DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H13-0909-19**	**Applicant:**	**Mr B Johnson**
Proposal:	Residential development - single dwelling		
Location:	32 Broad Lane Moulton Spalding		
Terminal Date:	4th November 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
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2019

Sections 2, 3, 4, 5, 8, 9, 11, 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
SHDC INTERNAL	0	0	1	0
OTHER STATUTORY BODIES	0	0	1	0
RESIDENTS	0	1	0	0

CASE OFFICER ASSESSMENT

Proposal

Full planning permission is sought for a 4 bedroom bungalow with refuge/storage space within the roof.

Description

The site (some 0.07ha) is located on the south eastern side of Broad Lane and is currently garden associated with No 32, which is a semi-detached house.

Semi-detached houses are situated to the north and a semi-detached house and associated garden to the south-west. Gardens are situated to the south-east associated with properties situated off West Cobgate.

Policies/Constraints

The site is within Moulton Settlement Limit as defined within the South East Lincolnshire Local Plan 2011-2036 (March 2019).

Site History

No recent history.

Consultation Responses

Moulton Parish Council - Supported.

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

Environmental Protection - No objections.

Letter of support received from resident on grounds of the site's suitability for residential development.

Planning Considerations

The main issues in this case are:

- Policy/principle;
- Character/appearance;
- The likely impact upon the amenity of nearby residents;
- Highway safety;
- Other material considerations such as flooding and drainage.

Housing Policy/Principle

The site is inside Moulton Settlement Limit as defined in the South East Lincolnshire Local Plan (SELLP), 2019. Policy 1 (Spatial Strategy) of the SELLP indicates that within Minor Service Centres, including Moulton, development will be permitted that supports their role as a service centre for the settlement itself, helps sustain existing facilities or helps to meet the service needs of other local communities. Development will normally be limited to allocated and committed sites and infill.

The proposal is a form of infilling within the settlement and satisfactorily complies with this policy. No objections are therefore raised in principle.

Character/Appearance and Amenity

Existing development along this part of Broad Lane is predominantly frontage and dwellings are set on a similar building line. The proposed development would introduce backland development to this part of Broad lane, which would differ from the existing development pattern. However, permission has been granted in recent times for residential development within the vicinity; for example, to the rear of numbers 5, 9/11 and 27 West Cobgate (under various references). A precedent has therefore been set for such development within the vicinity and so it would be unreasonable to refuse the application on the grounds that it would represent an inappropriate form of backland development.

It is considered that the proposed bungalow is suitable for the plot. It would be subservient to existing frontage development in terms of height.

Residential amenity

The principal elevation of the proposed bungalow faces Broad Lane. Roof lights on the south-eastern elevation serve the storage/refuge area. They face long gardens associated with properties located off West Cobgate. No objections have been received from nearby residents. It is considered that the amenity of neighbouring residents would not be materially harmed in terms of overlooking, lack of privacy, overshadowing or overbearing effect. The space between the access and No 32 is such that the amenity of occupiers of that property would not be materially harmed in terms of noise/disturbance, etc.

Highway safety

Vehicular access would be via a gravelled driveway. There is sufficient space for the parking of at least 3 cars. LCC Highways has raised no objections on highway safety grounds.

Flood risk

The site is within Environment Agency Flood Zone 1 and within an area defined as no hazard in the South East Lincolnshire Strategic Flood Risk Assessment (March 2017). The site is therefore sequentially preferable in terms of flood risk.

Conclusion

In light of the above considerations the proposal is considered to be in accordance with Policies 1, 2, 3 and 4 of the South east Lincolnshire Local Plan, 2019, as well as advice within Sections 5 and 12 of the National Planning Policy Framework (2019).

Drainage

Foul water would be disposed of via the mains sewer and surface water via soakaways.

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.