

DECISION DELEGATED TO HEAD OF PLANNING

Application No:	H13-0406-23	Applicant:	Mr S Chapman
Proposal:	Erection of one dwelling		
Location:	Rear Of 24 Broad Lane Moulton Spalding		
Terminal Date:	22nd June 2023		

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
30	Pollution
32	Community, Health and Well-being
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance**National Planning Policy Framework 2021**

Section 5 - Delivering a sufficient supply of homes
Section 8 - Promoting healthy and safe communities
Section 12 - Achieving Well Designed Places
Section 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
MATTHEW ADAMS - HISTORIC ENVIRONMENT OFFICER	0	0	0	1

SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
OTHER STATUTORY BODIES	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

Proposal is for outline planning permission for a single, detached dwelling on the land to the rear of 24 Broad Lane. The proposal is for a three-bedroom bungalow with access via Broad Lane. The existing garage of 24 Broad Lane would be removed and replaced with the site access. A single storey garage is proposed to the rear of 24 Broad Lane. The site is currently used as residential garden space.

Site Description

The site is within the settlement of Moulton, defined in the South-East Lincolnshire Local Plan, 2019 (SELLP). The location is fairly central, being located approximately 100 metres east of The John Harrox Primary School.

The area is characterised by a mixture of residential developments, although there is a preference towards two-storey, red-brick houses. Back-land developments, such as that proposed here, are not uncommon in the area.

Relevant History

H13-0882-16 - Outline. Residential development - 2 buildings plots. 31-10-16.

Consultation Responses

Historic Environment Officer

"No archaeological impact"

Highway and Lead Local Flood Authority

"I understand that this is an Outline Planning Application for the erection of 1 no. dwelling with all matters reserved for later approval, with the exception of means of access and scale to be considered at this time, as shown on the proposed site layout drawing number: 4133-23-01 dated April 2023, albeit indicative only. This proposal will utilise the existing access off Broad Lane which meets the visibility guidelines set out in Manual for Streets and will require widening to 4.1 metres suitable for the passage of two-way vehicular movements. That said, the existing vehicle access crossing has been damaged/ deteriorated considerably and therefore, needs to be made up to the County Councils specification within the extent of the public highway appropriate for it's proposed residential use. In order to support any further application of reserved matters, the applicant would clearly need to demonstrate the parking facility for both the new and host dwelling where 2 parking spaces for a dwelling with three bedrooms or less and 3 parking spaces for a dwelling with four bedrooms or more and sufficient turning within the site to allow vehicles to enter and leave in a forward gear"

Recommend conditions to be imposed.

Internal Drainage Board

No objection. Stated the need to check and comply with any relevant policies enforced by the Board

Residents Comments

1 comment received, summarised below:

- Concerns over parking provisions
- Requests further information on drainage
- Object to any increase in the size of the dwelling

Planning Considerations

Principle of Development

Policy 1 of the SELLP directs development to the most sustainable locations. Moulton is classed as a minor service centre and is therefore a suitable location for development. Ordinarily, this would be restricted to existing commitments or infill development, excluding this back-land site. However, as there has already been a number of back-land developments approved in the immediate area, the principle of development on this site is sound.

The site previously acquired outline planning permission as part of H16-0882-16, although this approval was never acted upon in this exact location. As such there is an established principle of development on this site.

Moreover, Policies 10 and 11 of the SELLP identify a tangible need for housing within the settlement.

For the above reasons, the principle of development on this site is sound.

Layout, Design, Size and Scale

Paragraph 130 of the National Planning Policy Framework (NPPF), 2021 establishes that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area. That they are visually attractive, as a result of good architecture, and are sympathetic to local character. Likewise, Policy 2 of the SELLP, states 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.

As the application is outline only, no details of the materials or design of the proposed development have been submitted. If outline approval was given, a subsequent application would have to be made to ensure that the materials and design are in keeping with the character of the area.

The proposed scale of the development is not out of keeping with the character of the area. There is a considerable number of comparable or larger dwellings within the immediate vicinity of the proposal.

The size of the plot is proportionate to the scale of dwelling proposed, preventing the area from feeling cramped or overdeveloped. Plots of comparable size have seen similar developments in the immediate area. To ensure overdevelopment does not occur, it is recommended that if permission is granted, a condition be imposed to remove the permitted development rights of the property.

The proposal therefore accords to Policies 2 of the SELLP and Section 12 of the NPPF.

Impacts Upon Resident Amenity

Paragraph 130 of the NPPF amongst other matters, seeks places with a high standard of amenity for existing and future users. Policies 2 and 3 of the SELLP set out residential amenity and relationship to existing development and land uses as main considerations when making planning decisions.

As the proposed dwelling is a bungalow, the potential for overshadowing or overlooking is minimal. A suitable separation distance, of approximately 30 metres, would be achieved between the bungalow and any other dwelling, further reducing the potential for overlooking or overshadowing. Confirmation of the proposed boundary treatments would be required as part of a reserved matters

application.

The proposed garage also has a suitable separation distance in order to prevent significant overshadowing. There is the possibility for some overshadowing within the garden of 24 Broad Lane, however, this would not be significant enough to warrant a refusal.

The proposed garden is of a comparable size to neighbouring plots, ensuring that future occupants would have suitable amenity space moving forward. While the proposal does severely reduce the size of 24 Broad Lane's Garden, the reduced garden would still be of sufficient size to ensure a high quality of life and residential amenity for the occupiers. The reduced garden is more in line with the prevailing garden size in the area.

Any lights placed on the building would likely have a significant impact upon the amenity of neighbours. It is therefore recommended that a condition be attached requiring details of lighting in future applications.

There is the potential for an increase in noise pollution due to development, especially during construction. It is therefore recommended that a construction management plan be submitted prior to the commencement of development, detailing how noise will be limited. Post construction, the ambient level of noise arising from the dwelling would not be above the level expected in a residential area and would not damage residential amenity.

The proposal accords to Policy 2 and 3 of the SELLP in terms of residential amenity.

Flood Risk and Drainage

The site is within Flood Zone 1 and is identified on the local Strategic Flood Risk Assessment as an area of low flood risk. As such there is no need for floor levels to be raised on this site.

No drainage details have been submitted as part of this outline application. Subsequent applications should include a full drainage strategy, detailing how the impacts of development will be mitigated.

Highways, parking and transport

Policy 36 and Appendix 6 of the SELLP relate to parking. They stipulate that a minimum of two parking spaces are required for a three-bedroom dwelling. Due to the garage and the length of the driveway, two spaces can easily be achieved on this proposal.

The parking arrangements for 24 Broad Lane will be altered as part of this proposal. The garage is to be removed and replaced by the access drive. The parking for 24 Broad Lane is to be transferred to the front of the property. This style of parking arrangement is common in the area and would not appear incongruous. There should be sufficient space for two cars, with the private drive being utilised as a turning point.

The addition of one extra property would not create undue stress upon the existing highway infrastructure. There is the potential that difficulties may occur when pulling out onto Broad Lane. However, the relevant section of road has a 20 mile an hour speed limit and the drive would be clearly visible by drivers; ensuring no accidents would occur.

There may be an impact upon highway function during construction. It is therefore recommended that a condition be placed required a construction management plan that details how traffic will be mitigated.

Future occupants would have access to bus services from Moulton, ensuring residents have access to a sustainable means of transport.

The proposal therefore accords to Policies 32, 36 and Appendix 6 of the SELLP.

Refuse Collection

The South Holland District Council guidance note on private drives states that refuse sacks should not be carried over 30 metres. In this instance it is expected that waste would be carried approximately 70 metres to the kerbside. Ordinarily, this would be unacceptable; however, as there are already a number of properties with similar carry distances in the area and as the drive only

serves one property, a relaxation can be made.

Planning Balance

The principle of development on this site is sound. The site is within settlement boundaries and outline approval had previously been given for an equivalent dwelling on the site.

No details of the design have been submitted at this stage; however, the site would not appear cramped or overdevelopment. While the prevailing dwelling type is a two-storey house, a bungalow would not appear incongruous.

The amenity impacts of the proposal are minimal. No overlooking or overshadowing would occur as a result. The level of noise post construction would not be unacceptable. The level of light pollution could be controlled via condition.

Two parking spaces are proposed, achieving the requirements set out in Policy 36 and Appendix 6. The parking situation of 24 Broad Lane would be impacted but would not be severely worsened. The proposal would not create an increased level of traffic post construction. Details of parking and road infrastructure, in line with the comments from the Highway Department, should be finalised at the reserved matters stage.

The comments of the neighbouring resident have been noted within this report. Further details of drainage will be required at the reserved matters stage. Furthermore, in line with the residents comments and those of the Highway Department, further details to confirm parking and access arrangements will be required at the reserved matters stage.

The proposal therefore conforms to Policies 1, 2, 3, 4, 10, 11, 32, 33, 26 and Appendix 6 of the SELLP; however, more information will be required at the reserved matters stage in order to fully conform to the above policies.

Conclusion

The recommendation is for delegated approval.

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.