

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H13-1081-22 **Applicant:** Mr J Hitcham
Proposal: Residential Development
Location: Rear Of 18 Roman Bank Moulton Seas End Spalding
Terminal Date: 3rd January 2023

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
05	Meeting Physical Infrastructure and Service Needs
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance**National Planning Policy Framework 2021**

Section 2 - Achieving sustainable development
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.
Section 15. Conserving and enhancing the natural environment.

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
IAN MARSHMAN, HISTORIC ENVIRONMENT OFFICER	0	0	0	1

SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
OTHER STATUTORY BODIES	1	0	0	0

CASE OFFICER ASSESSMENT

Proposal

The application seeks outline planning permission for the erection of three dwellings, with detached garages, to the rear of 18 Roman Bank, Moulton Seas End.

The proposal has been submitted with all matters reserved for later approval; however, an indicative proposed layout has been submitted illustrating that the potential form of development, comprising a detached dwelling and two semi-detached dwellings to the rear of 18 Roman Bank, Moulton Seas End.

Site Description

The application site lies to the southern side of Roman Bank, within the village of Moulton Seas End. The site comprises a rectangular shaped plot of land, which is consistently level and located within agricultural land to the rear of Roman Bank.

Roman Bank, within the immediate setting of the application site, comprises a linear form of residential development, with residential properties consisting of single storey bungalows and two storey dwellings, fronting Roman Bank to the northern and southern side of the highway, providing a continuity of development.

The application site would be accessed between two existing detached dwellings, which are within the settlement boundary defined on the Local Plan proposals map for Moulton Seas End. However, the large extent of the application site, as illustrated within the red outlined location plan and the indicative siting of the proposed dwellings, lies within the open countryside as defined on the Local Plan proposals map.

Located to the rear of these dwellings, along with the neighbouring residential properties to the southern side of Roman Bank, lies agricultural land, providing a clear rural setting and context with no back land development present.

History

There is no relevant planning history associated with the site.

Consultation Responses

Lincolnshire Fire and Rescue

The Fire Authority objects to this planning application on the grounds of inadequate access and turning for a fire appliance. This is the opinion of the Fire Authority as a specific requirement under the Building Regulations.

Access to buildings for fire appliances and fire fighters are specified in the Building Regulations 2010 Part B5. The vehicle access road will be a minimum width between kerbs for pumps of 3.7m. The minimum turning circle between kerbs for pumps should be 16.8m and between walls 19.2m. A turning facility is required because the dead-end access route is over 20m long. This can be a hammerhead or a turning circle.

Lincolnshire Fire and Rescue also requires that the access road surface construction is of minimum carrying capacity for pumping appliances of 18 tonnes and not 12.5 tonnes as detailed in the Building Regulations 2010 part B5.

Lincolnshire County Council as Highway Authority and Lead Local Flood Authority

No objection subject to conditions .

Historic Environment Officer

Development on this site has a high potential to disturb remains associated with the medieval sea bank and salt working industry. Therefore given this it is recommended that the developer should be required to commission a Scheme of Archaeological Works (on the lines of 4.8.1 in the Lincolnshire Archaeological Handbook). This should be secured by South Holland District Council's standard conditions AR01, 02 and 03.

South Holland Drainage Board

Advises that Drainage Consent may be required and has provided advisory relating to the need for compliance with: Bylaw 3 relating to Discharge of water to a watercourse (treated foul or surface water); and has recommended consent would be required under the Land Drainage Act 1991 regarding changes to watercourses.

Planning Considerations

Principle of Development

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 relevant development plan in this case is the South East Lincolnshire Local Plan (SELLP), which was adopted in March 2019. The Council has a housing land supply exceeding five years (5.9 years on 31 March 2022).

Most of the site area falls and, most importantly the footprint of the dwellings, out of the settlement boundaries of Moulton Seas End. The principle consideration in this instance relates to the principal of development in the countryside outside of a settlement boundary. In such locations, permissible residential development is generally limited to those necessary to such a location (i.e. agricultural), the provision of replacement dwellings, dwellings converted from redundant rural buildings or affordable homes on 'Rural Exception Sites'.

Policy 1 (Spatial Strategy) of the SELLP indicates that development in the countryside will be permitted that is necessary to such a location and/or where it can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community or environmental benefits.

Addressing the first element, it has not been demonstrated that residential development is necessary in this particular location; for example, in conjunction with agriculture, another rural based business or affordable housing.

Concerning the second element, the relevant factors are addressed below.

An Economic Role - Future occupants may work locally and support local services, thereby making a contribution to the local economy. There may also be employment opportunities associated with the construction, albeit in the short term.

A Social Role - The proposal would make a contribution, albeit small, towards housing supply in the District. However, no explanation has been submitted why the new dwellings cannot be accommodated within an existing settlement boundary.

An Environmental Role - The environmental objective identifies the need to protect and enhance our natural, built, and historic environment. It has not been demonstrated that the development is necessary in this location and how it would protect/enhance the existing character of the area.

The site does not provide an opportunity for infill development in an existing frontage but rather represents an incursion into open countryside. The form of development would represent an encroachment on to the open field's adjacent further south. There are no local circumstances which indicate in favour of development.

With regards to layout and design, the proposed dwellings would not be in keeping with the pattern of the residential frontage along the southern side of Roman Bank. The proposal would not be integrated sensitively with the character and appearance of the surrounding area.

The proposal therefore conflicts with Policies 1, 2 and 3 of the South East Lincolnshire Local Plan, 2019. Policies 2 and 3 are concerned with protecting the character and appearance of the area, as well as consideration of the relationship with existing development and land uses. These policies are in accordance with advice within the National Planning Policy Framework, 2021. Paragraph 130 establishes that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area and also be sympathetic to local character and history, including the surrounding built environment and landscape setting. Paragraph 174 seeks to protect the character of the countryside.

Residential Amenity

Policies 2 and 3 of the SELLP set out residential amenity and the relationship to existing development and land uses as main considerations when making planning decisions. They are consistent with advice within the National Planning Policy Framework (2021). Paragraph 130, amongst other matters, seeks places with a high standard of amenity for existing and future users.

Residential properties are located to the north of the main body of the site. However, the indicative plan shows satisfactory separation distances between the existing properties and the proposed new development generally. It is considered that the site could be developed without materially harming the amenity of nearby residents in terms of overlooking, lack of privacy, overbearing effect, overshadowing, noise, and disturbance, etc.

It is accepted that there would be some disruption to local residents during the construction stage. However, this would be temporary and could be alleviated by means of a construction management plan if permission was forthcoming.

The proposal satisfactorily complies with Policies 2 and 3 of the SELLP in terms of amenity.

Parking/Highway safety

Policies 2 and 3 of the SELLP indicate that sustainable development considerations should be met in terms of access and vehicle generation levels and layout of car parking. In conjunction with Policy 36 of SELLP 2019, Appendix 6 sets out the minimum standards for parking provision based upon the use class. Two spaces for dwellings with up to 3 bedrooms and 3 spaces for dwellings with 4+ bedrooms should be provided within the curtilage. It is not clear how many bedrooms the proposed dwellings would have and this would be fully assessed at Reserved Matters stage.

The Local Highway Authority has not raised any objections to the scheme subject to standard informatives regarding the formation of a new access.

The proposal therefore satisfactorily complies with Policies 2, 3 and 36 of the SELLP in this respect.

Flood Risk/Drainage

Policy 4 of the SELLP is concerned with flood risk management and states, inter alia, that new development within Flood Zones 2 and 3 should pass the sequential test and be accompanied by a site specific flood risk assessment which should propose appropriate flood resistance and resilience measures to ensure the development maintains an appropriate level of safety for its lifetime.

The site is located within Flood Zone 3 of the Environment Agency's Flood Maps. However, 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) (SFRA) as a basis to apply the sequential test. In this respect, the site is within an area of no hazard and is therefore sequentially preferable in this regard. Finished floor levels should be set at 300mm above

ground level, should permission be forthcoming.

In terms of drainage, Policy 4 of the SELLP indicates that the development should incorporate the use of Sustainable Drainage Systems (SuDS) and demonstrate that adequate foul water treatment and disposal already exists or can be provided in time to serve the development.

Archaeology

The proposed development is situated on the line of the former historic sea bank that once marked the seaward end of Moulton parish, giving the village of Moulton Seas End its name. Despite the current name 'Roman Bank' (the bank actually ran to the south of the road of the same name in this area) the bank is believed to have been constructed during the medieval period, possibly between 1100 or 1200s AD. Extensive areas of medieval salt production are also known in this area alongside this part of the sea bank.

LCC Archaeology has therefore recommended that the developer should be required to commission a Scheme of Archaeological Works (on the lines of 4.8.1 in the Lincolnshire Archaeological Handbook). This would involve monitoring of all groundwork's, with the ability to stop and fully record archaeological features.

Planning Balance

It is recognised that the proposal is deliverable and would help to provide the supply of housing required to meet the needs of present and future generations. It would also contribute towards the local economy and create employment opportunities associated with the construction, albeit in the short term. However, the benefits are outweighed by the harm that the proposal would cause in terms of environmental factors, including the development's effect upon the character and rural locality.

The proposed dwellings would not be in keeping with the pattern of the residential frontage development along the southern side of Roman Bank. The form of development would represent an encroachment on to the open field's adjacent further south. The proposal would not be integrated sensitively with the character and appearance of the surrounding area contrary to Policies 2 and 3 of South East Lincolnshire Local Plan.

The site is not therefore considered to be a sustainable location for new housing. Consequently, the proposal conflicts with Policy 1 of the South East Lincolnshire Local Plan, 2019, which seeks to direct development to within settlement boundaries and with Local Plan Policies 2 and 3, which require new development to respect the character and appearance of the area. The proposal would also conflict with advice within the National Planning Policy Framework, 2021. Paragraph 130 establishes that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area and also be sympathetic to local character and history, including the surrounding built environment and landscape setting. Paragraph 174 seeks to protect the character of the countryside.

Conclusion

For the reasons outlined above it is recommended that the application be refused under 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.