guidance in paragraph 38 of the National Planning Policy Framework 2019 in order to seek to</p>

	secure sustainable development that improves the economic, social and environmental conditions of the Borough.
2	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. The works should be constructed in accordance with the Authority's specification that is current at the time of construction. Relocation of existing apparatus, underground services or street furniture will be the responsibility of the applicant, prior to application. For approval and specification details, please contact vehiclecrossings@lincolnshire.gov.uk