

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H13-1208-22 **Applicant:** Mr P Laud
Proposal: Erection of dwelling - outline approval H13-0976-20
Location: Adj. 48 Seas End Road Moulton Seas End Spalding
Terminal Date: 16th February 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
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
17	Providing a Mix of Housing
28	The Natural Environment
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 11. Making effective use of land.
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	1	0	0	0
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE	0	0	0	1

BOARD				
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CASE OFFICER ASSESSMENT

PROPOSAL

This is a reserved matters application for a proposed detached bungalow with vehicle access off Hall Lane.

The proposal also comprises the means of access to the site, boundary treatments, landscaping, the layout, scale and external appearance of building, including a schedule of external materials to be used. On the ground floor there would be 2no bedrooms, a kitchen, living room and a bathroom. In terms of amenity space there would be a small terraced area to the rear and a further lawned area with a driveway beyond.

The external walls of the dwelling would have red stock facing bricks, sitting under a marley double plain grey slate tiled roof with white upvc rainwater goods and windows and white powder coated aluminium doors.

A gravelled driveway is proposed to the rear providing 2no parking spaces which would be enclosed by a 1 metre high fence on the west and a hedge along the east. The northern boundary would have a 1.2 metre fence, increasing to 1.8 metres towards the rear.

The site has outline permission for one dwelling approved under application reference H13-0976-20.

SITE DESCRIPTION

The application site is located on Seas End Road within the Moulton Seas End settlement boundary. It 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.

RELEVANT HISTORY

H13-1218-22 - Details of landscaping & tree planting, proposed boundary treatments, foul water disposal, finished floor levels, existing & proposed site levels and proposed floor levels. (Conditions 4, 5, 6, 9 and 10 of H13-0976-20) - Pending consideration

H13-0976-20 - Erection of dwelling - Approved

REPRESENTATIONS

Moulton Parish Council

The development results in a cramped appearance with little garden, is too close to neighbouring properties and there is insufficient access and no turning for vehicles.

LCC Local Highway and Lead Local Flood Authority

No objections subject to informatives with regards to the formation of a new access.

South Holland Internal Drainage Board

The applicant has indicated that they intend to dispose of surface water via infiltration, however the viability of this proposal has not been evidenced. It is recommended that ground investigation is carried out to determine infiltration potential. If (following testing) a strategy wholly reliant on infiltration is not viable and a surface/foul water discharge is proposed to a watercourse, then the proposed development will require land drainage consent in line with the Board's byelaws (specifically byelaw 3).

PLANNING CONSIDERATIONS

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. Furthermore the site benefits from outline planning permission for an additional dwelling on the site therefore the principle of the development is not disputed.

Character and appearance

Policies 2 and 3 of the 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. They are consistent with advice within the National Planning Policy Framework (NPPF), 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; are visually attractive as a result of good architecture and sympathetic to local character and history, including the surrounding built environment and landscape setting.

Moulton Parish Council has raised concerns of the proposal resulting in a cramped appearance. The concerns are noted and discussed further below.

The principle of a detached dwelling on this site has already been accepted under the outline application therefore the siting of the proposed dwelling is considered acceptable. The footprint of the proposed dwelling is slightly bigger than shown on the indicative plans submitted under the outline application. Whilst the footprint of the dwelling is slightly on the larger side, it can on balance be accepted as its footprint would be similar to the adjacent dwelling at no.48 Seas End Road. However, it should be noted that the proposed development would be at the limit of what can be accepted on this site as any further development would reduce the already limited amount of outdoor amenity space and result in overdevelopment of the site.

The character of the area is defined by a mixture of dwelling types, including both detached and semi-detached houses and bungalows. Spacing is also varied. Whilst some properties are on relatively spacious plots others are closer together. On balance, it is considered that a single dwelling could comfortably be accommodated in this location without materially harming the character or appearance of the immediate area.

A variety of materials can be seen along this part of Seas End Road therefore the proposed red stock facing bricks and marley double plain grey slate roof tiles would not be completely out of character with the immediate area. The proposed materials would match the newer development to the rear of the site along Hall Lane. As such the proposed materials are not considered to detract with the existing character of the area and are therefore acceptable.

In terms of amenity space a small terrace area with a further small area of lawn behind the parking spaces are proposed. Whilst these spaces are not an ideal size, given the proposed dwelling is only 2 bedrooms and of a modest size, the proposed outdoor spaces are on balance sufficient for the proposed dwelling. In addition, the two immediately adjacent dwellings (no.48 Seas End Road to the north and no.2 Hall Lane to the south) also have small amounts of outdoor amenity space and the application site would be similar therefore it could not reasonably be resisted on this basis.

Taking all these factors into account it is considered, on balance, the proposed dwelling would not materially harm the character or appearance of the locality and would therefore satisfactorily comply with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 and the NPPF in this respect.

Landscaping and boundary treatments

There is limited landscaping proposed due to site limitations and small amounts of outdoor space being retained. A small terrace and a lawned area are proposed to the rear with a gravelled area for parking beyond this.

In terms of boundary treatments the northern boundary would have a 1.2 metre fence, increasing to 1.8 metres towards the rear with the parking area enclosed on either side by a 1 metre high fence on the west and a hedge along the east. These boundary treatments are considered acceptable and in keeping with the street scene given the site limitations.

The proposals for landscaping and boundary treatment would be appropriate with existing site features and the residential use of the land. As such the scheme is considered to be in accordance with Policies 2 and 3 of the SELLP in respect of their provisions on landscaping and boundary treatments.

Residential Amenity

Policies 2 and 3 of the South East Lincolnshire Local Plan (2019) 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.

The indicative plans submitted under the outline application showed a two storey dwelling, however, it was advised that given the site restrictions and close proximity to neighbouring properties a single storey dwelling would be better suited to the site to avoid unacceptable impact on neighbouring dwellings.

The closest neighbour to the proposed development would be no.2 Hall Lane located to the south site. The proposed dwelling would be sited close to the shared boundary with this neighbour and would have 2 windows and one door opening in the side elevation facing this neighbour. The proposed door and window would sit adjacent to the blank elevation of this neighbour therefore they would not unacceptably overlook into any primary windows. Given the orientation of the property no overshadowing would result on this neighbour.

With regards to no.48 Seas End Road located to the north of the proposed dwelling, no openings are proposed in the side elevation facing this neighbour therefore there are no overlooking or loss of privacy concerns. In addition, given the proposed dwelling would be single storey with a limited height it would result in limited impact on this neighbour in terms of overbearing impact or overshadowing.

With regards to no.6 Hall Lane located to the west of the application site, the proposed dwelling would be sited approximately 12 metres from this neighbours boundary. Given the single storey design this separation distance is considered sufficient as to not result in any overbearing impact or unacceptable overshadowing. The proposed driveway would be sited at least 8 metres from this neighbours boundary and given no.48 Seas End Road already has a driveway adjacent to this neighbours boundary therefore no new impact is considered to result from this element of the proposal.

Given the above the proposed development is on balance considered acceptable in terms of its impact on neighbouring amenity and satisfactorily complies with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

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. Policy 36 and Appendix 6 set out the minimum standards for parking provision based upon the use class. 2no spaces for dwellings with 3 or less bedrooms should be provided within the curtilage. The proposed dwelling would have 2no bedrooms therefore 2no parking spaces would be required.

Moulton Parish Council has raised concerns with regards to insufficient access and turning for vehicles. the concerns are noted, however the LCC Highways Authority has not objected to the principle of creating a new independent vehicular access subject to the submission of details and subsequent approval at a later stage. It has advised that although there is no turning facility within the limits of the site, there is adequate visibility for drivers to reverse out on to Hall Lane safely, which would not be considered as being unacceptable as there are other similar accesses in close vicinity to this application site.

With regards to parking provision for the site the proposal would create 2no off-street parking spaces the rear of the site therefore the site would accord with the current parking standards.

As such the proposal is considered to satisfactorily comply with Policies 2, 3 and 36 of the South East Lincolnshire Local Plan, 2019 in terms of parking and highway safety.

Drainage

South Holland Internal Drainage Board has suggested a ground investigation be carried out in order to determine the infiltration potential of the site and the depth to groundwater. If on-site material were to be considered favourable then we would advise infiltration testing in line with BRE Digest 365 (or equivalent) to be undertaken to determine its efficiency. If (following testing) a strategy wholly reliant on infiltration is not viable and a surface water discharge is proposed to a watercourse, then the proposed development will require land drainage consent in line with the Board's byelaws. It is noted that the applicant intends to treat foul waste using a package treatment plant, however they have not indicated how they intend to dispose of treated foul water from this development. If the applicant proposes to discharge treated foul water to a watercourse, consent would be required under Byelaw 3. The applicant should confirm if there are any riparian owned/maintained watercourses within or adjacent to the site boundary. Should the applicant's proposals include works to alter a watercourse, or if works are proposed to alter a watercourse at any time in the future, consent would be required under the Land Drainage Act 1991 (and byelaw 4). An informative would be attached to the planning permission notifying the applicant of this.

Subject to compliance with the Boards Bylaws there would be no concerns with regards to drainage.

Planning Balance

The principle of developing the residential scheme is acceptable at this location as the site is within the settlement boundary of Moulton Seas End and also benefits from outline planning permission.

The proposal is in a sustainable location for new housing. It is considered, on balance, that a single dwelling in this location would not materially harm the character or appearance of the locality nor would the proposal materially harm the amenity of neighbouring residents in terms of lack of privacy, overshadowing, overbearing effect, noise and disturbance, etc. There is also sufficient off-street parking proposed within the site for the dwelling therefore no unacceptable impact would result in terms of parking/highway safety.

On balance, no adverse impact of granting permission 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.

Taking into account the above, this application complies with Policies 1, 2, 3, 4, 10, 11, 28, 30, 36

and Appendix 6 of South East Lincolnshire Local Plan (2019) as well as Sections 2, 5, 11, 12 and 14 of the National Planning Policy Framework (2021).

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.

RECOMMENDATION

That the application be approved under delegated powers.