DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H13-0401-20**	**Applicant:**	**Mr & Mrs P Whiting**
Proposal:	Residential Development		
Location:	Cassini Lodge 58 Seas End Road Moulton Seas End		
Terminal Date:	2nd September 2020		

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 2019

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	1	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SHDC INTERNAL	0	0	0	1
OTHER STATUTORY	0	0	0	1

BODIES				
RESIDENTS	1	0	0	0

CASE OFFICER ASSESSMENT

Proposal

This is an outline application for residential development at Cassini Lodge, 58 Seas End Road, Moulton Seas End. The indicative proposal shows 5 dwellings. One dwelling is sited between 58 and 60 Seas End Road with and additional four dwellings on residential garden land to the rear. The submitted Flood Risk Assessment proposed finished flood levels of 350mm above ground level, with a further 300mm of flood resilient construction.

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 Draft South East Lincolnshire Local Plan 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.

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Full - Erection of 3 bed bungalow and garage - Withdrawn - 01 March 2001.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

Consultation Responses

SHDC - Environmental Protection

Requests full contaminated land condition.

SHDC - Councillor Woolf - Objections

Previous application under H13-0544-17 only granted due to lack of a five year housing land supply.
Requests that application is heard at a Chairman's Panel.
Existing access is near a blind bend.

LCC - County Highways & SUDS Officer

Following an initial request, amended plans were received that showed the correct length and width of the highway, as well as visibility splays at the access point from the private road to Seas End Road.

The Officer requests access, utility, visibility splay and private road informatives.

Member of the public - Objections - 1

No footpath along Seas End Road
Highway safety
Proximity of plots to boundary of site

Planning Considerations

Principle of development

The proposal site is within the defined settlement limits of Moulton Seas End under the SELLP. The proposed development is not considered to be out of character. The finished floor levels will be sited 300mm above ground floor level, and this is not considered to amount to material overlooking or overshadowing aspect from a minimal increase in height. Whilst some of the development does not constitute frontage plots, the reuse of brownfield land for residential development is supported by local and national policy.

Councillor Woolf stated that the previous application under H13-0544-17 was given outline permission due to the then lack of a Five Year Housing Land Supply. This statement is incorrect. The proposal was considered acceptable on the basis that this brownfield land was shortly to be adopted into the proposed defined settlement limits of Moulton Seas End under the Draft SELLP.

Moulton Seas End is categorised as an "Other Service Centre" on the hierarchy of settlements in Policy 1 of the SELLP, which is titled Spatial Strategy. The relevant section states "Within the settlement boundaries of the Other Service Centres and Settlements (as shown on the Inset Maps) development will be permitted that supports their role as a service centre for the settlement itself, helps sustain existing facilities or helps meet the service needs of other local communities. Development will normally be limited to Committed sites and infill. The proposed area is a Committed site and therefore considered to be appropriate to support.

Policy 2 of the SELLP is titled Development Management and 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; and
9. impact on the potential loss of sand and gravel mineral resources.

Design of dwellings cannot be assessed at this stage as the proposal is solely to assess the principle of development and agree the access location, which the County Highways Officer has no objection to.
Flood Risk mitigation would be addressed by siting finished floor levels a minimum of 0.3 metres above existing ground level.

The principle of development is acceptable in this location.

No footpath along Seas End Road

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.

Highway safety

There is not considered to be a material impact on highway safety arising from the proposal. The County Highways & SUDS Officer has requested visibility splay and forward gear conditions, but has expressed no concerns regarding the use of a pre-existing access.

Parking provision

Whilst this is solely an outline application it is anticipated that that any dwellings with a maximum of 3 bedrooms will afford a minimum of two parking spaces, and any dwellings with 4 bedrooms or greater will afford a minimum of three parking spaces. This matter would be assessed at the reserved matters stage of the application process.

Proximity of plots to boundary of site

The proposed plans are not considered to represent overdevelopment. The indicative plot sizes are comparable to those of the surrounding area and are within the proposed defined settlement limits of Moulton Seas End under the South East Lincolnshire Local Plan.

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, 2019.

A delegated approval is considered to be appropriate.

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.