DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H13-0601-21**	**Applicant:**	**R Murray & P Summerfield**
Proposal:	Residential Development - Erection of Dwelling		
Location:	Adj. The Golden Lion Public House Seas End Road Moulton Seas End		
Terminal Date:	30th July 2021		

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
28	The Natural Environment
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2019

NPPF 2021
Section 2. Achieving sustainable development.
Section 5. Delivering a sufficient supply of homes.
Section 11. Making effective use of land.
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	1	0	0	0
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE	0	0	0	1

BOARD				
SHDC INTERNAL	0	0	1	0
RESIDENTS	0	1	0	1

CASE OFFICER ASSESSMENT

Proposal

This is a planning application that seeks full permission for a proposed detached two storey dwelling with access off Seas End Road. The dwelling would comprise a hall, lounge, kitchen/dining room, utility and a w/c on the ground floor and 3no bedrooms and a bathroom on the first floor. 2no parking spaces are proposed in front of the dwelling.

Site Description

The site is a gravelled area used for parking for the pub customers. To the north of the site is a detached bungalow, to the east is a two storey dwelling, to the south is the Golden Lion Public House which is under the applicant's ownership. The immediate area is primarily residential with a mixture of single and two storey dwellings varying in size and design.

History

H13-0600-21 - Change of use of part of public house into shop & post office - Pending consideration

Consultation Responses

Moulton Parish Council

Objection as the proposed driveway is where the school bus stops to pick up the school children. Also if this was to be built then there would be no car parking available for the pub or proposed shop and post office making a great road safety issue for both vehicles and pedestrians with even more cars parking on the sides of the busy road.

South Holland Internal Drainage Board

Requests ground investigation and infiltration testing to be carried out in order to ensure the proposed drainage strategy is suitable. If (following testing) a strategy wholly reliant on infiltration is not viable and a surface water discharge is proposed to a watercourse, then the proposed development will require land drainage consent in line with the Board's byelaws (specifically byelaw 3). Any alterations to a watercourse will require consent from the Board Byelaw 4).

LCC Highways/SUDS Authority

The proposed development is acceptable and accordingly, does not wish to object to this planning application.

Environmental Health

No comments or objections.

Public

A third party has recommended the installation of a minimum of 3no swift nest bricks be required by

a planning condition to provide enhancement for biodiversity.

One local resident has commented in support of the scheme stating that there are numerous properties being built within the village therefore there is no reason this couldn't be approved.

Planning Considerations

Principle of development

The site is within the settlement boundary of Moulton Seas End. As such the principle of development in this location I acceptable subject to other material considerations which are discussed below.

Design and layout

Paragraph 127 of National Planning Policy Framework (NPPF), 2019 establishes that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area; are visually attractive as a result of good architecture and sympathetic to local character and history, including the surrounding built environment and landscape setting. Policies 2 and 3 of SELLP 2019 amongst other matters seek to ensure that development respects the character and appearance of the area and the relationship to existing development and land uses.

The proposed dwelling would have a similar set back from the highway to the adjacent dwelling at no.73a. There is no strong character in this part of the street therefore the proposed dwelling is not considered to be out of keeping with the street scene. The front area would be sufficiently spacious for a driveway and parking for 2no vehicles. The rear garden a somewhat on the small side but can o balance be accepted as the adjacent dwelling at no.73a has a similar sized garden. As such the dwelling is considered to be proportionate to the size of the plot and would on balance retain sufficient amounts of outdoor amenity space and is not therefore considered to result in overdevelopment of the site. Internally, all the proposed bedrooms would be above the minimum space standards and the future householders would enjoy good living conditions.

The plot would be bounded by an existing wall on the northern and western boundaries and a 1.8 metre high fence along the southern boundary and an existing 1.8 metre fence along the eastern boundary. The parking area to the front would be gravelled with patio slabs on the footpath and a small patio area laid to the rear. On balance, the proposals for landscaping and boundary treatment would be appropriate with existing site features and the residential use of the land.

The external materials for the proposed dwelling have not been specified therefore a condition has been appended requesting these.

Subject to satisfactory external materials the proposed development is not considered to result in any unacceptable impact on the visual amenity of the area.

Flood risk and drainage

Policy 4 of SELLP is concerned on flood risk management and states that new development will be permitted if appropriate flood resistance and resilience measures are proposed (criterion c); incorporates the use of Sustainable Drainage Systems (SuDS) (criterion e); and demonstrates that adequate foul water treatment and disposal already exists or can be provided in time to serve the development (criterion g).

South Holland Internal Drainage Board has not raised any objections to the scheme but has requested ground investigation and infiltration testing to be carried out in order to ensure the proposed drainage strategy is suitable. If (following testing) a strategy wholly reliant on infiltration is not viable and a surface water discharge is proposed to a watercourse, then the proposed development will require land drainage consent in line with the Board's byelaws (specifically byelaw 3). Any alterations to a watercourse will require consent from the Board Byelaw 4). A condition has been appended to this effect and an informative added advising the applicant of the Boards Byelaws.

The site falls within Flood Zone 2 within the Environment Agency's Flood Maps. A sequential test therefore needs to be undertaken. The Sequential Test is a decision making tool designed to ensure that areas at little or no risk of flooding are developed in preference to areas of higher risk. For

development to pass the sequential test it needs to be demonstrated that there are no reasonably available alternative sites appropriate for the proposed development located in areas with a lower risk of flooding.

The Environment Agency's 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

In this case the site is located in an area of low probability of flooding within the Strategic Flood Risk Assessment. The proposal therefore satisfies the sequential test. In order to ensure that the development is safe for its lifetime it is recommended that there is flood resilient construction and the floor level of the proposed dwelling is 0.3m above surrounding site levels. Raising floor levels by this extent would not have a detrimental impact on the appearance of the property or adversely affect residential amenity.

Subject to the above advice the proposal is considered to be in accordance with Policies 2, 3 and 4 of the Local Plan with regard to their provisions on flood risk and drainage.

Residential amenity

Paragraph 127 of National Planning Policy Framework (2019) amongst other matters seeks places with a high standard of amenity for existing and future users. Policies 2 and 3 of South East Lincolnshire Local Plan (2019) set out residential amenity and relationship to existing development and land uses as main considerations when making planning decisions.

The closest neighbour to the proposed development is no.73a located to the north of the application site. The proposed dwelling will be located between 2.3 and 3.1 metres from the shared boundary with this neighbour and approximately 8.7 metres from this neighbours nearest elevation. Given this separation distance and the fact this neighbour has a garage and driveway located along the shared boundary with the application site, the proposed development is not considered to result in any overbearing impact or unacceptable overshadowing. No first floor windows are proposed in the side elevation facing this neighbour therefore no overlooking or loss of privacy would result.

With regards to the neighbour to the rear at no.1 Pipwell Gate the proposed dwelling would be located approximately 6.5 metres from the shared boundary with this neighbour. There would be some overshadowing in a small section of the rear garden of this neighbour towards the end of the day. Given this, the impact on this neighbour is considered to be within acceptable tolerances.

As such the proposed development is on balance considered acceptable in terms of its impact on neighbouring amenity.

Highway safety and car parking provision

Moulton Parish Council has raised objections to the scheme on ground of highway safety as the proposed driveway is where the school bus stops to pick up the school children and the existing pub would lose its parking, making a great road safety issue for both vehicles and pedestrians with even more cars parking on the sides of the busy road.

The concerns are noted, however, The County Highways Authority has not objected to the proposed entrance to the new dwelling nor to the loss of parking for the existing pub.

In conjunction with Policy 36 of SELLP 2019, Appendix 6 sets out the minimum standards for parking provision upon the use class. Two spaces for dwellings with up to 3 bedrooms should be provided within the curtilage. The proposed dwelling would have 3 bedrooms. The proposed driveway layout would be sufficient for two cars that could enter and egress the site in a safe and forward manner. Overall, the proposals would ensure minimum parking standards.

Other matters

A third party has recommended the installation of a minimum of 3no swift nest bricks be required by a planning condition to provide enhancement for biodiversity. The comments are noted, and a

condition recommended to this effect.

Planning balance

The principle of developing the residential scheme is acceptable at this location as the site is within the settlement boundary of Moulton Seas End.

The design and siting of the proposed dwelling would be sympathetic with the neighbouring land uses and the character of the area. The dwelling footprint would sit well within the plot. On balance no unduly harm would occur upon the amenity standards of adjacent neighbours.

On-street parking would be prevented by appropriate car parking arrangement within the plot and no cumulative impact upon highway safety is anticipated by the proposal.

On balance, no adverse impact of granting permission would significantly and demonstrably outweigh the benefits of doing so, when assessed against the planning policies taken as a whole.

Conclusion

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.

Taking into account the above, this application complies with Policies 1, 2, 3, 4, 10, 11, 28, 36 and Appendix 6 of South East Lincolnshire Local Plan (2019) as well as Sections 2, 5, 11, 12 and 14 of National Planning Policy Framework (2019).

Accordingly, it is recommended to approve this application via delegated powers.

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.

RECOMMENDATION

The application can be approved under delegated powers.