

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H13-1109-20 **Applicant:** Mr J Hitcham
Proposal: Erection of dwelling - outline approval H13-1213-17
Location: Off Roman Road Moulton Seas End Spalding
Terminal Date: 15th February 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
28	The Natural Environment
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2019

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
RESIDENTS	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

The host application H13-1213-17 granted outline permission for residential development off Roman Road, Moulton Seas End, Spalding.

This current application seeks permission for those aspects and details which were not previously determined in the outline application.

Site Description

The site is within a well-defined frontage development along the southern side of Roman Bank. The area is predominately residential with agricultural fields prevailing the wider location.

The application site is part of the curtilage of No. 20 which was likely an agricultural smallholding. The existing property is a large two-storey detached former farmhouse. The remainder of the land extends to the west and south in a rectangular shape. It was formerly paddock or orchard land and remains heavily bounded by mature trees and shrubs.

The proposed plot would not extend southwards further than the curtilage of No. 16 to the west. This adjoining property is a two-storey detached dwellinghouse built circa 1980s. A wide range of housing types, designs and appearances has been observed on the street scene of Roman Bank.

History

H13-1213-17 - Residential development - Approved

Consultation Responses

LCC Highways/SUDS Authority

No objection.

Requests two informative notes should permission be granted.

South Holland IDB

No objections.

Reminds the compliance with Board's Byelaws.

Members of the public

One resident has made a representation without objecting the proposal in the following terms:

- Further clarification about drainage strategy in light of frequent surface flooding in the area.
- Further clarification about the removal of trees and shrubs.

Planning Considerations

Principle of development

Outline permission was previously granted under application ref. H13-1213-17. The principle of developing the site for housing therefore has been confirmed acceptable.

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. Likewise, Policies 2 and 3 of SELLP 2019 amongst other matters seek to ensure that development respects the character and appearance of the area and the relationship to existing development and land uses.

Site layout

The residential development consists of erection of two-storey detached house. The footprint would be clearly aligned with the frontage development onto Roman Bank. The boundaries of the plot would fall within the curtilage of No. 20 and, most interestingly, would not encroach further to the south than the curtilage of No. 16. In doing so, the proposals would respect the rural setting of the wider location.

Design and layout

The dwelling footprint would be commensurate with the properties nearby. The scale and height would not visually appear excessive with the building in the vicinity. Most of the bulk would be two-storey with a single-storey element to the rear that would accommodate a sunroom onto the rear garden.

The main roof would have two gable pitches and the rear element one further. This roof layout would relate well with those on the wider street scene. The detailing such as brick lintels and chimney would be tantamount with those in No. 20.

Facing brickwork and roof tiles would predominate the external appearance of the house. The external fabric in principle should be in keeping with the visual amenity of the vicinity. However, no details have been submitted in this regard neither details of fenestration and joinery. In the interests of the character and visual amenity, it is recommended to add a condition requesting the submission and approval of these details before the commencement of the development.

Internally, communal spaces would be on the ground floor level whilst bedrooms and bathrooms would be on the first-floor level. Using the Nationally Described Space Standards purely as a guidance, it is considered that the internal floorspace of the proposed rooms would be sufficient to ensure good living conditions to the future occupiers of the house.

With regards to car parking provision, Appendix 6 of SELLP 2019 establishes that two spaces should be provided within the curtilage of dwellings with up to 3 bedrooms. In this case, three spaces would be available on the front driveway and the scheme would ensure minimum standards for car parking.

No objection has been raised to the proposed site access. Further arrangements should be subsequently made in agreement with LCC Highways Authority without compromising the determination of this application.

Landscaping and boundary treatment strategy

The proposed strategy for soft landscaping would retain most of the existing trees and shrubs. Under case officer's request, further details of the retention and removal has been provided. Only two small trees and one large tree near the western boundary with No. 16 would be removed to ease the erection of the dwelling. They are not considered to be significantly mature. The remainder of existing planting would be retained and trimmed for maintenance. A silver birch would be planted on the rear garden of the new plot.

The boundary treatment would consist of 1.8 metre high timber fencing on the boundaries with the adjoining plots. Lincolnshire post and rail fencing though would be on the rear boundary onto the fields which is more sensitive to the landscape features.

With regards to proposed surface, gravel would be laid on the front driveway and slabbed paving for the rear patio. The adjoining field access would remain untreated. The proposal would not entail significant hard surfacing which would contribute to merge the plot with the rural character of the location and ease infiltration to prevent higher risk from surface flooding.

Flood risk

The site lies on Flood Zone 3(a) according to the Environment Agency which means land having a 1 in 100 (1%) or greater chance of flooding each year from rivers when the presence of flood defences are ignored. Conversely, the site has no flood hazard neither flood depths in line with South East Lincolnshire Strategic Flood Risk Assessment (SFRA). The flood risk is assessed in this strategic document on the basis that flood defences are breached or overtopped and climate change effect is also taken into account for flood predictions. Therefore, the SFRA provides further accuracy for site-specific flood risk assessment including Sequential Test and design of mitigation measures to address residual flood risk.

In accordance with Paragraph 163 of NPPF 201, development should only be allowed in areas at risk of flooding where it can be demonstrated that the development is appropriately flood resistant and resilient, it incorporates sustainable drainage systems, and any residual risk can be safely managed, among other factors. Policy 4 of SELLP 2019 echoes this paragraph and overall Section 15 of NPPF concerning approach to flood risk.

The mitigation measures contained within the approved flood risk assessment (FRA) by Geoff Beel Consultancy, dated January 2018 should be incorporated to the development following Condition 7 of the previous outline permission H13-1213-17.

The proposed elevation plans show finished floor levels 300mm above ground levels. The house would be two-storey with sleeping accommodation on the first-floor level. Therefore, the proposals would comply with flood risk requirements to ensure the lifetime of the development and safety of its occupiers.

With regard to other flood sources, the proposals would incorporate soakaways and package treatment plant for reducing flood risk from surface water. As pointed out by South Holland IDB, infiltration testing should be undertaken in line with BRE Digest 365 (or equivalent) to determine the soakaway efficiency. In this regard, it is recommended to add a condition requesting the submission of proposed means of foul and surface water disposal to separate systems before the commencement of the development.

Residential amenity

Paragraph 127 of NPPF, 2019 states among other factors that planning decisions should create places with a high standard of amenity for existing and future users. Policies 2 and 3 includes residential amenity as one of the main development management considerations that should be met.

The dwelling footprint is separated in the region of 7 metres from No. 20 and 8 metres from No. 16. Having regard the scale and height of the proposal building, no overbearing impact is anticipated by reason of the development.

Two first-floor bathroom windows would directly oppose the elevations of the adjacent properties. No significant overlooking effect is anticipated given the separation distances and the non-habitable use of the rooms. However, in the interest of privacy, it is recommended to add a condition requesting obscured glazing for these windows before the commencement of the development.

Planning balance

The principle of developing housing has been previously approved by outline permission. The form of development and landscaping strategy would be sympathetic with the semi-rural character of the area. There has been a successful attempt to prevent any significant loss of biodiversity by reason of the proposals.

The scale and height of the proposed dwelling would be commensurate with the properties nearby. The internal layout would ensure good living conditions to the future occupiers. Subject to further details, the external appearance would relate well with the visual amenity in its setting. No harm would occur upon the residential amenity of the nearest neighbours. In terms of flood risk, the proposals would adequately ensure the lifetime of the development and its occupiers against flooding.

On balance, no adverse impacts of granting permission to the proposals would significantly and demonstrably outweigh the benefits of doing so, when assessed against the planning policies taken as a whole.

Conclusion

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.

For the reasons above, this application is in accordance with Policies 1, 2, 3, 4, 28, 36 and Appendix 6 of South East Lincolnshire Local Plan (2019) as well as Sections 12 and 14 of National Planning Policy Framework (2019).

Accordingly, it is recommended to approve this 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.