DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H13-0255-22**	**Applicant:**	**Mr N Morris**
Proposal:	Erection of 2 dwellings - approved under H13-0864-20. Modification to Condition 1 to allow amendments to previously approved plans.		
Location:	Land Rear Of 43 & 45 Seas End Road Moulton Seas End Spalding		
Terminal Date:	31st May 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
30	Pollution
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2021

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
RESIDENTS	0	0	1	0

CASE OFFICER ASSESSMENT

Proposal

The site has reserved matters approval for 2 no. 3 bedroom bungalows (ref. H13-0864-20). This application is to modify the approved plans following a detailed site survey. The main revisions are the rear boundary has been reduced in width from 38.6m to 36.9m approximately and the garage on plot 2 has been reduced in width/modified.

Site Description

The site is currently residential curtilage associated with No. 45 Seas End Road (bungalow). Terraced properties (nos. 39-43) are situated to the north-west fronting Seas End Road. A house (no. 47) is located to the south.

An attached garage associated with no. 43 would be demolished to gain access to the site.

History

H13-0919-18 - O/A - Residential Development for 2 dwellings - Granted 2 November 2018.

H13-0864-20 - RM - Erection of 2 dwellings - outline approval H13-0919-18 - Approved 26 November 2020.

Consultation Responses

Moulton Parish Council

No response received.

LCC Highways/SUDs

Does not wish to restrict the grant of permission.

Resident comments (summarised)

Require access to rear of property to enable septic tank to be emptied.

Planning Considerations

The principle of 2 bungalows on the site has been established by virtue of H13-0919-18 and H13-0864-20. This application is to modify the approved plans as previously indicated.

There is an eclectic mix of house styles within the vicinity. Two detached bungalows are proposed with detached garages. They would be constructed in Flemish Antique facing bricks with Marley Mendip slate grey double pantiles. Single storey properties are considered most appropriate in this location to the rear of a 19th century terrace and bungalows. Some tree planting is proposed within the front garden areas. The development would not materially harm the character or appearance of this part of the village. The proposal therefore accords with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 in this respect.

In terms of amenity, terraced properties (nos. 39-43) are situated to the north-west fronting Seas End Road. A house (no. 47) is located to the south. The bungalows are set back and have a degree of separation from neighbouring properties. Finished floor levels would be raised 500mm to address flood risk. However, 2 metre (as opposed to the usual 1.8m) high closeboarded fencing is proposed along the site boundaries to alleviate overlooking. 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 detached garages and additional 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.

In accordance with the terms of the outline planning permission, finished floor levels (FFLs) would be set 500mm above existing ground level and flood resilient construction used up to 300mm above FFL.

A resident has raised an issue concerning access to a septic tank. Rights of access are a separate legal matter. Nevertheless, the applicant has indicated that a hand gate would installed within the new fencing to enable access to the rear of the relevant property.

Conclusion

The proposal satisfactory complies with the reserved matters and is in accordance with Policies 2, 3, 4 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.

Recommendation

That the application be approved under delegated powers.