DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H13-0551-19**	**Applicant:**	**Dr & Mrs A Gleave**
Proposal:	Erection of detached dwelling		
Location:	Off Pipwell Gate Moulton Seas End Spalding		
Terminal Date:	24th July 2019		

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
11	Distribution of New Housing
30	Pollution
32	Community, Health and Well-being
36	Vehicle and Cycle Parking

National Guidance

National Planning Policy Framework 2019

Sections 2, 3, 4, 5, 8, 12 and 14.

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	1	0	0
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
IAN MARSHMAN, HISTORIC ENVIRONMENT OFFICER	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1

SHDC INTERNAL	0	0	0	1
OTHER STATUTORY BODIES	0	0	0	1
RESIDENTS	1	0	0	1

CASE OFFICER ASSESSMENT

Proposal

Full planning permission is sought for the erection of a 4 bed chalet bungalow with dormer windows at the front and rear. The site presently has full permission for a 4 bed bungalow with a refuge in the roof (ref. H13-1137-17).

Site Description

The appeal site (some 0.29ha) is located to the rear (north) of existing frontage development off Pipwell Gate. It is currently grassed. Access to the site is via a private gravelled roadway off Pipwell Gate.

Residential development is located to the south and south-west and also to the west off Seas End Road and Sizen Court. A bungalow (The Retreat) is situated to the north off the private drive.

History

H13-0610-16 - Outline - Residential development (5 plots) - Refused 19 September 2016.

H13-1137-17 - Full - Residential development (bungalow) - Granted 26 February 2018.

Policies/Constraints

The site is outside Moulton Seas End Settlement Limit within the South East Lincolnshire Local Plan, 2019.

Representations

Moulton Parish Council - No objections.

LCC Highways/SUDs - Request conditions.

South Holland Internal Drainage Board - We note that the applicant intends to dispose of surface water via infiltration. However, we cannot see that the viability of the proposed drainage strategy has been evidenced. The proposed strategy should be supported by ground investigation to determine the infiltration potential of the site and the depth to groundwater.

Environmental Protection - No objections.

LCC Archaeology - No archaeological impact.

Residents - Objections received (summarised);
Overlooking/lack of privacy; Blockage of natural light; Noise pollution, particularly during the construction period; Decrease in air quality due to construction and delivery vehicles; Noise and dust will trigger my multiple chronic health conditions; Accentuate flooding;

Planning Considerations

The main issues in this case are:
- Principle;
- Character/appearance;
- The likely affect upon the amenity of nearby residents, including pollution and health issues;
- Highway safety;
- Other material considerations such as flood risk and drainage.

Principle

The site is located outside Moulton Seas End Settlement Limit as defined in the South East Lincolnshire Local Plan, 2019. However, the site has an extant permission for a dwelling (ref. H13-1137-17). The principle of a dwelling upon the site has therefore been established.

Character/appearance

Existing development within the vicinity of the site is generally mixed, including both houses and bungalows. It is considered that the proposed chalet bungalow would not materially harm the character or appearance of the locality.

Amenity

Nos. 7 and 9 Pipwell Gate are located either side of the proposed site access. However, the section of private roadway that runs alongside them would be hard surfaced. A fence is situated along the southern boundary.

Properties off Sizens Court are located to the west and nos. 1a and 1b to the south west. The proposed property has dormer windows facing west. However, they serve bedrooms and the separation distance is considered to be acceptable. Use of the private roadway by occupiers of this single property would not be significant. It is considered that the amenity of neighbouring residents would not be materially harmed in terms of overlooking, lack of privacy, overbearing effect, overshadowing, blockage of light, noise and disturbance, etc.

Concerns have been raised on grounds that the proposal would cause noise/pollution issues during the construction phase and that this could cause health issues. However, the construction phase would be temporary. It is considered that there is not sufficient reason to resist the application on these grounds. If noise/pollution issues were to arise they can be addressed through separate environmental legislation.

Highway Safety

LCC Highways has been consulted and has raised no objections subject to improvements to the vehicular access to Pipwell Gate.

Other Material Considerations

Flood Risk - The site is located within Flood Zone 3 of the Environment Agency's Flood Map for Planning. The latest Agency Flood Maps have been created as a tool to raise awareness of flood risk with the public and partner organisations, such as Local Authorities, Emergency Services and Drainage Authorities. The Maps do not take into account any flood defences.

The South Holland Strategic Flood Risk Assessment (Feb 2017) is therefore used to apply the sequential test. In this respect, the site is located within an area identified as Danger to Some. However, when the previous application was considered, prior to adoption of the new Local Plan, the view was taken that it was not possible, consistent with wider sustainability objectives, for all new housing within the district to be located in an area of no risk. The exceptions test should therefore be applied.

In terms of the first element, the site has an extant permission for a bungalow. Given the shortfall in deliverable housing sites at the time the view was taken that the proposal would provide wider sustainability objectives that outweighed flood risk. Concerning the second element, the development is less vulnerable than the previous approval because it has accommodation on the first floor. The Environment Agency previously recommended finished floor levels be set no lower

than 600mm above existing land levels at 4m AOD with a further 300mm of flood resilient construction.

Drainage - The soil structure within the vicinity is considered suitable for soakaways as proposed.

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 to grant permission 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 to grant permission 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 be approved under delegated powers.