DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H13-0267-21**	**Applicant:**	**Mr G Brown**
Proposal:	Erection of detached dwelling (Plot 5) - outline approval H13-1274-18		
Location:	Adj. 77 Church Lane Moulton Spalding		
Terminal Date:	11th May 2021		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019	
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 16

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
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 detached 4 bed house with detached garage/home office on plot 5.

Plots 1-4 have reserved matters approval for the following development:

Plot 1 - 3 bed chalet bungalow (ref. H13-0063-20);
Plot 2 - 3 bedroom bungalow with detached double garage (ref. H13-1218-19);
Plot 3 - 4 bedroom chalet bungalow with attached double garage immediately to the south (ref. H13-0485-20);
Plot 4 - 4 bed chalet bungalow - Approved 10 May 2021.

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 to the south beyond plot 1 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 1 - H13-0063-20 - RM - Erection of detached dwelling - Approved 19 March 2020.

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

Plot 3 - H13-0485-20 - RM - Erection of Dwelling - Approved 11 August 2020.

Plot 4 - H13-0275-21 - RM - 4 bed chalet bungalow - Approved 10 May 2021.

Consultation Responses

Moulton Parish Council

No response

LCC Highways/SUDs

Request conditions/notes.

South Holland Internal Drainage Board

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).

Public

Comments received. Request swift nesting boxes

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.

Church Lane generally consists of a mixture of bungalows and houses. A bungalow has been approved on Plot 2 and chalet bungalows on Plots 1, 3 and 4. Bungalows are located beyond Plot 1 and then houses.

The proposed dwelling is two-storey, with a flat roofed element at the rear/side and detached garage within the front garden. It would be constructed in TBS Shelford Cream Multi brickwork with Smooth Grey Marley Edgemere tiles. The submitted block plan indicates that it would have a satisfactory relationship with the chalet bungalow on plot 4 in terms siting and spacing. The detached garage/home office would be within the front garden, as in the case of plot 2. Landscaping includes planting within the front garden area.

The most appropriate form of development upon the site would have been a chalet bungalow, as opposed to a house. However, development within the locality is an eclectic mix in terms of type, style and materials. Taking this into consideration it is considered that the proposal would not materially harm the character or appearance of the street scene/rural locality or the setting of Moulton Conservation Area. The proposal therefore satisfactorily accords with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 in this respect.

In terms of amenity, the southern elevation of the proposed house would have openings associated with a playroom and utility at ground floor level and a bedroom window (Bed 4) at first floor level. The chalet bungalow on the neighbouring plot to the south has a garage door and WC window on its northern elevation, plus an en-suite window at first floor level. 1.8 metre fencing is proposed along the relevant sections of the side boundaries. The home office would overlook the neighbouring front garden at a distance. Overlooking at the front and rear 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 detached double garage, plus a driveway and vehicular turning facilities. The County Highways Authority do not wish to restrict the grant of permission on highway safety grounds, but have requested that any gates be set back at least 5 metres from the nearside carriageway edge. The proposal satisfactorily 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 Holland Strategic Flood Risk Assessment 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. This is indicated on the submitted plans. Future occupiers are advised to register with the Floodline Warnings Direct Service.

A request has been made for the inclusion of biodiversity measures, such as Swift boxes. However, this is solely a reserved matters application and no such condition was imposed at the outline stage.

Planning Balance/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 for reserved matters be approved