

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H13-1027-20 **Applicant:** Wilf Hammond Homes Ltd.

Proposal: Proposed Residential Development - 6 Dwellings - approved under H13-1062-19. Modification to Condition 2 to allow amendments to previously approved plans.

Location: Land Adj. 1 Hall Lane Moulton Seas End Spalding

Terminal Date: 12th January 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
17	Providing a Mix of Housing
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2019

Paragraph 127 (Section 12. Achieving well-designed places)

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

CASE OFFICER ASSESSMENT

Proposal

Section 73 of the Town and Country Planning Act 1990 allows the variation or removal of conditions associated with a planning permission. Under this Section, this planning application seeks to modify Condition 2 of H13-1027-20 to allow amendments to previously approved plans. Permission ref. H13-1027-20 was for the erection of 6 dwellings at land adj. 1 Hall Lane, Moulton Seas End, Spalding.

The aim of this modification is to seek permission for the following amendments to the approved residential scheme:

- Change of proposed roof tile on all dwellings
- Creation of extra bedroom suite within loft space on all plots (no increase in roof pitch or volume)
- Additional roof lights in rear roof slope to serve to bedroom suite

Site Description

The site is located within the built-up area of Moulton Seas End. The land was greenfield. The front boundary is onto Hall Lane to the north and the remainder of the land backs onto the rear boundaries of No 1. and No. 52, 56 and 58 Seas End Road.

The site had flat scrubby land and appeared enclosed. There is a mature hedge on the western boundary adjoining No. 15 to the west, non-leafy hedge along the southern boundary and mainly nearly 2 metres high fence on the remainder boundaries. Construction works are currently being carried out on the site for the erection of the six dwellings.

The properties nearby comprise a mix of house types, designs, appearances and ages. The most common types are two-storey detached houses and bungalows.

History

H13-1202-17 - Proposed residential development - Approved

H13-1062-19 - Proposed residential development - 6 dwellings - Approved

Consultation Responses

South Holland IDB

No objection.

Reminds the infiltration test for drainage strategy and compliance with Board's byelaws.

LCC Highways/SUDS Authority

No objection.

Planning Considerations

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; and create

places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users, among other considerations.

Likewise, Policy 2 of SELLP, 2019 goes on to say that considerations shall be met about size, scale, layout, density and impact on the amenity, trees, character and appearance of the area and the relationship to existing development and land uses. In this regard, Policy 3 of the SELLP states that design which is inappropriate to the local area, or which fails to maximise opportunities for improving the character and quality of an area, will not be acceptable.

The approved Marley Edgemere grey roof tiles will be replaced for Sandtoft TLE dark grey. Both tiles are interlocking slate style and share very similar colour. The proposed modification therefore will be minor, and the resulting appearance of the roof will remain sympathetic with the remainder of external materials.

Albeit not binding, Nationally Described Space Standards provides framework to assess whether internal spaces are appropriate to ensure sufficient levels of amenity. The proposed loft spaces will be habitable to accommodate basically one bedroom and ensuite. The minimum floor to ceiling height should be 2.3m for at least 75% of the Gross Internal Area (excluding area with a headroom of less than 1.5 metre). Having measured the dimensions of the proposed lofts, it is concluded that the loft space will provide acceptable living conditions for the occupiers of the additional bedrooms.

Appendix 6 of SELLP sets out the minimum requirements of car parking provision for new development. 3 no. car parking spaces are required for dwellings with 4 or more bedrooms. The in-built garages and driveways remain on all plots. Thus, the provision of 3 car spaces per each plot has not been altered. By the additional bedrooms in the loft spaces, the number of bedrooms will increase from 4 to 5 in all houses. In summary, the proposals will not lead to any significant off-street parking as minimum car parking provision is still provided per each dwelling in line with Appendix 6 of SELLP.

Accordingly, the proposed alteration will be based on good quality design and will not undermine the approved development in this respect following the aforementioned policies.

Residential amenity

The main issue of the proposals in terms of residential amenity is to ascertain whether the additional roof lights on the rear roof slopes conflict with the existing adjoining dwellings or not

The emerging SELLP Design Guide SPD sets out a minimum distance of 21 metres from rear to rear between primary room windows. The shortest distance has been identified between roof lights in Plot 1 and rear garden of Plot 3. It is deemed that this will not pose any overlooking effect as there is no habitable room but an outdoor amenity area which will not be used as frequent as a habitable room. Moreover, the boundary treatment and landscaping will fairly obstruct any direct view.

Having regarded to all separation distances between proposed roof lights and opposing elevations of existing properties, it is concluded that on balance the additional fenestration will safeguard privacy for residents.

In summary, the development complies with residential amenity which is one of the key principles of design and development management as set out in Policies 2 and 3 of SELLP (2019).

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 proposed roof tiles will not materially harm the character or appearance of the locality. Habitable lofts will be sufficiently spacious to ensure good living conditions for the house occupiers. The increase of bedrooms will not affect the appropriateness of car parking provision. The roof lights are on balance adequately separated from opposing elevation with primary windows to avoid any overlooking effect.

Any adverse impacts of granting permission will not significantly and demonstrably outweigh the

benefits of doing so, when assessed against the planning policies taken as a whole.

Conclusion

Taking into account the considerations above, the proposal is considered to comply with Policies 2, 3, 36 and Appendix 6 of the South East Lincolnshire Local Plan (SELLP), 2019; and Paragraph 127 of the National Planning Policy Framework (NPPF), 2019.

It is accordingly recommended to approve this planning 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.