

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H13-0514-22 **Applicant:** Mr & Mrs D Jones
Proposal: Residential Development - 1 Dwelling
Location: Adj. 26 Pipwell Gate Moulton Seas End Spalding
Terminal Date: 16th August 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
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
17	Providing a Mix of Housing
28	The Natural Environment
30	Pollution
31	Climate Change and Renewable and Low Carbon Energy
32	Community, Health and Well-being
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2021

National Planning Policy Framework (NPPF, 2021)

Section 2: Achieving sustainable development
Section 4: Decision-making
Section 5: Delivering a sufficient supply of homes
Section 9: Promoting sustainable transport
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
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This is an outline application for the erection of one dwelling at land adjacent to No. 26 Pipwell Gate, Moulton Seas End, with details of access for approval. The proposed dwelling would be accessed via the existing access serving No. 26 Pipwell Gate, Moulton Seas End.

Site Description

The existing property of No. 26 Pipwell Gate is a two-storey detached property located on a bend of the highway, with the garden area extending to the rear of the property and to the highway to the south-east. The site benefits from hedgerow and tree planting along its eastern and south-eastern boundary. The indicative location of the proposed dwelling would be sited on lawned garden.

History

H13-0929-09 - First floor and two-storey extensions, alterations and detached double garage - Approved 20th January 2010.

Consultation Responses

South Holland Internal Drainage Board
Have not raised any objections.

Lincolnshire County Council Highway and Lead Local Flood Authority
Have not raised any objections.

Planning Considerations

Principle

The site is located within the settlement boundary of Moulton Seas End, which Policy 1 of the adopted South East Lincolnshire Local Plan (SELLP, 2019) identifies as an 'Other Service Centre and Settlement'. Policy 1 goes on to state that within these settlements, 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. It also states that development will normally be limited to Committed sites and infill.

This outline application seeks approval for the erection of one dwelling on land off Pipwell Gate within the residential garden of No. 26 with access for approval. The application form states that the proposed dwelling would be a private, market property. Whilst the site is not Committed or considered infill, it is noted that as it would be within the existing garden of No. 26 Pipwell Gate, it would not encroach into the countryside. Furthermore, incremental growth will help, albeit perhaps only to a small extent, sustain existing facilities.

The principle of development is therefore considered to be acceptable in this instance, subject to all

other planning matters that would be addressed in this application and any subsequent reserved matters applications. As such, the application is considered to be in accordance with Policy 1 of the adopted South East Lincolnshire Local Plan (SELLP, 2019) and the aims of the National Planning Policy Framework (NPPF, 2021).

Highway Safety

The proposed dwelling would be accessed via the existing access that serves No. 26 Pipwell Gate, Moulton Seas End. The existing access arrangements for No. 26 Pipwell Gate are considered to be adequate to serve both the existing dwelling and the new dwelling. Furthermore, Lincolnshire County Council Highway Authority have no objections to the access arrangement.

As such, the proposed access arrangement is considered to be acceptable, would not result in an unacceptable impact upon highway safety and therefore accords with the adopted South East Lincolnshire Local Plan (SELLP, 2019) and the guidance within the National Planning Policy Framework (NPPF, 2021).

Flooding

The National Planning Policy Framework (NPPF, 2021) requires the application of the Sequential Test to steer new development to areas with the lowest probability of flooding. If, following the application of the Sequential Test, it is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding, the Exceptions Test can be applied if appropriate.

The site is located within Environment Agency Flood Zone 1 and is therefore in a sequentially preferable location in flood risk terms.

The South East Lincolnshire Strategic Flood Risk Assessment (March 2017) (SFRA) appears to show that part of the site may be affected by flood depths of between 0.5 - 1 metre. In line with the recommendations of the submitted Flood Risk Assessment, a condition would be imposed on any planning permission granted to ensure the finished ground floor level of the dwelling should be raised by approximately 350mm above the existing ground levels with a minimum level of 3.60m ODN.

In terms of drainage, the proposal is for surface water to be disposed of via soakaways. There are no known permeability issues in this area that would preclude the use of soakaways. Foul drainage is proposed to be disposed of via package treatment plant, details of which would be secured by planning condition.

Given the above, the proposal (at this stage) is considered to be in accordance with Policies 2, 3 and 4 of the Local Plan and the guidance within the National Planning Policy Framework (NPPF, 2021) with regard to their provisions on flood risk and drainage.

Other Matters

Based on the indicative block plan provided as part of this application, it is noted that whilst the proposed dwelling would be sited on garden land of No. 26 Pipwell Gate, sufficient garden land would remain for the existing property and adequate private rear amenity space would be provided for the proposed dwelling.

As this is an outline application with details of access for approval, matters such as appearance, layout, landscaping and scale are to be agreed as part of any subsequent reserved matters application. However, the Local Planning Authority has the following observations and considerations for any future reserved matters application.

As the proposed dwelling is situated on a corner, consideration should be given to the design to ensure it is a dual-frontage building, addressing both the highway to the north and east. Furthermore, in order to better relate to the properties along the south-side of Pipwell Gate and its building line, the Local Planning Authority would look for the proposed dwelling to be repositioned as far north as feasibly possible.

The dominant character of properties in the area is that of one and a half storey to two-storey dwellings, constructed in a variety of facing brick. As such, the Local Planning Authority would look

for any proposed dwelling to reflect this.

Off-street car parking provision should be in accordance with Policy 36 and Appendix 6 of the adopted South East Lincolnshire Local Plan (SELLP, 2019), including adequate turning space so vehicles can enter the highway in a forward gear.

Planning Balance

Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, states that the determination must be made in accordance with the development plan unless material considerations indicate otherwise.

The proposal represents an acceptable form of development within the settlement boundary of Moulton Seas End. It is therefore in accordance with Policy 1 of the South East Lincolnshire Local Plan (SELLP, 2019) in this regard. The proposed access arrangements are considered to be acceptable and the Local Highway Authority have not objected to the proposal. The proposal is considered to be acceptable in terms of flooding and drainage, subject to the imposition of conditions. Furthermore, it is considered that there is scope to bring forward a suitable scheme at reserved matters stage that does not materially impact the character and appearance of the streetscene, residential amenity or highway safety.

Overall, the planning balance is considered to be in favour of the proposal.

Conclusion

The recommendation is therefore for a 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.