

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	H13-0976-20	Applicant:	Mr N Giles
Proposal:	Erection of dwelling		
Location:	Adj. 48 Seas End Road Moulton Seas End Spalding		
Terminal Date:	28th December 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
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
17	Providing a Mix of Housing
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2019

Section 5 - Delivering a sufficient supply of homes
 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	0	0	0	0
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	1	0

OTHER STATUTORY BODIES	0	0	1	0
RESIDENTS	2	0	0	0

CASE OFFICER ASSESSMENT

Proposal

This is an outline application (with all matters reserved) for the erection of a dwelling on land adjacent 48 Seas End Road, Moulton Seas End.

The application is supported by an indicative block plan and floor plans for a two storey dwelling fronting on to Seas End Road with parking situated off Hall Lane.

Site Description

The application site, which forms part of the garden of no. 48 Seas End Road, fronts on to both Seas End Road and Hall Lane, wrapping around the curtilage of no. 2 Hall Lane. There is a public house (The Golden Lion) on the opposite side of Seas End Road.

The northern part of the site sits between two 2-storey dwellings, both of which have side facing non-obscured windows. The part of the site which fronts on to Hall Lane sits between one of the aforementioned 2-storey dwellings and a bungalow. The drive and garage belonging to 48 Seas End Road adjoins the western boundary.

The site is currently screened by approx. 2m high closeboard fencing at the frontage onto Hall Lane. There is lower (approx 1m high) close board fencing between the site and the rear garden of no. 2 Hall Lane.

A sewage treatment plant sits within the site.

History

None relevant.

Consultation Responses

SHDC Environmental Protection - No comments or objections.

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

South Holland Drainage Board - Suggests that the proposed drainage strategy be supported by ground investigation to determine the infiltration potential of the site. Provides other advice regarding consents that may be required.

Public (2 objections, summarised) -

- Loss of light/overshadowing
- Loss of privacy
- No turnaround point in driveway (danger of reversing onto highway)
- Overcrowding
- Concern re proximity of dwelling to boundary

Planning Considerations

The key considerations in this case are:

- Principle
- Character and Appearance
- Highway Safety and Parking
- Residential Amenity
- Flood Risk and Drainage

Principle

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.

The site is located within the settlement boundary for Moulton Seas End, as set out in the South East Lincolnshire Local Plan (SELLP), 2019. Policy 1 (Spatial Strategy) of the SELLP indicates that within 'Other Service Centres and Settlements', such as Moulton Seas End, "development will be permitted that supports their role as a service centre for the settlement itself, helps sustain existing facilities or helps meet the service needs of other local communities. Development will normally be limited to Committed sites and infill". The proposal is for a single dwelling situated in between existing residential development. It can therefore be considered infill development. Additionally, incremental growth via infill development will help, albeit perhaps only to a small extent, sustain existing facilities. The site is therefore considered to be suitable in locational terms.

Character and Appearance

The indicative block and floor plans show a two-storey dwelling (approx. 5.3m in width, 9.3m in depth) fronting on to Seas End Road, with parking located to the rear off Hall Lane. The frontage on to Seas End Road measures approx. 8.5m which, although is modest, is adequate for a small dwelling to sit within and a reasonable separation distance be maintained to existing dwellings either side. Furthermore, the former garden area to the side and rear of the property adjoining no. 48 already benefits from outline planning permission for 2 dwellings, thus the principle of developing along this frontage has been established.

The exact design of the proposed dwelling can only be assessed at reserved matters stage.

Based on the current submission, it is not considered that the proposed development would have a material adverse impact on the character and appearance of the area. It therefore complies with Policies 2 and 3 of the Local Plan in this regard.

Highway Safety and Parking

Access is a reserved matter. However, the Highways Authority have not objected to the principle of residential development on the site and thus the proposal is considered to comply with Policy 2 of the Local Plan, which requires that access and vehicle generation levels will be acceptable.

Parking provision can only reasonably be assessed at reserved matters stage as the submitted floor plans are merely indicative given the proposal is in outline form.

Residential Amenity

Both no. 48 Seas End Road and no. 2 Hall Lane have non-obscured window openings at first floor and face the site. However, a property could be designed that has no side facing windows to habitable rooms, or could be obscure glazed if secondary windows. The site wraps around the side of no. 2 Hall Lane, where two parking spaces and a sewage treatment plant are indicated on the indicative block plan, and is an area which is overlooking by what is presumed to be a bedroom window. Although the site is currently garden belonging to no. 48 Seas End Road and occupants could feasibly regularly use that part of the land as it stands, it would be preferable if that part of the site were not to be designed as part of the garden space so as not to attract occupants to spend any period of time in that location. A condition can be added to the decision notice to that effect if permission were to be granted. It is accepted that this would restrict the usable external amenity space associated with the property, however surrounding development in the immediately vicinity is typically characterised by small gardens. In terms of the likely relationship with no. 48 Seas End Road, the garden area would most likely be at an angle from its first floor windows, thus minimising overlooking, and the relationship would arguably be no different to the rear windows of frontage development overlooking neighbouring gardens. The windows also appear somewhat reflective.

It is noted that a dwelling designed to front onto Seas End Road would be sited due south of no. 48. In view of the sun path, the potential for overshadowing and loss of light to habitable spaces of that dwelling is an issue to consider. Habitable rooms/spaces that are of concern are the master bedroom (to which there are two windows at first floor) and the kitchen and dining areas (to which there is a window and French doors at ground floor). It is not expected that the actual separation distances between the side elevation of a proposed dwelling that may come forward at reserved matters stage would be significantly different to the approx. 3m and 4.7m shown on the indicative block plan. The proposal has therefore been assessed on that basis. Given this proximity it is considered that, based on the 25 degree BRE sunlight/daylight test, a two storey dwelling in this location would have a detrimental impact on light levels to the kitchen and dining area at ground floor. It is considered that a single storey dwelling would be more appropriate. Therefore, if permission were to be forthcoming, a condition would be added restricting it to a single storey development. This would also avoid overlooking to the rear given that there is an approx. 17m separation distance between the indicative dwelling and side bedroom window of no. 6 Hall Lane

Given that it appears the intention is for the proposed dwelling to be sited to the north of no. 2 Hall Lane, it is not considered that there would be a detrimental impact on the occupants of that property in terms of overshadowing or material loss of light. A single storey dwelling would minimise the visual impact when viewed from the side facing windows.

Taking the above into account, and the opportunity to restrict the development to single storey, it is not considered that there is a material reason to withhold planning permission on amenity grounds. The proposal is considered to comply with Policies 2 and 3 of the Local Plan in this respect.

Flood Risk and Drainage

The NPPF requires the application of the Sequential Test to steer new development to areas with the lowest probability of flooding. If, following the application of the Sequential Test, it is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding, the Exceptions Test can be applied if appropriate.

The site is located within Environment Agency Flood Zone 1 and is therefore in a sequentially preferable location in flood risk terms.

The South East Lincolnshire Strategic Flood Risk Assessment (March 2017) (SFRA) appears to show that part of the site may be affected by flood depths of up to 0.25 metres. Setting finished floor levels at 300mm above existing ground level would mitigate against this risk and should ensure that the development is safe for its lifetime. Raising floor levels by this extent would not have a detrimental impact on the appearance of the property or adversely affect residential amenity.

In terms of drainage, the proposal is for surface water to be disposed of via soakaways. There are no known permeability issues in this area that would preclude the use of soakaways. No foul drainage details have been submitted so would need to be conditioned if permission were to be granted.

Given the above, the proposal (at this stage) 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.

Planning Balance

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.

The proposal represents infill development within the settlement boundary of Moulton Seas End. It is therefore in accordance with Policy 1 of the Local Plan in this regard. Concerns have been raised relating to impact on amenity and highway safety. In terms of this, it is considered that a single storey dwelling would be most appropriate and, given that this is an outline application, there is scope to bring forward a suitable scheme at reserved matters stage that does not materially impact the amenity of neighbours. The Highway Authority have not objected to the proposal. It is not considered that the proposal will have a detrimental impact on flood risk, drainage or the character and appearance of the area. The proposed development is therefore considered to be in accordance with Policies 2, 3 and 4 of the Local Plan.

Overall, the planning balance is considered to be in favour of the proposal.

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

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 Sections 5, 12 and 14 of the National Planning Policy Framework (2019), subject to a condition restricting the development to single storey.

The recommendation is therefore for a delegated approval.