DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H13-0189-21**	**Applicant:**	**DMT Development Group Ltd.**
Proposal:	Residential Development of 5 dwellings - outline approval H13-0401-20		
Location:	Cassini Lodge 58 Seas End Road Moulton Seas End		
Terminal Date:	10th September 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
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
17	Providing a Mix of Housing
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2021

Sections 5, 12 & 14 of the National Planning Policy Framework (2019)

5 - Delivering a sufficient supply of homes
12 - Achieving well-designed places
14 - Meeting the challenge of climate change, flooding and coastal change

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
SHDC INTERNAL	0	0	0	1

RESIDENTS	0	0	0	1

CASE OFFICER ASSESSMENT

PROPOSAL

This is a reserved matters application at Cassini Lodge, 58 Seas End Road, Moulton Seas End for a residential development of 1 bungalow and 4 two-storey dwellings, being served by a private drive. Outline approval was granted for this site under reference H13-0401-20.

The proposal seeks to provide a dwelling sited between 58 and 60 Seas End Road with an additional four dwellings on residential garden land to the rear. The submitted Flood Risk Assessment proposes finished floor levels of 350mm above ground level, with a further 300mm of flood resilient construction.

The northern boundary of the site will retain the existing 1.7 metre high hedge. A mixed species hedge that is between 1 metre to 1.6 metres in height will be retained to the western boundary. A mixed species hedge between 1 metre to 1.6 metres in height will be provided to the southern boundary, with a 2 metre close boarded fence on the eastern boundary to the side of Plot 2 and the rear of 60 Seas End Road.

Plot 1 is for a bungalow and contains 4 bedrooms, 2 en-suites, a utility, bathroom, lounge and a kitchen / diner. Proposed materials are Quinn Western premium graphite concrete plain tiles, Imperial Rockingham handmade red multi facing brick and off white render. Brick will form the front elevation, with the render to the side and rear. The detached single garage will be sited to the rear of the dwelling and will be constructed from Quinn Western premium graphite concrete plain tiles and Imperial Rockingham handmade red multi facing brick.

Plot 2 at ground floor will contain a lounge, lobby, wc, bedroom, bathroom, drawing room, utility, and an open plan snug / kitchen / diner. At first floor two bedrooms, two dressing rooms, two en-suites and a rear facing balcony will be provided. The balcony faces an arable field. The detached single garage will be sited to the side and rear of the dwelling and will be constructed from Quinn Western premium graphite concrete plain tiles and Imperial Rockingham handmade red multi facing brick.

Plot 3 at ground floor will contain three bedrooms, an en-suite, bathroom, lounge, utility, and an open snug / kitchen / diner. At first floor level two bedrooms and a bathroom will be provided. The first floor windows will face an arable field to the rear, with three narrow windows on the east facing south elevation facing the blank side elevation wall of the garage of Plot 2. Proposed materials are Quinn Western premium graphite concrete plain tiles and off white render. The detached single garage will be sited to the side and rear of the dwelling and will be constructed from Quinn Western premium graphite concrete plain tiles and Imperial Rockingham handmade red multi facing brick.

Plot 4 at ground floor will contain a lounge, lobby, wc, bedroom, bathroom, drawing room, utility, and an open plan snug / kitchen / diner. At first floor two bedrooms, two dressing rooms, two en-suites and a rear facing balcony will be provided. The balcony faces an arable field. The detached single garage will be sited to the side and rear of the dwelling and will be constructed from Quinn Western premium graphite concrete plain tiles and Imperial Rockingham handmade red multi facing brick.

Plot 5 at ground floor will contain a double garage, two bedrooms, an en-suite, bathroom, utility, lounge and an open plan kitchen / diner / snug. At first floor two bedrooms and a bathroom will be provided. The first floor windows will face the side elevation garden, with the outbuilding of 58 Seas End Road beyond. Three narrow windows serving bedroom 3 will face the dormer window of bedroom 3 at Plot 2. Proposed materials are Quinn Western premium graphite concrete plain tiles and off white render.

SITE DESCRIPTION

The proposal is within defined settlement limits and the surrounding area is characterised by dwellings of varying ages and design. The area to the rear of Cassini Lodge has been included in the defined settlement limits of Moulton Seas End in the South East Lincolnshire Local Plan, 2019, as it constitutes brownfield land.

The site is in Flood Zone 3 on the Environment Agency Flood Maps and is in a "Danger for Some" hazard area, with a predicted maximum flood depth of 0.25 metres on the 2115 South Holland Strategic Flood Risk Mapping.

RELEVANT HISTORY

H13-0778-89

Outline - Use of the land for the erection of one residential dwelling and garage - Approved - 24 July 1989.

H13-1454-00

Full - Erection of 3 bed bungalow and garage - Withdrawn - 01 March 2001.

H13-0026-04

Outline - Erection of one dwelling - Refused - 16 March 2004 - Appeal Dismissed - 07 January 2005.

H13-0544-17

Outline - Residential development - Approved - 18 July 2017.

H13-0401-20

Outline - Residential Development - Approved - 02 September 2020.

REPRESENTATIONS

LCC - County Highways & SUDS Officer

No objection.

SHDC - Environmental Protection Officer

"I have reviewed the Ground Engineering Limited report 'Further ground investigation for proposed development land adjacent Cassini Lodge, Moulton Seas End, Lincolnshire' ref C15356B dated October 2021 am in general agreement with the findings. Soils in the paddock areas of the site were considered suitable for retention in garden areas, but soil associated with the hardstanding and former workshop areas were not. A detailed remediation method statement will be required to be submitted and agreed prior to the commencement of development. The method statement must clearly set out the process involved in defining the areas to be remediated, what remediation will be undertaken, and the validation procedure that will be followed. I therefore recommend discharge of parts i & ii of condition 6 of H13-0401-20, with parts iii & iv remaining outstanding."

Public

Requests the installation of a minimum of three swift bricks to enhance biodiversity.

PLANNING CONSIDERATIONS

Principle

As the principle of development on the site has already been established, the main issues to be taken into account in respect of this application are whether the proposed scheme is acceptable in terms of the reserved matters (layout, scale, external appearance, means of access and landscaping).

Assessment against SELLP Policy 2 - Development Management

This proposal is assessed against SELLP Policy 2 titled - Development Management. This policy states:

"Proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to:
1. size, scale, layout, density and impact on the amenity, trees, character and appearance of the area and the relationship to existing development and land uses;
2. quality of design and orientation;
3. maximising the use of sustainable materials and resources;
4. access and vehicle generation levels;
5. the capacity of existing community services and infrastructure;
6. impact upon neighbouring land uses by reason of noise, odour, disturbance or visual intrusion;
7. sustainable drainage and flood risk;
8. impact or enhancement for areas of natural habitats and historical buildings and heritage assets;
9. impact on the potential loss of sand and gravel mineral resources."

When assessed against the above relevant criteria the following can be observed:

1. The proposed size, scale and layout of the proposed dwellings is considered to be appropriate for the site. No trees on site are to be removed to facilitate this proposal, with existing boundary hedges retained, as well as new hedges planted. Due to the majority of the site being located away from the frontage there is not considered to be a material impact on the character and appearance of the surrounding area.

2. The design is considered to be in keeping with other built development in the area. The orientation of dwellings best makes use of the shape of the site.

3. Proposed materials are considered to be appropriate for the site and do not materially impact the character of the surrounding area.

4. The proposed access is not being materially altered and each property meets the minimum requirement for off road parking spaces under Appendix 6 of the SELLP. The lack of a footpath is not considered to carry material weight. There is no other footpath provision in this area and to impose a footpath condition solely to the front of this plot would not be considered to improve pedestrian or highway safety.

5. There is not considered to be a material impact upon existing community services and infrastructure.

6. There is not considered to be a noise, odour or disturbance impact from the proposal. With regard to visual intrusion, at Plot 3 there are three narrow windows on the east facing south elevation facing the blank side elevation wall of the garage of Plot 2. With regard to Plot 5 three narrow windows serving bedroom 3 will face the dormer window of bedroom 3 at Plot 2 at a distance of 14.6 metres but this is tantamount to a normal frontage relationship. Neither of the design elements are considered to create a material overlooking aspect. There are no side elevation windows in Plot 2 facing 60 Seas End Road. There are side elevation ground floor windows on Plot 1 facing 60 Seas End Road, however, the windows face a 1.9 metre high privet hedge at the boundary so there is not an overlooking aspect. The north facing side elevation windows of Plot 1 face the host dwelling at Cassini Lodge that is the applicant's property, however, of the three windows, two will be obscure glazed and serve an en-suite and a bathroom. The east facing side elevation first floor windows of Plot 5 are a 29.1 metre distance from Cassini Lodge. This is considered to be an acceptable separation distance. The finished floor levels will be sited 350mm above ground floor level, and this is not considered to amount to material overlooking or overshadowing aspect given the relatively minimal increase in height.

With regard to the plots approved under H13-1027-20 to the north of the site, the following considerations have been made. The south facing side elevation of plots 4 and 5 of H13-1027-20 face the application site. There are no side elevation first floor windows in 4 & 5, and the ground floor windows serve a wc and a utility room. There are no side elevation windows in Plot 4 of H13-0189-21 so there is not considered to be material overlooking impact to Plot 4 of H13-1027-20 or any adjacent plots. The separation distance from Plot 4 to Plot 4 of H13-1027-20 to the north is 14.65 metres so there is not considered to be a material overshadowing or overbearing aspect from

Plot 4.

With regard to Plot 5 of H13-0189-21 and Plot 5 of H13-1027-20 the separation distance to the side elevation wall containing the wc and utility windows is 13.5 metres. There are no first floor north facing elevation windows in Plot 5, so there is not considered to be a material overlooking aspect from the proposal. Additionally, the separation distance is not considered to create an overshadowing or overbearing aspect, with the majority of Plot 5 sited in line with the blank side elevation garage wall of Plot 5 of H13-1027-20. Whilst there is a window serving the east facing bedroom 4 of plot 5 this does not directly face the rear garden area of Plot 5 of H13-1027-20 and is not considered to generate a material overlooking aspect.

7. The site is in Flood Zone 3 on the Environment Agency Flood Maps and is in a "Danger for Some" hazard area, with a predicted maximum flood depth of 0.25 metres on the 2115 South Holland Strategic Flood Risk Mapping. There is not considered to be a need to materially raise finished floor levels to address finished floor levels.

This application satisfactorily accords with SELLP Policy 2.

Assessment against SELLP Policy 3 - Design of New Development

This proposal is assessed against SELLP Policy 3 titled - Design of New Development. This policy states:

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.
Development proposals will demonstrate how the following issues, where they are relevant to the proposal, will be secured:
1. creating a sense of place by complementing and enhancing designated and non designated heritage assets; historic street patterns; respecting the density, scale, visual closure, landmarks, views, massing of neighbouring buildings and the surrounding area;
2. distinguishing between private and public space;
3. the landscape character of the location;
4. accessibility by a choice of travel modes including the provision of public transport, public rights of way and cycle ways;
5. the provision of facilities for the storage of refuse/recycling bins, storage and/or parking of bicycles and layout of car parking;
6. the lighting of public places;
7. ensuring public spaces are accessible to all;
8. crime prevention and community safety;
9. the orientation of buildings on the site to enable the best use of decentralised and renewable low-carbon energy technologies for the lifetime of the development;
10. the appropriate treatment of facades to public places, including shop frontages to avoid visual intrusion by advertising, other signage, security shutters, meter boxes and other service and communication infrastructure;
11. residential amenity;
12. the mitigation of flood risk through flood-resistant and flood-resilient design and sustainable drainage systems (SuDS);
13. the use of locally sourced building materials, minimising the use of water and minimising land take, to protect best and most versatile soils;
14. the incorporation of existing hedgerows and trees and the provision of appropriate new landscaping to enhance biodiversity, green infrastructure, flood risk mitigation and urban cooling;
15. the appropriate use or reuse of historic buildings.

When assessed against the above relevant criteria the following can be observed:

1. The proposed size, scale and layout of the proposed dwellings is considered to be appropriate for the site. No trees on site are to be removed to facilitate this proposal, with existing boundary hedges retained, as well as new hedges planted. Due to the majority of the site being located away from the frontage there is not considered to be a material impact on the character and appearance of the surrounding area. A sense of place is not considered to have been impacted by this proposal.

4. Moulton Seas End is served by a bus route and the site is within defined settlement limits. The

lack of a footpath is not considered to carry material weight. There is no other footpath provision in this area and to impose a footpath condition solely to the front of this plot would not be considered to improve pedestrian or highway safety.

5. All plots can comfortably accommodate cycle and bin storage. Waste collection arrangements are considered in further detail below. All plots have enough off road parking spaces to accord with Appendix 6 of the SELLP.

11. There is not considered to be a noise, odour or disturbance impact from the proposal. With regard to visual intrusion, at Plot 3 there are three narrow windows on the east facing south elevation facing the blank side elevation wall of the garage of Plot 2. With regard to Plot 5 three narrow windows serving bedroom 3 will face the dormer window of bedroom 3 at Plot 2 at a distance of 14.6 metres. Neither of the design elements are considered to create a material overlooking aspect. There are no side elevation windows in Plot 2 facing 60 Seas End Road. There are side elevation ground floor windows on Plot 1 facing 60 Seas End Road, however, the windows face a 1.9 metre high privet hedge at the boundary so there is not an overlooking aspect. The north facing side elevation windows of Plot 1 face the host dwelling at Cassini Lodge that is the applicant's property, however, of the three windows, two will be obscure glazed and serve an en-suite and a bathroom. The east facing side elevation first floor windows of Plot 5 are a 29.1 metre distance from Cassini Lodge. This is considered to be an acceptable separation distance. The finished floor levels will be sited 350mm above ground floor level, and this is not considered to amount to material overlooking or overshadowing aspect given the relatively minimal increase in height.

With regard to the plots approved under H13-1027-20 to the north of the site, the following considerations have been made. The south facing side elevation of Plots 4 and 5 of H13-1027-20 face the application site. There are no side elevation first floor windows in Plots 4 & 5 and the ground floor windows serve a wc and a utility room. There are no side elevation windows in Plot 4 of H13-0189-21 so there is not considered to be material overlooking impact to Plot 4 of H13-1027-20 or any adjacent plots. The separation distance from Plot 4 to Plot 4 of H13-1027-20 to the north is 14.65 metres so there is not considered to be a material overshadowing or overbearing aspect from Plot 4.

With regard to Plot 5 of H13-0189-21 and Plot 5 of H13-1027-20 the separation distance to the side elevation wall containing the wc and utility windows is 13.5 metres. There are no first floor north facing elevation windows in Plot 5, so there is not considered to be a material overlooking aspect from the proposal. Additionally, the separation distance is not considered to create an overshadowing or overbearing aspect, with the majority of Plot 5 sited in line with the blank side elevation garage wall of Plot 5 of H13-1027-20. Whilst there is a window serving the east facing bedroom 4 of plot 5 this does not directly face the rear garden area of Plot 5 of H13-1027-20 and is not considered to generate a material overlooking aspect.

12. The site is in Flood Zone 3 on the Environment Agency Flood Maps and is in a "Danger for Some" hazard area, with a predicted maximum flood depth of 0.25 metres on the 2115 South Holland Strategic Flood Risk Mapping. There is not considered to be a need to materially raise finished floor levels to address finished floor levels.

14. The existing hedges on site are to be retained with further new hedge planting to the western and southern boundaries.

This application satisfactorily accords with Policy 3 of the SELLP.

Private drives

A recently published Council guidance note entitled 'Private Drives - Waste Vehicle Collection Service' sets out a hierarchy for developers to follow when considering waste collection arrangements and private drives. This guidance is not adopted planning policy and as such can only be given limited weight in planning terms. However, it is a material consideration. The relevant section of this guidance note states:

"The Council, as local planning authority, is obliged to take into account the Council's adopted waste collection policy when determining planning/condition compliance applications for waste collection details as it should avoid approving waste collection schemes which are not capable of being provided. The following guidance is therefore provided for developers when seeking planning

permission for new developments. The guidance seeks to ensure that developers are fully aware of waste collection issues when submitting planning applications with a view to avoiding later problems, such as poor design under policy 3 of the South East Lincolnshire Local Plan (Adopted March 2019). The following does not constitute adopted planning policy.

1. It is firmly recommended that new developments should seek to minimise private drives when preparing and submitting planning applications. Access roadways to all residential properties should normally be constructed to an adoptable standard under an agreement with Lincolnshire County Council so that they will become public highways to enable refuse/recycling collections to be carried out from outside individual properties without the need for communal waste collection points at the point where private driveways adjoin public highways. This is the preferred solution of the Council as waste collection authority from an operational perspective. Furthermore, it avoids the potential impacts of unmanaged depositing of waste, which can lead to unacceptable impacts upon the visual and residential amenity of communities.

2. Where private drives are unavoidable, the Council would expect to see no more than 6 properties from any one private drive and a carrying distance of less than 30m. In order to judge the suitability of proposals to be served from private drives, the Council will apply a carrying distance of no greater than 30m measured from the nearest point of the plot adjacent to the private drive. This is reflective of Building Regulations Guidance on carrying distances for waste from households. Developers are advised to contact the waste collection service to determine the proposed collection point.

3. Should the proposal include a joint storage area for waste, this will serve no more than 6 properties and should be sited on land owned by a proprietor of the private drive. Storage areas should still allow for collection of the waste by the Council from the public highway. An area of 800mm x 800mm should be provided for each property using the collection point. Design and siting will be expected to take account of impact upon both visual and residential amenity and demonstrate how these impacts have been minimised. Definitive information on the on-going maintenance and responsibility for waste collection points will be required to protect against unmanaged depositing of refuse. The Council may take appropriate enforcement action if the waste collection point is not reasonably maintained.

4. Where private drives are included in a development proposal and the above criteria cannot be met then it may be possible to provide for a private waste collection from individual properties. This would avoid the impacts arising from unmanaged depositing of waste. This may necessitate the developer entering into a section 106 agreement to ensure future delivery of the service.

5. If a private waste collection is not deliverable it is expected that private drives will be minimised through the design or re-design of the scheme to avoid the above concerns.

The Council will apply the above hierarchical approach to waste collection solutions on new developments. It will achieve this via negotiation at pre-application stage, during consideration of planning applications and the discharge of planning conditions. Standard conditions will be applied in relation to roads being constructed to adoptable standard and, on outline planning applications, securing details of waste collection. Full and reserved matters applications will be expected to include full details of the waste collection solution to be secured up-front.

Where all of the above measures have been reasonably exhausted, the Council may agree to collect waste from private drives in exceptional circumstances."

It is the intention that Plots 2-5 be served by a private drive and the carrying distance from these plots would be greater than 30m when measured from the nearest point of the plot adjacent to the private drive. The proposal does not therefore comply with Point 2 of the above hierarchy. However, there are considered to be circumstances in this case which indicate that the proposal ought to be treated favourably. The application was submitted in February 2021 and the applicant subsequently submitted details relating to contaminated land in May 2021 to be reviewed by Environmental Protection. The latter requested further details and has only recently confirmed that they are acceptable after various delays, by which time the above guidance note had been adopted. Had it not been for this delay, which was somewhat out of the applicant's control, it is likely that a decision would have been issued in advance of the guidance note being adopted. Furthermore, a note on the outline consent states that "The road serving the permitted development is approved as a private road which will not be adopted as a Highway Maintainable at the Public Expense (under the Highways Act 1980). As such, the liability for the future maintenance of the road will rest with those who gain access to their property from it." It is therefore arguable that it has always been the

intention that this development be served by a private road. On this basis, officers are of the view that it would be appropriate to proceed with the application in its current form.

Planning Balance

The site has been designed to minimise overlooking and overshadowing and provides an acceptable level of amenity for future occupants and the neighbouring dwellings. It is acceptable in highway, flood risk and drainage terms and it would not have a material impact on the character and appearance of the area. The Reserved Matters are considered to have been satisfactorily addressed. Although the proposal does not strictly accord with the 'Private Drives - Waste Vehicle Collection Service' guidance note, the delays in the application process have largely been out of the control of the applicant and it would otherwise have been determined favourably prior to the guidance note being adopted.

The planning balance is therefore considered to lie in favour of the proposal.

Conclusion

In light of the above considerations the proposal is considered to be in accordance with Policies 1, 2, 3, 4, 10, 11, 17, 36 and Appendix 6 of the South East Lincolnshire Local Plan, 2019, as well as Sections 5, 12 and 14 of the National Planning Policy Framework, 2021.

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.

N.B. This application was presented to Chairman's Panel on 10th December and members were content for it to be dealt with under delegated powers.