DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H22-1151-22**	**Applicant:**	**Sennen Homes Ltd.**
Proposal:	Erection of 2 detached dwellings (Plots 4 & 5) varying site layout of planning approval H22-0515-21		
Location:	87 Moulton Chapel Road Cowbit Spalding		
Terminal Date:	24th 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
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 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	0	0	0	0
WARD MEMBER	0	0	0	0
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

The application seeks full planning permission for the erection of 2 detached dwellings (Plots 4 & 5) which have previously been approved under outline/reserved matters/full planning permission. This application seeks to amend the layout of plots 4 & 5. This includes increasing the depth of the rear gardens by approximately 12 metres and setting the garages further back (plot 4 would be set back by 6.4 metres and plot 5 would be set back by 11.3 metres).

Site Description

The site is located on the southern side of Moulton Chapel Rd some 400 metres to the east of the A16 roundabout. It was formerly occupied by commercial buildings and is part of an area of land that has permission for a total of 6 dwellings which are nearing completion. 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 - Approved 21 July 2021.

H22-0515-21 - Erection of 2 dwellings, Plots 4 & 5 - previously approved under H22-1145-19 - Approved 7 July 2021.

H22-1125-21 - Details of landscaping, surface & foul water and ecology management scheme (Conditions 3, 5 & 9 of H22-0515-21) - Approved 21 December 2021.

H22-1324-21 - Erection of 2 dwellings - Plots 4 & 5 - previously approved under H22-0515-21. Amendments to Plot 5 to include orangery - Approved 17 January 2022.

Consultation Responses

LCC Highways/SUDs

No objections.

SHIDB

The proposed Site Layout and Roof Plan for Plots 4 & 5, as well as a detached garage in Plot 2 are beyond the scope of the impermeable area agreed previously with the Board. Consequently, the aforementioned consent is void. The applicant should contact this office at their earliest convenience to discuss this matter further.

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. The principle of residential development has therefore been established.

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), 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.

This application seeks to amend the layout of plots 4 & 5 previously approved. This includes increasing the depth of the rear gardens by approximately 12 metres and setting the garages further back (plot 4 would be set back by 6.4 metres and plot 5 would be set back by 11.3 metres).

The proposed increase in the depth of the rear gardens is considered acceptable as they would be similar in size to the adjacent properties and would not unacceptably encroach onto open fields to the rear. Relocating the garages further back into the plot is also considered acceptable and this does not significantly change the overall appearance of the site as there would be little discernible difference when viewed from Moulton Chapel Road.

The proposed relocation of the garages are not considered to unacceptably impact the amenity of neighbouring properties given their limited height and relationship with the neighbouring plots.

The updated ecology measures include the addition of swift nest brick, bat boxes and hedgehog holes. These are considered to be sufficient biodiversity enhancements therefore the ecology conditions attached to the previous permission can be discharged.

South Holland Internal Drainage Board has advised that the proposed Site Layout and Roof Plan for Plots 4 & 5, as well as a detached garage in Plot 2 are beyond the scope of the impermeable area agreed previously with the Board. Consequently, the aforementioned consent is void and the applicant would need to contact the drainage board to discuss this. An informative has been added to the decision notice advising the applicant of this.

Given the above the proposed changes are considered fairly minor and do not considerably change the overall appearance of the plots therefore they can be accepted.

Planning Balance

The principle of residential development upon the site has already been established. The proposed development is acceptable in terms of siting and layout. No material harm would occur upon the amenity of adjacent residents.

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.

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, 31, 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 (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

The application can be approved under delegated powers.