

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H13-0864-20 **Applicant:** Mr N Morris
Proposal: Erection of 2 dwellings - outline approval H13-0919-18
Location: Land Rear Of 43 & 45 Seas End Road Moulton Seas End Spalding
Terminal Date: 30th November 2020

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
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2019

Sections 12 and 14

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	1	0
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
RESIDENTS	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

The site has outline planning permission for residential development (2 plots), with all matters reserved (ref. H13-0919-18). Reserved matters approval is now sought for 2 no. 3 bedroom bungalows.

It should be noted that an attached garage associated with no. 43 would be demolished to gain access to the site.

Site Description

The site is currently residential curtilage associated with No. 45 Seas End Road (bungalow). Terraced properties (nos. 39-43) are situated to the north-west fronting Seas End Road. A house (no. 47) is located to the south.

History

H13-0919-18 - O/A - Residential Development for 2 dwellings - Granted 2 November 2018.

Consultation Responses

Moulton Parish Council - No response received.

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

SHIDB - Request drainage strategy. Consent will be required to discharge into SHIDB drain.

Resident comments (summarised):

Require access to rear of property to enable septic tank to be emptied.

Planning Considerations

The principle of residential development on the site has been established by virtue of the outline planning permission. This application is therefore to assess the reserved matters, namely:

- i) the layout, scale and external appearance of building(s), including a schedule of external materials to be used;
- ii) the means of access to the site;
- iii) the landscaping of the site;
- iv) other matters integral to the reserved matters such as the existing and proposed site levels and floor levels, plus drainage.

There is an eclectic mix of house styles within the vicinity. Two detached bungalows are proposed with detached double garages. They would be constructed in Flemish Antique facing bricks with Marley Mendip slate grey double pantiles. Single storey properties are considered most appropriate in this location to the rear of a 19th century terrace and bungalows. Some tree planting is proposed within the front garden areas. The development would not materially harm the character or appearance of this part of the village. The proposal therefore accords with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 in this respect.

In terms of amenity, terraced properties (nos. 39-43) are situated to the north-west fronting Seas End Road. A house (no. 47) is located to the south. The bungalows are set back and have a degree of separation from neighbouring properties. Finished floor levels would be raised 500mm to address flood risk. However, 2 metre (as opposed to the usual 1.8m) high closeboarded fencing is proposed along the site boundaries to alleviate overlooking. 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 proposal therefore accords with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 on amenity grounds.

The proposal includes detached double garages and additional parking spaces, plus vehicular

turning facilities. The County Highways Authority does not wish to restrict the grant of permission on highway safety grounds. The proposal therefore accords with Policies 2, 3 and 36 on highway grounds.

In accordance with the terms of the outline planning permission, finished floor levels (FFLs) would be set 500mm above existing ground level and flood resilient construction used up to 300mm above FFL.

Foul water would be disposed of to package treatment plants and surface water to soakaways.

A resident has raised an issue concerning access to a septic tank. However, rights of access are a separate legal matter.

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.

Conclusion

The proposal satisfactory complies with the reserved matters and is in accordance with Policies 2, 3, 4 and 36 of the South East Lincolnshire Local Plan, 2019. It is recommended that the application be approved under delegated powers.