

Development Management Delegated Decision Report

B/22/0168



SUMMARY OF APPLICATION			
Application Reference	B/22/0168		
Application Type	Full Planning Permission		
Proposal	Demolition of fire damaged bungalow and erection of a 3-bedroom detached replacement chalet bungalow with associated parking, amenity space and landscaping		
Location	Potterdale, Cut End Road, Fishtoft, Boston PE22 0QZ		
Applicant	Mr Les Cullen		
Agent	Mrs Shanon Alexander, Barron Edwards Ltd		
Received Date:	19-Apr-2022	Consultation Expiry Date:	18-May-2022
Valid Date:	19-Apr-2022	Statutory Expiry Date:	14-Jun-2022
Date of Site Visit:	06-Jun-2022	Extension of Time Date:	24-Jun-2022
Objections received?	None		
5 day notification record: Not applicable			
	Councillors notified	Date	Response received – date
Recommendation	Approve with conditions.		
Report by:	Simon Eldred		
Date:	15 th June 2022		

OFFICER REPORT

SITE AND SURROUNDINGS:

The application site extends to approximately 0.13 hectares and is located on the south-western side of Cut End Road, which is a narrow rural road that is subject to the national speed limit and lacks street-lights or footways. The site consists of a triangular-shaped, overgrown domestic curtilage containing:

- a detached single-storey dwelling with a linked garage. The dwelling is severely fire-damaged, and lacks a roof and several windows;
- a detached single-storey outbuilding to the north of the dwelling; and
- a vehicular access onto Cut End Road.

The site's boundaries are defined by overgrown beech and conifer hedges (between 4.5m and 5.5m high), and it is surrounded by agricultural land to all sides. The closest



neighbouring buildings are: a dwelling (Audrey Villa) approximately 18m to the north; a business servicing and selling cars (Judd's Autos) approximately 35m to the north; and an agricultural storage building approximately 35m to the east.

DETAILS OF PROPOSAL:

It is proposed to demolish the existing single-storey dwelling, and replace it with a new 1.5 storey, 3-bed dwelling. The new dwelling will be slightly larger in plan and significantly taller than the original, will have ground-floor windows in each elevation and north and south-facing dormer windows, and is proposed to be built in brick and tile. The proposed scheme also involves the retention of:

- the existing outbuilding, which will be used as a garage;
- the existing vehicular access; and
- the existing boundary hedges.

Full details of the proposal are set out in:

- Drawing No. 001 Revision A – Location Plan, Existing and Proposed Block Plan;
- Drawing No. 003 Revision A – Proposed Plans;
- Drawing No. 004 Revision A – Proposed Elevations; and
- Drawing No. 001 Revision A – Location Plan, Visibility Splays.

The application is accompanied by:

- a Flood Risk Assessment produced by RM Associates (April 2022 Version 1);
- a Protected Species Survey produced by Archer Ecology and dated April 2022;
- a package of information regarding the previous marketing of the dwelling and neighbouring land; and
- a Planning Statement, which indicates (inter alia) that it is intended that the replacement dwelling should not be subject to an 'agricultural occupancy condition' (see the history, below).

RELEVANT HISTORY:

B9/0606/74 – full planning permission was granted on 9th January 1975 for a bungalow and vehicular access, subject to a condition that *"the occupation of the dwelling shall be limited to a person solely or mainly employed or last employed, in the locality in agriculture ... or in forestry (including dependents of such a person residing with him) or a widow or widower of such a person."*

RELEVANT DEVELOPMENT PLAN POLICIES AND DOCUMENTS:

The **South East Lincolnshire Local Plan 2011-2036** shows the application site as being within the Countryside, approximately 800m from the closest Settlement Boundary (Fishtoft). The following policies are relevant to this application:

- Policy 1 – Spatial Strategy;
- Policy 2 – Development Management;
- Policy 3 – Design of New Development;
- Policy 4 – Approach to Flood Risk;
- Policy 22 – Replacement Dwellings in the Countryside;
- Policy 28 – The Natural Environment;
- Policy 30 – Pollution;
- Policy 31 – Climate Change and Renewable and Low Carbon Energy; and
- Policy 36 – Vehicle and Cycle Parking.

OTHER RELEVANT DOCUMENTS / LEGISLATION / GUIDANCE:

National Planning Policy Framework (2021)

At the heart of the 2021 Framework is a presumption in favour of sustainable development. The following sections are relevant to this scheme:

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

CONSULTATION RESPONSES:

Boston Borough Council's Environmental Health department indicates that it:

- has no objections in principle; but
- requests that an electric vehicle recharging point is provided.

The Witham Fourth District Internal Drainage Board indicates that:

1. Board's Byelaw consent is required to directly discharge surface water to a watercourse (open or piped). A surface water development contribution (SWDC) will be charged on all rates of discharges. Please refer to the Board's Development & Consent Control Guidance for more information:
<https://www.w4idb.co.uk/resources/document-library/consent-forms-and-guidance/>
2. Board's Byelaw consent is required to discharge treated water to a watercourse (open or piped).
3. Board's Section 23 consent is required to culvert, pipe, or bridge any watercourse riparian or Board maintained.
4. If there is any change to the surface water or treated water disposal as stated in the application, please contact the Board to discuss the new arrangements.

The Environment Agency:

- indicates that the proposal will meet NPPF requirements in relation to flood risk only if a condition is attached requiring the development to be carried out in accordance with the submitted Flood Risk Assessment; and
- advises the applicant/occupant to register for flood warnings.

Fishtoft Parish Council indicates that:

1. the new plans do not keep within the footprint of the current property;
2. there are hedges on 2 sides and the Council would prefer that this is kept or replaced with similar for environmental & wildlife reasons;
3. the Council would prefer that the agricultural clause is not lifted;
4. if planning is passed then the Council would like it to be on condition that there is no further development on this land; and
5. a new property will look better than a fire damaged one.

Lincolnshire County Council (the Local Highway and Lead Local Flood Authority):

- concludes that (subject to the attachment of a condition to require the clearance of all obstructions exceeding 0.6m in height from within the access' visibility splays) the proposed development is acceptable, and therefore indicates that it has no objections; and
- asks for 2 informatives to be attached to any permission.

THIRD PARTY REPRESENTATIONS RECEIVED:

No third party representations have been received.

EVALUATION:

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that a determination of an application must be made in accordance with the Plan unless material considerations indicate otherwise. The key considerations in regard to this application are:

- matters of principle;
- agricultural occupancy condition;
- impact on the character and appearance of the area;
- impact on neighbours' amenity;
- highway safety;
- parking provision;
- air quality;
- water use issues;
- biodiversity; and
- flood risk.

Principle

Policy 22 of the Local Plan specifically relates to replacement dwellings in the countryside and indicates that such developments will be permitted, provided:

1. *"the residential use of the building to be replaced (the original building) has not been abandoned;*
2. *the original building is permanent, has not become derelict and is not the result of a temporary permission;*
3. *the original building is not of architectural or historic merit and is not capable of repair;*
4. *the replacement building is of a high standard in terms of architectural detailing and materials of construction;*
5. *the replacement dwelling 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; and*
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."*

Looking at each of these criteria in turn:

1. Planning case law on abandonment sets out a number of 'tests' as to whether a use has been legally abandoned. These include a) the physical condition of the building, b) the period of non-use, c) other uses and d) intentions of the owner. The dwelling to be replaced was unused at the time of the site visit, and the Planning Statement suggests that it has been unoccupied for more than 10 years and was badly damaged

by fire approximately 5 years ago. Furthermore, there is little visual evidence of efforts to prevent unauthorised entry to the dwelling or outbuilding. Although these factors could be interpreted as suggesting that residential use has been abandoned, the buildings and site do not appear to have been put to any other use since they were last in residential use; and the application is accompanied by evidence that the property has been marketed for residential rental and sale before and after the fire. In all, therefore, it is considered that the residential use of the buildings and site has not been abandoned.

2. It is considered that the building to be replaced is of permanent construction, and is not the result of a temporary planning permission. However, the dwelling is in a very poor condition and, on the face of it, could be described as 'derelict'. The Reasoned Justification to Policy 22 indicates that where *"any new building work would in effect be creating a completely new dwelling in the Countryside, its replacement will not be permitted"*, but the walls of the existing dwelling are almost entirely intact and it is far from 'demolished' or 'collapsed' (with the exception of its roof). Furthermore, given that the building's condition is as a result of an arson attack, it is considered that the building meets the requirements of this criterion.
3. The building to be replaced is not of any particular architectural or historic merit. At the site visit, it was clear that the building is in a sufficiently poor condition to mean that it would not be suitable for occupation without significant works of repair.
4. It is considered that the proposed replacement will be superior to the existing dwelling in terms of *"architectural detailing"* and, although the materials are not specified, this can be controlled by condition to ensure they are of high quality and appearance.
5. The new dwelling will be slightly larger in plan than the original. Notwithstanding that Fishtoft Parish Council has expressed concerns that *"the new plans do not keep within the footprint of the current property"*. It is considered that the new dwelling will occupy approximately the same footprint as the original:
6. The existing building has a floor area of approximately 162m² – taking measurements from Drawing No. 002 Revision A – Existing Plans and Elevations. The proposed replacement dwelling is significantly larger, providing approximately 243m² (i.e. approximately 50% larger than the original dwelling). The Reasoned Justification to Policy 22 indicates that there are two reasons behind the Policy's requirement that a replacement dwelling should not exceed the floorspace of the original dwelling by more than 40%. The reasons given are:
 - concerns re. visual impacts - *"it is important to protect the rural landscape from the intrusion of large dwellings as these will have a greater impact on the character of the area – particularly in terms of their visual impact – in comparison to smaller dwellings."* These issues will be addressed in greater detail in a later section of this report; and
 - concerns that the supply of smaller rural dwellings will be eroded – *"if the size of replacements is not restricted, there is also a risk that the supply of smaller rural dwellings will be progressively reduced which would have a negative impact on meeting the objective of providing housing suited to the needs of the population."* This is an objective of the Local Plan which is also expressed in Policy 17 (*"the*

provision of new houses will seek to meet the long term needs of the Plan area in order to maintain and provide mixed, inclusive and sustainable communities”) and in its Strategic Priorities.

The criterion indicates that it will be acceptable to exceed a 40% increase in floorspace in two circumstances, namely:

- if *“the development is of exceptional quality”*. The application and the accompanying documents do not argue that these circumstances apply in this case, and it is not considered that the proposals are of ‘exceptional quality’; or
- if the development is *“innovative in nature in terms of its design, use of materials and levels of energy efficiency”*. Once again, the application and the accompanying documents do not argue that these circumstances apply in this case and:
 - it is not considered that the proposed design and materials could reasonably be judged as ‘innovative’; and
 - no evidence has been put forward to suggest that the proposed building is in any way unusual in its energy-efficiency.

In all, it is considered that the proposal does not meet the requirements of the final criterion of Policy 22. The floorspace of the proposed replacement dwelling exceeds that of the original by slightly more than the 40% increase that is allowed, without it meeting either of the exceptional circumstances identified. This weighs against the proposal.

Agricultural occupancy condition

Full planning permission (B9/0606/74) was granted for the existing dwelling, subject to a condition that *“the occupation of the dwelling shall be limited to a person solely or mainly employed or last employed, in the locality in agriculture ... or in forestry (including dependents of such a person residing with him) or a widow or widower of such a person.”* The Planning Statement, which accompanies the application, indicates that it is intended that the replacement dwelling should not be subject to an ‘agricultural occupancy condition’. Fishtoft Parish Council indicates that it *“would prefer that the agricultural clause is not lifted”* and that *“if planning is passed then the Council would like it to be on condition that there is no further development on this land”*.

The Local Plan is silent on such matters, but applications to remove an agricultural occupancy condition (AOC) are normally expected to be accompanied by evidence that:

- the dwelling is no longer needed to serve the agricultural holding to which it relates; and
- there is no demand for the agricultural dwelling within the wider area – this is normally demonstrated by robust evidence of unsuccessful marketing of the dwelling at a price that reflects the existence of the AOC.

In this case, the application is accompanied by a Planning Statement and a package of information from Bruce Mather Limited, which indicate that:

Original holding

- Following the construction of the dwelling permitted under B9/0606/74, the associated agricultural holding (approximately 5 acres) operated only for a relatively short-time, before financial difficulties occurred.
- The dwelling and holding were repossessed and were sold at auction in July 2002, at which point they were purchased by the applicant.

- The applicant subsequently acquired further adjacent farmland (a further 5 acres).
- Since their purchase by the applicant, neither the original agricultural holding nor the additional farmland have been farmed, and the dwelling has been rented out only for a short period in 2011.

Marketing

- The property (it is not clear whether the ‘property’ relates to the dwelling alone or includes farmland) was advertised for rental in Farmers Weekly for 3 months during 2013, without interest;
- The fire-damaged dwelling and approximately 10 acres of farmland were marketed for sale at £325,000 between December 2018 and October 2019; and
- The fire-damaged dwelling and approximately 10 acres of farmland were marketed for sale at £275,000 after October 2019.
- The property was marketed on the websites of Rightmove, Vebra, Zoopla, On The Market, Net House Prices, and Boomin’.
- The sales brochure was sent directly to known local persons/firms working in agriculture, and to local architects and builders who might have clients who are capable of complying with the AOC.
- The marketing produced 9 viewings, but no potential purchasers were able to satisfy the planning condition and raise finance to purchase the property.

In all, it is considered that the information provided demonstrates that: the original agricultural holding effectively no longer exists, given that there has been no farming activity for at least 20 years; and there is no demand for the agricultural dwelling within the wider area. Consequently, it is considered that, notwithstanding the Parish Council’s preference that the AOC should not be lifted, it is appropriate for planning permission to be granted for a replacement dwelling without the attachment of a condition of the sort applied to B9/0606/74.

The Parish Council also asks that a condition should be attached to any approval to ensure that *“that there is no further development on this land”* – presumably stemming from concerns that there could be a subsequent application for the construction of another AOC dwelling to serve the 10 acres of agricultural land. It is considered that such a condition would not pass the tests set out in paragraph 56 of the NPPF, given that it would seek to control activities on land outside of the application site. However, should such an application be submitted, its determination would take account of the fact that an AOC dwelling has been lost as part of this proposal.

Character and appearance of the area

Policies 2 and 3 of the Local Plan require new development to have no significant adverse impacts upon the character and appearance of the surrounding area. Policy 22 requires a replacement dwelling to not exceed the floorspace of the original by more than 40% to ensure that unacceptable visual impacts are not caused.

The application site is located within an extensive area of flat, largely featureless farmland. Although the wider area contains scattered dwellings and agricultural buildings, all adjoining land is in agricultural use. As a consequence, the area surrounding the application site has an open and rural character and the site can be seen from long distances in some directions. In this context, the dwelling that is

proposed for replacement has little visual impact, given its modest 'footprint' and height, and the screening effect of the hedges and trees at the site's boundaries.

As an earlier section of the report has noted, the floorspace of the replacement dwelling exceeds that of the original by approximately 50%. However, the footprint of the proposed replacement dwelling is not significantly different to that of the original, and as a consequence, the great majority of the curtilage will remain undeveloped. The replacement dwelling will stand significantly higher than the original (approximately 7.1m rather than 4.2m) and, in simple terms, its impact on the landscape/streetscene will be greater. However, it is considered that the proposed dwelling is, nonetheless, of a relatively modest size, and that its design incorporates sufficient architectural details (e.g. chimney, dormer windows, variation in roof heights) to ensure that it: will not appear out-of-character; and will add interest to the area's character.

Subject to a condition to require the approval of external materials, it is considered that the proposal will not have significant adverse impacts upon the character and appearance of the surrounding area, and that it therefore meets these requirements of Policies 2 and 3. Although the proposed dwelling exceeds the floorspace of the original by slightly more than the 40% maximum increase sought by Policy 22, it is nonetheless considered that it will not cause unacceptable visual impacts and that it therefore accords with the Policy's underlying intentions as clarified in the Reasoned Justification.

Neighbours' amenity

Policies 2, 3 and 30 of the Local Plan seek to ensure that development proposals will not have unacceptably severe adverse impacts upon the amenity of neighbouring land users.

The application site is immediately surrounded by agricultural land to all sides, and it is considered that the proposal will have no impacts upon these land users. The replacement dwelling is proposed to be located approximately 40m from the closest nearby dwelling (Audrey Villa). Although the proposed replacement dwelling will be significantly taller than the original dwelling (approximately 7.1m rather than 4.2m), it is considered that (at these distances) it will have no significant adverse impacts on Audrey Villa in terms of overshadowing, loss of light, or harm to outlook. The replacement dwelling will also contain higher-level window openings than the original dwelling, but it is considered that (at these distances) it will have no significant adverse impacts in terms of overlooking or loss of privacy.

In all, it is considered that the proposal will not have an unacceptably severe impact upon neighbours' amenity.

Impacts upon highway safety

Policy 2 of the Local Plan states that developments will be permitted providing that sustainable development considerations are met relating to access and vehicle generation.

Vehicular access arrangements to the proposed replacement dwelling will be little different from those to the existing dwelling – with access onto/from Cut End Road being provided towards the application site's north-eastern corner. The Road is subject to the national speed limit at this point, and visibility to the south-east is currently somewhat restricted by the growth of the boundary hedge. The Highway Authority initially

responded to seek additional information to demonstrate that drivers intending to enter the highway would have sufficient visibility of approaching traffic to judge whether it is safe to complete the manoeuvre. Following the receipt of Drawing No. 001 Revision A – Location Plan, Visibility Splays, the Highway Authority indicated that it has no objections (subject to the attachment of a condition to require the clearance of all obstructions exceeding 0.6m in height from within the access' visibility splays).

Within the site, adequate space is provided to enable vehicles to turn, so that they can exit the site in a forward gear. Although the proposed replacement dwelling is larger in size than the original dwelling, it is highly unlikely that this will increase traffic movements to the point where unacceptable impacts would be caused to highway safety generally.

In all, therefore (and subject to the attachment of the condition sought by the Highway Authority), it is considered that the proposal will not prejudice highway safety, and meets these requirements of Policy 2.

Parking provision

Policy 3 of the Local Plan states that developments will be permitted where adequate provision is made for the storage and/or parking of bicycles and layout of car parking. Policy 36 indicates that all new development should provide vehicle and cycle parking in accordance with minimum standards set out in Appendix 6, and the Appendix identifies that 2 car parking spaces and 1 cycle parking space should be provided within the curtilage of a dwelling with up to 3 bedrooms.

The proposal involves the use of the existing outbuilding as a garage, and additionally shows the provision of 2 parking spaces immediately to the north of the dwelling. It is considered that these provisions will comfortably meet the above car parking requirements. The application and accompanying documents do not specifically mention cycle parking, but it is considered that, in all, the proposal offers adequate opportunities for secure cycle parking/storage to meet the above cycle parking requirements.

In all, therefore, it is considered that the proposal includes adequate provision for the parking of cars and bicycles, and that it meets these requirements of Policies 3 and 36.

Air quality

Policy 30 of the Local Plan requires development proposals to include suitable measures to mitigate any adverse impact on air quality. Boston Borough Council's Environmental Health department asks for the attachment of a condition to require the provision of an EV (electric vehicle) charger.

The application and accompanying documents do not address issues concerning the mitigation of air quality impacts. It is a key theme of the NPPF that developments should enable future users to make green vehicle choices and it explicitly states that low-emission vehicle infrastructure (including electric vehicle (EV) charging) should be provided. The proposed development will inevitably increase the use of private vehicles, which could adversely affect air quality. It is considered that appropriate mitigation measures could be secured by condition to mitigate the impact on the local environment and the wider causes of climate change.

Subject to a condition to require the submission and approval of measures that aim to reduce pollution and promote renewable and low carbon energy, it is considered that the

proposal will mitigate any adverse impact on air quality. As such, it is considered that the proposal will meet these requirements of Policy 30 of the Local Plan.

Water use

Policy 3 of the Local Plan requires development proposals to minimise the use of water, and Policy 31 specifically requires residential development to comply with the Building Regulations water efficiency standard of 110 litres per person per day.

The application and accompanying documents do not address issues concerning water use. However, it is considered that this matter can be adequately dealt with by the attachment of a condition to require the water consumption of the dwelling to not exceed 110 litres per person per day.

Subject to a condition to require the water consumption of the dwelling to not exceed 110 litres per person per day, it is considered that the proposal will minimise water use, and will therefore meet these requirements of Policies 3 and 31.

Biodiversity

Policy 3 of the Local Plan requires the incorporation of existing hedgerows and trees into development proposals, and the provision of appropriate new landscaping to enhance biodiversity. Policy 28 requires all development proposals to: mitigate impacts upon protected species; and provide an overall gain in biodiversity. Policy 31 requires all development proposals to incorporate measures which promote and enhance green infrastructure and provide a net gain in biodiversity.

The application involves:

- the demolition of an existing fire-damaged dwelling, which is open to the elements; and
- the re-purposing of an existing outbuilding, which is partially open to the elements, both of which appear to have the potential to accommodate protected species, and mitigation may therefore be required in line with the provisions of Policy 28. The application is accompanied by a Protected Species Survey which identifies:

- no evidence of current or historic bat roosting activity within the dwelling or outbuilding, and indicates that the buildings appear to lack features with the potential to sustain bat roosts. Nonetheless it recommends a series of precautionary measures to be taken; and
- no evidence of current or historic bird nesting activity within the dwelling or outbuilding, although it acknowledges that both buildings could provide nesting sites. It recommends that either all relevant works should be undertaken outside of the main bird nesting season or should be preceded by a nesting bird check.

Subject to a condition to require the development to be carried out in accordance with the recommendations of the Protected Species Survey, it is considered that the proposal will meet the requirements of Policy 28 with respect to protected species.

Apart from the two buildings, the application site contains few features of meaningful biodiversity value – effectively limited to the hedges/trees along its external boundaries. Fishtoft Parish Council indicates that it would welcome the retention of these features. Drawing Number 001 Revision A – Location Plan, Existing and Proposed Block Plan shows the retention of these features (further confirmed in paragraph 4.17 of the Planning Statement). It is therefore considered that the proposal will meet the

requirements of Policy 3 with respect to the incorporation of existing hedgerows and trees into development proposals.

However, the proposals do not include any substantive measures that will promote and enhance green infrastructure and provide a net gain in biodiversity – e.g. the provision of nesting/roosting boxes for birds/bats, etc. Nonetheless, it is considered that these issues can be satisfactorily dealt with by the attachment of a condition.

Subject to a condition to require the submission and approval of measures to provide a net gain in biodiversity, it is considered that the proposal will meet these requirements of Policies 3, 28 and 31.

Flood risk

Policy 4 of the Local Plan seeks to ensure that new development is not unnecessarily exposed to flood risk, and does not increase flood risk elsewhere. The Environment Agency indicates that the proposal will meet NPPF requirements in relation to flood risk only if a condition is attached requiring the development to be carried out in accordance with the submitted Flood Risk Assessment.

The application is accompanied by a Flood Risk Assessment (April 2022 Version 1) which identifies sources and severity of flood risk, and indicates that:

- the dwelling's ground-floor will be set at 1m above ground level;
- all sleeping accommodation will be at first-floor level;
- the first-floor will provide a refuge;
- flood resilient construction will be incorporated to a height of 300mm above the predicted flood level; and
- demountable defences to a height of 600mm will be installed at ground-floor doorways.

Subject to a condition to require the development to be constructed in accordance with the Flood Risk Assessment, it is considered that the proposal is acceptable in flood risk terms and meets the requirements of Policy 4.

CONCLUSION:

Subject to conditions, it is considered that the proposal:

- complies with most of the requirements of Policy 22 of the South East Lincolnshire Local Plan 2011-2036;
- will not harm the character and appearance of the area;
- will not harm neighbours' amenity;
- will not prejudice highway safety;
- includes adequate parking provision;
- will satisfactorily mitigate any adverse impacts upon air quality;
- will minimise the use of water;
- will satisfactorily mitigate impacts upon protected species;
- will provide an overall net gain in biodiversity; and
- will be acceptable in flood risk terms.

Although the floorspace of the proposed replacement dwelling will exceed that of the original by slightly more than the 40% maximum sought by criterion 6 of Policy 22, it is considered that:

- it will not cause unacceptable visual impacts and that it therefore accords with the Policy's underlying intentions as clarified in the Reasoned Justification; and
- although it will contribute to reducing the supply of smaller dwellings in the countryside, it exceeds the 40% maximum by only a small degree, and that its impacts will not therefore be great.

In all, therefore, it is considered appropriate for planning permission to be granted.

Although a condition required that the original dwelling could be occupied only by “a person solely or mainly employed or last employed, in the locality in agriculture ... or in forestry”, the current application intends that the replacement dwelling should not be subject to an ‘agricultural occupancy condition’. It is considered that the evidence put forward to support the removal of the condition demonstrates that:

- the dwelling is no longer needed to serve the agricultural holding to which it related; and
- there is no demand for the agricultural dwelling within the wider area.

Consequently, it is considered that it is appropriate for planning permission to be granted for a replacement dwelling without the attachment of a condition of the sort applied to B9/0606/74.

RECOMMENDATION:

APPROVE Planning Permission subject to the following conditions and reasons:-

CONDITIONS / REASONS			
Pre-commencement conditions?	n/a	Agreed with applicant/agent - Date:	
<p>1. 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>			
<p>2. The development hereby permitted shall be carried out in strict accordance with the application received 19-Apr-2022 and in accordance with the associated plans referenced:</p> <ul style="list-style-type: none"> • Drawing No. 001 Revision A – Location Plan, Existing and Proposed Block Plan; • Drawing No. 003 Revision A – Proposed Plans; • Drawing No. 004 Revision A – Proposed Elevations; and • Drawing No. 001 Revision A – Location Plan, Visibility Splays. <p>Reason: To ensure the development is undertaken in accordance with the approved details, in the interest of residential amenity, and to comply with Policies 2, 3, 4, 22, 28, 30, 31 and 36 of the South East Lincolnshire Local Plan 2011-2036</p>			
<p>3. Prior to the commencement of development above slab level, details of the materials to be used in the construction of the external surfaces of the dwelling shall be submitted to and approved in writing by the Local Planning Authority. The</p>			

development shall be carried out in accordance with the approved details.

Reason: To ensure that the character and appearance of the area are preserved, in accordance with Policies 2, 3 and 22 of the South East Lincolnshire Local Plan 2011-2036.

4. Before the access is brought into use all obstructions exceeding 0.6 metres high shall be cleared from the land within the visibility splays illustrated on drawing number 220212-001A dated 8th March 2022 and thereafter, the visibility splays shall be kept free of obstructions exceeding 0.6 metres in height.

Reason: So that drivers intending entering the highway at the access may have sufficient visibility of approaching traffic to judge if it is safe to complete the manoeuvre, in accordance with Policy 2 of the South East Lincolnshire Local Plan 2011-2036.

5. Prior to the commencement of development above slab level, details of measures that aim to reduce pollution and promote renewable and low carbon energy (including measures such as facilities for EV vehicle charging) and details relating to the timing of their implementation, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved measures.

Reason: To help reduce pollution and promote renewable and low carbon energy in 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 (2021).

6. 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 Policy 31 of the South East Lincolnshire Local Plan 2011-2036).

The person carrying out the work must inform the Building Control Body that this duty applies.

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.

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.

7. The development permitted by this planning permission shall be carried out in accordance with the measures detailed in the Protected Species Survey produced by Archer Ecology and dated 19th April 2022.

Reason: To prevent harmful impacts upon protected species, in accordance with Policy 28 of the South East Lincolnshire Local Plan 2011-2036.

8. No development shall take place above ground level until details of measures to provide a net gain in biodiversity and details relating to the timing of their implementation have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved measures.

Reason: To deliver a net gain in biodiversity, in accordance with Policies 28 and 31 of the South East Lincolnshire Local Plan (2011-2036).

9. The development shall be carried out in accordance with the submitted Flood Risk Assessment (Produced by RM Associates, April 2022 Version 1).

Mitigation measures shall be fully implemented prior to occupation and shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future occupants, in accordance with Policy 4 of the South East Lincolnshire Local Plan 2011-2036.

INFORMATIVES / NOTES TO BE INCLUDED ON/WITH DECISION NOTICE

STATEMENT OF PROACTIVE WORKING:

In determining this application, the authority has taken account of the guidance in paragraph 38 of the National Planning Policy Framework 2021 in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the Borough.

The Witham Fourth District Internal Drainage Board indicates that:

1. Board's Byelaw consent is required to directly discharge surface water to a watercourse (open or piped). A surface water development contribution (SWDC) will be charged on all rates of discharges. Please refer to the Board's Development & Consent Control Guidance for more information:
<https://www.w4idb.co.uk/resources/document-library/consent-forms-and-guidance/>
2. Board's Byelaw consent is required to discharge treated water to a watercourse (open or piped).
3. Board's Section 23 consent is required to culvert, pipe, or bridge any watercourse riparian or Board maintained.
4. If there is any change to the surface water or treated water disposal as stated in the application, please contact the Board to discuss the new arrangements.

The Environment Agency advises that you should phone Floodline on 0345 988 1188 to register for a flood warning, or visit <https://www.gov.uk/sign-up-for-flood-warnings>. This is a free service that provides warnings of flooding from rivers, the sea and groundwater, direct by telephone, email or text message. Anyone can sign up. Flood warnings can give people valuable time to prepare for flooding – time that allows them to move themselves, their families and precious items to safety. Flood warnings can also save lives and enable the emergency services to prepare and help communities. For practical advice on preparing for

a flood, visit <https://www.gov.uk/prepare-for-flooding>. To get help during a flood, visit <https://www.gov.uk/help-during-flood>. For advice on what do after a flood, visit <https://www.gov.uk/after-flood>.

Lincolnshire County Council indicates:

- that 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 application guidance, approval and specification details, please visit <https://www.lincolnshire.gov.uk/licences-permits/apply-dropped-kerb> or contact vehiclecrossings@lincolnshire.gov.uk; and
- please contact the Lincolnshire County Council Streetworks and Permitting Team on 01522 782070 to discuss any proposed statutory utility connections 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 our website via the following links:
 - Traffic Management - <https://www.lincolnshire.gov.uk/traffic-management>
 - Licences and Permits - <https://www.lincolnshire.gov.uk/licences-permits>