DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H13-0577-19**	**Applicant:**	**Mr T Whittle**
Proposal:	Erection of detached dwelling - outline application H13-0608-18		
Location:	Land Adjacent: 104 Roman Road Moulton Chapel Spalding		
Terminal Date:	1st August 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
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2019

Sections 12, 14 and 15

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	1
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
RESIDENTS	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

The site has outline planning permission for a dwelling, including means of access (ref. H13-0608-18). Reserved matters approval is now sought for a 4 bed house, including a rear conservatory and detached garage. It would be constructed in off white render/dark grey uPVC cladding with a grey slate roof. An existing access would be utilised.

Site Description

The site is located on the eastern fringe of Moulton Chapel and is currently part of a paddock. A number of Willow trees and also a drain front the site. A house (no. 104 Roman Rd) is located to the west.

Consultation Responses

Parish Council - No objections.

LCC Highways/SUDs - Does not wish to restrict the grant of permission.

Public comments (summarised):
No objections at all to this property; Why have they tacked on a conservatory at the rear because it spoils the property?; Outside current area of 104 Roman Road - do not want it to set a precedent because of limited facilities within the village.

Planning Considerations

The site has the benefit of outline planning permission (ref. H13-0608-18). The principle of a dwelling upon the site has therefore been established.

Reserved matters approval is sought for a 4 bed house. A two storey dwelling, which has a large rear uPVC conservatory, is located to the west. The proposal would predominantly be constructed in off white render. However, existing materials within the locality are somewhat varied in type and colour and include dwellings that have been constructed in buff brickwork or have been rendered (eg, a bungalow further to the west). Taking the aforementioned into account It is considered, on balance, that the proposal would not materially harm the character/appearance of the street scene/rural locality. Existing trees along the frontage would be retained.

In terms of amenity, the principal windows are situated at the front and rear. No first floor windows are located on the western elevation. It is considered that the proposal would not materially harm the amenity of nearby residents in terms of overlooking, lack of privacy, overshadowing, overbearing effect, noise and disturbance, etc.

The County Highways Authority does not wish to restrict the grant of permission on highway safety grounds.

The site lies partially within Flood Zone 2 defined by the Environment Agency Flood Maps. The outline application was therefore accompanied by a flood risk assessment. The EA 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. Also, large parts of the South Holland District lie within Flood Zone 3. It is therefore necessary to use the refined flood risk information (Hazard and Depth maps) within the South East Lincolnshire Strategic Flood Risk Assessment (2017) as a basis to apply the sequential test.

The hazard mapping within the SFRA shows the site to be unaffected if a breach of the flood defence were to occur. The site is therefore sequentially preferable in flood risk terms. Concerning the exceptions test, finished floor levels should be set 300mm above existing average ground level, as proposed on the submitted block plan.

Foul water would be disposed of to the mains sewer, which extends as far east as no. 104 Roman Road. Surface water would be disposed of to soakaways. Ground conditions within this part of the district are considered suitable concerning the latter.

Note: the resident comments indicate "no objections to this property at all". On this basis the application has been determined under delegated powers. An issue was raised over setting a

precedent. On this point, the principle of residential development upon the site has already been established by virtue of the outline permission and this application is solely reserved matters. Moreover, the land referred to is outside the settlement limit defined within the recently adopted South East Lincolnshire Local Plan, 2019.

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.