DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H13-0365-24**	**Applicant:**	**Mr A Hubbard**
Proposal:	Residential Development - Single Dwelling - outline approval H13-0629-22		
Location:	Adj. 2 Pipwell Gate Moulton Seas End Spalding		
Terminal Date:	17th June 2024		

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
28	The Natural Environment
30	Pollution
31	Climate Change and Renewable and Low Carbon Energy
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2023

Section 2. Achieving sustainable development.
Section 4. Decision making.
Section 5. Delivering a sufficient supply of homes.
Section 12. Achieving well designed and beautiful 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
RUBEN LOPEZ, HISTORIC ENVIRONMENT OFFICER	0	0	0	1

SHDC INTERNAL	0	0	1	0

CASE OFFICER ASSESSMENT

Proposal

The site has outline planning permission for a single dwelling, including access details (ref. H13-0629-22). Reserved matters approval is now sought for a 3 bed bungalow.

Site Description

The site (formerly garden land) is currently vacant. It benefits from existing Leylandii hedgerow planting along its western and eastern boundaries with an open frontage to the highway of Pipwell Gate.

A house (No 75 Seas End Rd) is situated to the north-west and a bungalow (no 2 Pipwell Gate) to the south-east. A house is also located to the south-west/rear (No 77 Seas End Rd/Stevelands).

Planning History

H13-0594-16 - Full - Erect four bedroomed house - Approved 9th August 2016.

H13-0629-22 - Outline - Residential Development - Single Dwelling - Approved 23 August 2022

H13-0367-24 - Cond Comp - Details of development shall be carried out in accordance with the measures set out in the design & access statement & flood risk, foul & surface water disposal, connect the development to the existing footway network, storage & disposal of refuse & recycling, scheme of landscaping & tree planting, ecological biodiversity measures & water consumption (Conditions 4, 5, 6, 7, 8, 9 & 10 of H13-0629-22) - Under consideration

Consultation Responses

Moulton Parish Council

No response received.

LCC Highways and Lead Local Flood Authority

No objections.

Environmental Protection

No comments.

LCC Historic Places Team

No archaeological input necessary in this case.

Public

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this case, no representations have been received.

Planning Considerations

The principle of a dwelling on the site has been established by virtue of the outline planning

permission (H13-0629-22). This application is therefore to assess the reserved matters, which are as follows:
i) the layout, scale and external appearance of the building(s) (including a schedule of external materials to be used) and;
ii) the landscaping of the site (including boundary treatment).

The main issues therefore are:
- Whether the layout, scale and external appearance of building(s) is acceptable on visual and residential amenity grounds.
- Landscaping.

It should be noted that all other matters such as foul and surface water drainage, footway provision, refuse storage and ecology fall outside the remit of this application and that a separate condition compliance application has been submitted.

Evaluation

Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

In this case, the South East Lincolnshire Local Plan 2011-2036, adopted March 2019, forms the development plan for the District, and is the basis for decision making in South Holland. The relevant development plan policies are detailed within the report above.

The policies and provisions set out in the National Planning Policy Framework (updated December 2023) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

The Authority is able to demonstrate a supply of deliverable sites equivalent to in excess of 5 years through the latest Housing Land Supply Assessment.

Character/appearance

Policy 2 of the South East Lincolnshire Local Plan outlines sustainable development considerations for development proposals, providing a framework for an operational policy to be used in assessing the sustainable development attributes of all development proposals. Furthermore, Policy 3 accords with the provisions of section 12 of the National Planning Policy Framework (Dec 2023), in that it requires development to comprise good design; identifying issues that should be considered when preparing schemes so that development sits comfortably with, and adds positively to, its historically-designated or undesignated townscape or landscape surroundings.

These policies accord with the provisions of the National Planning Policy Framework (December 2023) and require that 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. Section 12 of the Framework specifically relates to 'achieving well-designed and beautiful places' and details that "the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve" and as such, it is generally accepted that good design plays a key role towards sustainable development.

Paragraph 135 of the Framework states that new development should function well and add to the overall quality of the area (including beyond the short term) and should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping. It should also be sympathetic to local character and history, including the surrounding built environment and establish a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live.
Proposals for new development therefore require the aforementioned considerations to be adequately assessed and designed, including the siting, design and scale to be respectful of surrounding development and ensure that the character of the area is not compromised.

The character of existing development within the locality consists of an eclectic mix of houses and bungalows constructed in various materials, including red and buff brickwork. The proposal is for a 3 bed bungalow to be constructed in Hampton Rural Blend brickwork with a Redland Stonewold tiled roof. It is considered that the proposed dwelling would sit satisfactorily within the street scene and

would not materially harm the character or appearance of the locality.

For the above reasons, therefore, the proposal accords with the relevant criteria of Policies 2 and 3 of the SELLP.

Amenity

Policies 2 and 3 of South East Lincolnshire Local Plan (2019) sets out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

Paragraph 135 of the National Planning Policy Framework (December 2023) states that development should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

A house (No 75 Seas End Rd) is situated to the north-west and a bungalow (no 2 Pipwell Gate) to the south-east. A house is located to the south-west/rear (No 77 Seas End Rd). A fence presently exists along the southern boundary and non-native hedging along the side boundaries.

The property is single storey and the finished floor level would be set at 4.10m aOD similar to No 77 Seas End Rd at the rear. Existing ground levels along the rear boundary are in the region of 4m aOD and existing Leylandii hedging along the western boundary appears to be largely outside the site. 1.8m high closeboarded fencing is proposed along the rear sections of the side boundaries and also the rear boundary. It is considered that the amenity of neighbouring residents would not be materially harmed in terms of overlooking, lack of privacy, overshadowing, overbearing effect, noise and disturbance, etc. Maintenance rights are a civil as opposed to planning matter.

As such, the proposal accords with the relevant criteria within Policies 2 and 3 of the Local Plan and the provisions of the Section 12 of the National Planning Policy Framework, December 2023.

Means of access/highway issues

Policy 2 details that proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to access and vehicle generation. Policy 3 details that development proposals will demonstrate how accessibility by a choice of travel modes including the provision of public transport, public rights of way and cycle ways will be secured, where they are relevant to the proposal.

Further, Policy 36, to be read in conjunction with Appendix 6 of the South East Lincolnshire Local Plan, sets out minimum vehicle parking standards and requires at least two spaces for dwellings of up to three bedrooms.

Section 9 of the National Planning Policy Framework (December 2023) specifically relates to 'Promoting sustainable transport'. Paragraph 115 of the Framework advises that "development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe".

The scheme includes two parking spaces. The County Highways Authority raises no objections on highway safety grounds. The proposal therefore accords with Policies 2, 3 and 36 in this respect.

Landscaping

Policy 2 of the South East Lincolnshire Local Plan (SELLP), 2019 states that sustainable development considerations should be met in relation to such matters as impact or enhancement for areas of natural habitats. Policy 3 indicates that development proposals should, where relevant to the proposal, include the incorporation of existing hedgerows and trees and the provision of appropriate new landscaping to enhance biodiversity.

Policy 28 outlines that a high quality, comprehensive ecological network of interconnected designated sites, sites of nature conservation importance and wildlife-friendly greenspace will be achieved by protecting, enhancing and managing natural assets. This policy details a need to address gaps in the ecological network by ensuring that all development proposals shall provide an

overall net gain in biodiversity.

Native tree and hedge planting is proposed and the Leylandii hedging to be removed is of no significant ecological benefit. The landscaping scheme constitutes a bio-diversity gain and is considered acceptable.

For the above reasons the proposal accords with Policy 28 of the South East Lincolnshire Local Plan, 2019, and Section 15 of the National Planning Policy Framework, December 2023.

Flood risk/drainage

Flood risk has previously been addressed as part of the outline consent (ref. H13-0651-20), where a condition was imposed stipulating that finished flood levels should be set at 4.10m aOD.

Drainage details do not fall within the remit of this reserved matters application.

Planning Balance

Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

The principle of a dwelling upon the site has previously been established by virtue of the outline consent (ref. H13-0629-22). It is considered that the proposal would not materially harm the character and appearance of the locality. Moreover, the proposal would not have an adverse effect upon the amenity of neighbouring residents. The submitted landscaping scheme satisfactorily addresses biodiversity net gain.

In this instance, there are no material considerations that outweigh factors in favour of the scheme.

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.

Conclusion

This application is in accordance with Policies 2, 3, 28 and 36 of the South East Lincolnshire Local Plan, 2019, as well as Sections 2, 12 and 15 of the National Planning Policy Framework, December 2023. There are no significant concerns that outweigh factors in favour of the scheme and which justify refusal contrary to the policies referred to within the development plan as a whole.

Recommendation

Based on the assessment detailed above, it is recommended that the proposal should be approved under Delegated Authority.