DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H22-0515-21**	**Applicant:**	**Sennen Homes Ltd.**
Proposal:	Erection of 2 dwellings, Plots 4 & 5 - previously approved under H22-1145-19.		
Location:	87 Moulton Chapel Road Cowbit Spalding		
Terminal Date:	7th July 2021		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
28	The Natural Environment
30	Pollution
31	Climate Change and Renewable and Low Carbon Energy
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2019

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	0	0	0	0
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SOUTH HOLLAND	0	0	0	1

INTERNAL DRAINAGE BOARD				
RESIDENTS	0	0	0	2

CASE OFFICER ASSESSMENT

Proposal

The site has outline planning permission and reserved matters approval for 6 dwellings (ref. H22-1045-17 and H22-1145-19). This application is to alter the dwellings on plots 4 and 5 from 3 bed bungalows to 5 bed houses with detached double garages at the rear.

Site Description

The site (some 0.46 ha) is located on the southern side of Moulton Chapel Rd some 320 metres to the east of the A16 roundabout. It is currently occupied by commercial buildings (builders/electoral contractor's yard). Dwellings are currently under construction on plots to the west. Former agricultural buildings are situated to the east beyond plot 6. A shallow drain runs along the site's frontage.

Relevant Planning History

H22-1045-17 - Outline - Residential development (6 plots), SNG Electrical Ltd, 87 Moulton Chapel Rd, Cowbit - Refused 29 January 2018 . Allowed on appeal 7 September 2018.

H22-1145-19 - RM - Residential development - erection of 6 dwellings - outline approval H22-1045-17 - Approved 27 January 2020.

H22-0257-20 - C/C - Details relating to contamination and surface and foul water (Conditions 8 and 11 of H22-1045-17) - Approval 7 August 2020.

H22-0696-20 - NMA - Residential Development - Erection of 6 dwellings - approved under H22-1145-19. Amendments to layout and design - Approval 23 September 2020.

H22-1004-20 - C/C - Details of footways for pedestrians (Condition 7 of H22-1045-17) - Approval 5 January 2021.

H22-0587-21 - Full - Erection of dwelling (Plot 6) - amended dwelling type previously approved under H22-1145-19 - Under consideration.

Consultation Responses

Weston Parish Council

No response.

LCC Highways/SUDs

Does not wish to restrict the grant of permission, subject to informatives.

SHIDB

If 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 (specifically byelaw 3).

Public

Comments received (summarised):

No objection to the properties but something really must be done about the HGV traffic and speeds along this shortly to be built up piece of road. With the extra population and probably children there is going to be a serious accident unless these issues are addressed; Request swift boxes.

Planning Considerations

The site is part of an area of land that has the benefit of outline planning permission and reserved matters approval for 6 dwellings (ref. H22-1045-17 and H22-1145-19). The principle of residential development has therefore been established.

The overall site has permission for 3 no. 5 bed houses and 3 no. 3 bed bungalows. This application is to alter the dwellings on plots 4 and 5 from 3 bed bungalows to 5 bed houses with detached double garages at the rear. A two-storey dwelling has been approved on plot 6.

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. They are consistent with advice within the National Planning Policy Framework (NPPF), 2019. Paragraph 127 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.

The properties would be constructed in red Nelissen brickwork to match the other plots with La Escandella Planum interlocking clay roof tiles (dark grey). The houses include architectural features such as reconstituted stone arches/cills, plinths and dentil courses and are acceptable in terms of design.

Existing development along Moulton Chapel Road is varied in terms of age, scale, design and external appearance. The landscaping scheme includes frontage trees and hedging. It is considered that the proposed dwellings would fit satisfactorily within the street scene and would not materially harm the character/appearance of the rural locality.

In terms of amenity, agricultural/commercial buildings are located further to the east beyond plot 6 and a bungalow (no 71) further to the west beyond plot 1. At first floor level, Plot 4 has no windows on its western elevation facing plot 3 and obscure glazed windows on its eastern elevation. Plot 5 has obscure glazed windows on its eastern elevation at first floor level. First floor bedroom windows on its eastern elevation are set back from the boundary. It is considered that the proposal would not materially harm the amenity of nearby residents in terms of overlooking, lack of privacy, overshadowing, overbearing effect, noise and disturbance, etc.

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. Two spaces for dwellings with 3 or less bedrooms should be provided within the curtilage. Three spaces for dwellings with 4 or more bedrooms should be provided within the curtilage.

Concerns have been raised on highway safety grounds. However, LCC Highways have indicated that the access points meet the guidelines set out in Manual for Streets and a frontage footway has been provided, as previously stipulated. Satisfactory provision for car parking and vehicle turning is proposed within the limits of the site. They have concluded that the proposals would not result in an unacceptable impact in terms of highway safety.

The Site lies partially within Flood Zone 2 defined by the Environment Agency Flood Map as having a medium probability of flooding. The National Planning Policy Framework requires applicants for planning permission to submit a Flood Risk Assessment (FRA) when development is proposed in such locations.

A FRA was not submitted at the outline stage. However, the hazard mapping within South Holland's Strategic Flood Risk Assessment (SFRA) shows the site to be unaffected if a breach of the flood defences were to occur. The Environment Agency have previously indicated that a site specific FRA

was unlikely to provide any additional information than that already provided within the SFRA and was deemed unnecessary in this instance. The proposal passed the sequential test. In terms of the exceptions test, finished floor levels should be a minimum of 300mm above existing ground level.

No specific details appear to have been submitted in respect of foul and surface water drainage. This should therefore be conditioned.

It has been requested that the proposed houses include swift nesting boxes. Both the SELLP and Framework indicate that opportunities should promote biodiversity enhancements in respect of new development. A condition is therefore considered justifiable in this case.

Planning Balance

The principle of residential development upon the site has already been established. The proposed development is acceptable in terms of design and would sit satisfactorily within the street scene. No material harm would occur upon the amenity of adjacent residents.

Each dwelling has satisfactory car parking arrangements within the plot and no cumulative impact upon highway safety is anticipated by the proposal. The proposal is satisfactory on flood risk grounds.

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

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.

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