

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H13-1140-19 **Applicant:** Mr J Grimwood
Proposal: Residential development (single dwelling).
Location: 30 Broad Lane Moulton Spalding
Terminal Date: 21st January 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
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	1	0	0	0

CASE OFFICER ASSESSMENT

Proposal

Outline planning permission is sought for a single dwelling. The application is accompanied by an indicative plan showing a 3 bed bungalow.

It should be noted that full planning permission was recently granted for a 4 bed bungalow on a similar backland plot to the rear of no. 32 immediately to the west (ref. H13-0909-19).

Description

The site (some 0.05ha) is located on the south eastern side of Broad Lane and is currently garden associated with No 30, which is a semi-detached house.

Semi-detached houses are situated along the frontage. Gardens are located to the south-east associated with properties situated off West Cobgate.

Policies/Constraints

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

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).

Site History

No recent history.

Consultation Responses

Moulton Parish Council - Supported.

LCC Highways/SUDS - No objections subject to conditions.

SHDC Environmental Protection - No comments.

Public - Resident objection received (summarised):

Health and safety issues; Additional property would be detrimental to highway safety. Road quite narrow, especially at this point; Several minor accidents/collisions have previously occurred when vehicles have exited driveways and/or Westmoreland Road. Difficult to leave these driveways during school/pre-school peak hours; Much activity within area in front of 30 Broad Lane during school hours when parents and children form long queues and vehicles arrive and leave.

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 the settlement boundary for Moulton 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

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 previously been granted for residential development within the vicinity; for example, to the rear of numbers 5, 9/11 and 27 West Cobgate (under various references). Planning permission was also recently granted on the neighbouring site to the rear of 32 Broad Lane. A precedent has therefore been set for such development within the vicinity and so it would be unreasonable to refuse permission for a dwelling on grounds that it would represent an inappropriate form of backland development. This is subject to the dwelling being single storey to ensure that it would be subservient to existing frontage development in terms of height.

Residential amenity

The north-eastern and north-western elevations of the proposed dwelling would face existing frontage development off Broad Lane. The south-eastern elevation would face long gardens associated with properties located off West Cobgate. It is considered that a single storey dwelling could be accommodated without materially harming the amenity of neighbouring residents in terms of overlooking, lack of privacy, overshadowing or overbearing effect. This is subject to appropriate screening. The space between the access and Nos 30 and 32 is such that the amenity of occupiers of those properties would not be materially harmed in terms of noise/disturbance, etc.

Highway safety

Vehicular access would be via a shared driveway. Concerns have been raised by a nearby resident on highway safety grounds, as summarised earlier in the report. A copy of the correspondence has been referred to LCC Highways. The latter have carried out a site inspection and have not objected to the proposal subject to conditions, relating to the width of the access and on site parking and turning. It would therefore be unreasonable to refuse the application on highway 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.

Drainage

Foul water would be disposed of via the mains sewer and surface water via soakaways. Ground conditions within Moulton are considered to be suitable for the latter.

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, 12 and 14 of the National Planning Policy Framework (2019).

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.