DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H13-0019-21**	**Applicant:**	**Mr & Mrs Rains**
Proposal:	Erection of Dwelling		
Location:	Adjacent: 28 Station Road Moulton Spalding		
Terminal Date:	9th March 2021		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019	
01	Spatial Strategy
02	Development Management
03	Design of New Development
04	Approach to Flood Risk
11	Distribution of New Housing
28	The Natural Environment
30	Pollution
31	Climate Change and Renewable and Low Carbon Energy
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2019

Sections 2, 3, 4, 5, 11, 12, 14 and 15.

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	1	0	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	1	0

OTHER STATUTORY BODIES	0	0	1	0

CASE OFFICER ASSESSMENT

Proposal

Outline planning permission is sought for a 2 bed house and attached domestic workshop.

Site Description

The site (total area some 0.073ha) is currently garden associated with 28 Station Road (house) and is located on the eastern side of Station Road on the corner with Victory Close. A house is located to the north (24 Station Road) beyond Victory Close and a bungalow to the rear (28a).

Recent Planning History

None

Consultation Responses

Moulton Parish Council - Driveway too close to the cross road junction; over development of site; out of keeping with area.
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LCC Highway/SUDs - Does not wish to restrict the grant of permission.

SHIDB - The applicant has contacted the Board to apply for consent to discharge surface water to a watercourse.

Environmental Protection - No comments or objections.

Public - No resident comments/objections received.

Planning Considerations

The main issues are:
- Principle;
- The effect of the proposed development on the character and appearance of the area;
- Residential amenity;
- Highway safety;
- Other material considerations such as flood risk and drainage.

Principle

Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, states that the determination must be made in accordance with the development plan unless material considerations indicate otherwise.

The proposed development is inside Moulton Settlement Limit as defined within the South East Lincolnshire Local Plan (SELLP), 2019. Policy 1 (Spatial Strategy) of the Local Plan indicates that within Minor Service Centres, including Moulton, development will be permitted that supports their role as a service centre for the settlement itself, helps sustain existing facilities or helps to meet the service needs of other local communities. Development will normally be limited to allocated and committed sites and infill.

In this case the proposal would help sustain the existing settlement and constitutes infilling within the fabric of the village. The proposal is therefore satisfactory in locational terms and in accordance

with Policy 1 of the SELLP.

Character/Appearance

Policy 2 of the SELLP states that sustainable development considerations should be met in relation to such matters as quality of design, size, scale, layout density and impact on the character and appearance of an area and the relationship to existing development. Policy 3 stipulates that development should respect the massing of neighbouring buildings.

The site is within an existing frontage along Station Road and is outside Moulton Conservation Area. The proposed dwelling is of contemporary design (ridge height 7.8 metres approximately) and would be constructed in Siberian Larch vertical timber cladding, with white render on the front elevation. The property would have a standing seam metal roof (Merlin Grey) and anthracite grey windows. Whilst it would differ in style and appearance from other properties along the street there is generally an eclectic mix of dwellings within this part of the village in terms of age/period, design and materials of construction, which includes both red and buff brickwork and also rendered properties. Taking into consideration the aforementioned, it is considered that the proposed dwelling would not materially harm the established character or appearance of the streetscene or this part of the settlement.

The proposal is therefore considered to generally accord with Policies 2 and 3 of the SELLP and advice within the Framework in terms of character/appearance.

Amenity

No. 28 Station Road (house) is located to the south and a house to the north (24 Station Road) on the opposite side of Victory Close. A bungalow (no. 28a) is located to the to the rear and has its double garage closest the site.

The property has two en-suite windows and a side master bedroom window facing No. 28. Two master bedrooms would face east towards no. 28a. Neighbouring residents have been consulted and a site notice displayed and no resident objections have been received. On balance, the design of the property and general relationship to neighbouring development is considered to be such that the amenity of neighbouring residents would not be materially harmed in terms of overlooking, lack of privacy, overshadowing, overbearing effect, etc, subject to appropriate boundary screening.

It is accepted that there would be some additional noise and general disturbance generated by additional vehicles and general activity, etc, as well as constructional traffic/work. However, this is not considered to be such as outweigh factors in favour of the proposal.

The proposal therefore generally accords with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan in this respect.

Highway Safety

The proposal is for an additional dwelling which would share the current access location, which is to be widened and improved to serve both no.28 and the new dwelling. There would be sufficient space for the parking of 2 vehicles. LCC Highways has been consulted and has concluded that this would not cause an unacceptable impact on highway safety.

The proposal therefore satisfactorily complies with Policies 2, 3 and 36 of the South East Lincolnshire Local Plan in terms of highway safety/parking requirements.

Flood Risk/Drainage

The site falls within Flood Zone 1 (Low Risk) within the Environment Agency's Flood Maps and within an area of no hazard within the Strategic Flood Risk Assessment. The proposal therefore satisfies the sequential test. In such cases it is recommended that finished floor levels be raised 300mm above existing ground level.

Surface water would be disposed of to a watercourse to the north of the site and foul sewage to the mains. This is considered to be a satisfactory arrangement for a development of this nature/scale.

The proposal is therefore in accordance with Policies 4 and 30 of the SELLP and advice within the

National Planning Policy Framework, 2019 in this respect.

Planning Balance

Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, states that the determination must be made in accordance with the development plan unless material considerations indicate otherwise.

The site is within Moulton Settlement Limit as defined in the South East Lincolnshire Local Plan, 2019. The proposal is of contemporary design, but would not harm the established character/appearance of the locality given the eclectic mix of house types within the locality.

The design of the property and general relationship to neighbouring development is considered to be such that the amenity of neighbouring residents would not be materially harmed in terms of overlooking, lack of privacy, overshadowing, overbearing effect, etc, subject to appropriate boundary screening.

LCC Highways has raised no objections to the scheme on highway safety grounds and there are no flood risk issues.

The proposal therefore satisfactorily complies with Policies 1, 2, 3, 4, 30 and 36 of the South East Lincolnshire Local Plan (SELLP), 2019, plus advice within the National Planning Policy Framework, 2019. The are no significant factors in this case that indicate against the development and outweigh factors in favour of the proposal and the policies referred to above.

Conclusion

The planning balance lies in favour of the proposal.

Additional Considerations

Public Sector Equality Duty

In making this decision the Authority must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions) to:
A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act
B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).
C. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149. It is only one factor that needs to be considered, and may be balanced against other relevant factors.

It is not considered that the recommendation in this case will have a disproportionately adverse impact on a protected characteristic.

Human Rights

In making a decision, the Authority should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as South Holland District Council to act in a manner that is incompatible with the European Convention on Human Rights. The Authority is referred specifically to Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of property).

It is not considered that the recommendation in this case interferes with local residents' right to respect for their private and family life, home and correspondence, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general public interest and the recommendation is considered to be a proportionate response to the submitted application based on the considerations set out in this report.