

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H13-0063-20 **Applicant:** Mr P Holmes
Proposal: Erection of detached dwelling (Plot 1) - Outline approval H13-1274-18
Location: Land Adjacent 77 Church Lane Moulton Spalding
Terminal Date: 20th March 2020

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
29	The Historic Environment
30	Pollution
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2019

Sections 12, 14 and 15

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
RESIDENTS	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

The site is part of an area of land that has outline planning permission for residential development (ref. H13-1274-18). Reserved matters approval is now sought for a 3 bedroom chalet bungalow on plot 1.

Site Description

The application site is part of an area of land located to the north-east of the village. Its former use was agricultural.

There are existing residential properties located immediately to the south and also to the west of the site, on the opposite side of Church Lane. The rear of the site faces agricultural land. The frontage of the site has a grass verge and a footpath is located on the opposite side of the highway. There is street lighting located along this adopted highway.

History

H13-1274-18 - O/A - Residential development (max 5 plots), including demolition of existing building - Granted 13 February 2019.

Plot 2 - H13-1218-19 - RM - Erection of detached bungalow - Approved 12 February 2020.

Consultation Responses

Moulton Parish Council - Support.

LCC Highways/SUDS - Does not wish to restrict the grant of permission. Request notes.

South Holland Internal Drainage Board - Request drainage strategy.

Public - Comments received:

Ask that the footprint of the approved bungalow for plot 2 (H13-1218-19) is shown on the site plan.

Planning Considerations

The principle of residential development on the site has been established by virtue of the outline consent (ref: H13-1274-18). This application is therefore to assess the reserved matters, namely:

- i) the layout, scale and external appearance of building(s), including a schedule of external materials to be used;
- ii) the means of access to the site;
- iii) the landscaping of the site;
- iv) other matters such as the existing and proposed site levels and floor levels of the buildings and hard surfaced areas.

Houses are situated opposite, bungalows are located to the south and a bungalow has been approved on plot 2. Development is generally mixed in terms of type, style and materials. The chalet bungalow would be set back some 18.5 metres from the highway at its nearest point. The bungalow approved on plot 2 would be closer to the highway. However, it is considered that the properties would have a satisfactory relationship. Landscaping includes two trees (Cherry and Maple) along the site's frontage.

The proposed materials are Terca Olde Farndale Multi bricks with a Spanish slate roof. The neighbouring bungalow on plot 2 is to be constructed in TBS Audley Antique facing bricks with a Marley Edgemere (smooth grey) roof.

The proposal would not materially harm the character/appearance of the street scene/rural locality

or the setting of Moulton Conservation Area. The proposal therefore accords with Policies 2, 3 and 29 of the South East Lincolnshire Local Plan, 2019 in this respect.

In terms of amenity, the chalet bungalow includes openings on its side elevations. However, 1.8 metre fencing is proposed along the side boundaries. The recently approved neighbouring bungalow to the north is situated 4 metres from the boundary. Overlooking would be synonymous to a normal frontage situation. It is considered that the proposal would not materially harm the amenity of nearby residents in terms of overlooking, lack of privacy, overshadowing, overbearing effect, noise and disturbance, etc. The proposal therefore accords with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 on amenity grounds.

The proposal includes a garage and at least 2 further parking spaces, plus vehicular turning facilities. The County Highways Authority does not wish to restrict the grant of permission on highway safety grounds. The proposal therefore accords with Policies 2, 3 and 36 on highway grounds.

Part of the site is within Flood Risk Zone 3 on the Environment Agency Maps. The South East Lincolnshire Strategic Flood Risk Assessment (March 2017) designates the site as no hazard. The proposal therefore satisfies the sequential test. Condition 8 of the outline permission requires that finished floor levels should be set 300mm above ground level and flood resilience and resistance techniques be incorporated. Safe refuge should be provided at first floor level and future occupiers are advised to register with the Floodline Warnings Direct Service.

Note: A third party has requested that a footprint of the bungalow on plot 2 be shown. However, this isn't a necessary requirement because the site is outside the applicant's control. It is considered that a decision can be made without requiring this information.

Conclusion

The proposal satisfactory complies with the reserved matters and is in accordance with Policies 2, 3, 29 and 36 of the South East Lincolnshire Local Plan, 2019.

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.