DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H13-0100-22**	**Applicant:**	**Mr C Lucas**
Proposal:	Proposed detached dwelling		
Location:	Rear Of The Old Butchers 33 High Street Moulton		
Terminal Date:	1st April 2022		

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
32	Community, Health and Well-being
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2021

Section 2. Achieving sustainable development.
Section 4. Decision making.
Section 5. Delivering a sufficient supply of homes.
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	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	0	1
RESIDENTS	1	0	0	0

CASE OFFICER ASSESSMENT

Proposal

Full planning permission is sought for a 4 bed one and a half storey dwelling. It is essentially a renewal of H13-0015-17.

Site Description

The site is located on the western side of High Street and is currently rear garden associated with no. 33, which is a house. Garden associated with a bungalow (no 31) is located to the north. A bungalow (no.39) is situated to the south beyond the driveway. A house and bungalow (nos. 35 and 37) are located to the west served off the shared private drive.

The site is outside Moulton Conservation Area.

Planning History

H13-0015-17 - Full - Proposed detached dwelling - Granted 2 March 2017.

Consultation Responses

Moulton Parish Council

No response.

LCC Highways

Does not wish to restrict the grant of permission.

SHIDB

If (following testing) a strategy wholly reliant on infiltration is not viable and a surface water discharge is proposed to a watercourse, then the proposed development will require land drainage consent in line with the Board's byelaws (specifically byelaw 3).

Environmental Protection

Request contaminated land condition.

Public

Resident objection received (summarised):
- Shared private drive unsuitable for an additional dwelling;
- Restricted visibility when accessing High St from private drive - exacerbated by parked cars associated with medical centre;
The western boundary has a disused outbuilding that forms part of the boundary and is to be

removed. Gap should be screened;
- Boundary hedge should be maintained at all times;
- Large Willow tree adjacent private drive has been removed and not replaced;
- Soakaways may affect neighbouring properties;
- Not going to be occupied by owners of no. 33 as previously indicated;
- Restrictive covenant concerning shared drive.

Planning Considerations

The main issues are:
- Principle/sustainability;
- Character and appearance;
- The likely affect of the development upon the amenity of nearby occupiers;
- 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 site is within the existing village fabric and has previously had permission for a dwelling (ref. H13-0015-17). The proposal would help sustain the existing settlement. It 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 a backland plot and the design of the new dwelling is based upon a traditional outbuilding with a slate roof. It is not within Moulton Conservation Area and is not in close proximity to listed buildings. Whilst backland development on relatively tight plots is not normally promoted there are similar plots within the immediate vicinity, including nos. 35 and 37 at the rear, no. 29a High Street and no. 5a West Cobgate. It would be set well back from High St, which would significantly reduce its visual presence. Consequently, it would not appear as an incongruous or unduly prominent feature within the streetscene. The plot is large enough to accommodate the proposed dwelling whilst maintaining an adequate sense of spaciousness. Consequently, it would not materially harm the character or appearance of the area.

Trees to be removed on the site itself are largely garden variety and of no significant merit. A Willow tree on the opposite side of the access has been removed since the previous application was considered. However, it was not preserved or protected by virtue of being within a conservation area. Nevertheless, it is considered that the proposal should be accompanied by a landscaping scheme, which can be addressed by means of a condition.

The proposal satisfactorily accords with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 in this respect.

|Residential Amenity

Policies 2 and 3 of the South East Lincolnshire Local Plan (2019) set out residential amenity and the relationship to existing development and land uses as main considerations when making planning decisions. They are consistent with advice within the National Planning Policy Framework (2021).

Paragraph 130, amongst other matters, seeks places with a high standard of amenity for existing and future users.

The site would be accessed via a tarmac private roadway, which also serves two properties at the rear (nos. 35 and 37 High St). A bungalow is situated to the south and is separated from the site by planting. No. 33 fronting the site is owned by the applicant. It is considered that the amenity of nearby residents would not be materially harmed in terms of overlooking, lack of privacy, overshadowing, blockage of light, overbearing effect, noise and disturbance, etc, subject to satisfactory boundary screening. This matter can be addressed by means of a condition, including the western boundary.

Concerns have been raised in relation to restrictive covenants, ownership and maintenance of the existing Leylandii hedge, assuming it is to be retained. The former two are civil matters, whist the latter could be addressed under the Anti-Social Behaviour Act, 2003.

The proposal satisfactorily accords with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan in terms of amenity, subject to conditions.

Highways

Policies 2 and 3 of the SELLP indicate that sustainable development considerations should be met in terms of access and vehicle generation levels and layout of car parking. Policy 36 and Appendix 6 set out the minimum standards for parking provision based upon the use class. Two spaces for dwellings with 3 or less bedrooms should be provided within the curtilage. Three spaces for dwellings with 4 or more bedrooms should be provided within the curtilage.

The proposal includes a double garage, plus additional parking space. There is sufficient room on site for the parking of three vehicles.

Concerns have been raised concerning visibility and use of the shared private roadway. However, the existing driveway serving the host dwelling already provides vehicular access to two other dwellings at the rear, so the principle of a shared private drive has already been established. One further dwelling accessed from this driveway would not be unacceptable in highway terms. Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework, 2021), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the construction and habitation of the proposed additional dwelling would not be expected to have an unacceptable impact upon highway safety and has therefore raised no objections.

Flood Risk/Drainage

The site is located within Flood Risk 1 on the Environment Agency Maps. The hazard mapping within South Holland's Strategic Flood Risk Assessment (SFRA) shows the site to be unaffected if a breach of the flood defence were to occur. The proposal therefore satisfies the sequential test.

In terms of the exceptions test, the finished floor level of the proposed dwelling should be 300mm above existing ground levels.

Foul water would be disposed of to the foul sewer. Full surface water details have yet to be agreed and should be made the subject of a condition.

Refuse/waste

The Council, as local planning authority, is obliged to take into account the Council's adopted waste collection policy when determining planning applications involving waste collection. It is therefore a material consideration and is outlined within the Authority's guidance note entitled "Private Drives - Waste Vehicle Collection Service". It indicates that proposals should not be supported on design/amenity grounds where the carrying distance of household refuse/waste from a plot to a public highway along a private drive is greater than 30 metres. This is reflective of the Building Regulations Guidance on carrying distances for waste from households. In this case the length of the private drive is less than 30 metres.

The proposal satisfactorily complies with Policies 2 and 3 of the SELLP 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 would not harm the character/appearance of the area. It is considered that the amenity of nearby residents would not be materially harmed in terms of overlooking, lack of privacy, overshadowing, blockage of light, overbearing effect, noise and disturbance, etc, subject to mitigating conditions. LCC Highways has raised no objections to the scheme on highway safety grounds. Surface water disposal can be addressed by means of conditions.

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

Conclusion

For the reasons outlined above the planning balance lies in favour of the proposal. It is therefore recommended that the application be approved under delegated powers.

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.

Recommendation

That the application be approved under delegated powers, subject to conditions.