DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H09-0851-22**	**Applicant:**	**M Boyce**
Proposal:	Residential Development for One Dwelling		
Location:	Rear Of 19 Barrington Gate Holbeach Spalding		
Terminal Date:	14th December 2022		

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
29	The Historic Environment
30	Pollution
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2021

Section 12 Achieving well designed places
Section 14 Meeting the challenge of climate change, flooding and coastal change
Section 15 Conserving and enhancing the natural environment.
Section 16 Conserving and enhancing the historic environment.

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	0	0	0
PLANNING LIAISON OFFICER - FLOOD RISK ASSESSMENT	0	0	0	1
IAN MARSHMAN, HISTORIC ENVIRONMENT OFFICER	0	0	0	1

SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	0	1
OTHER STATUTORY BODIES	0	0	0	1
RESIDENTS	1	0	0	0

CASE OFFICER ASSESSMENT

Proposal

The proposal is for a two storey, two bedroomed dwelling in the rear courtyard of a listed building. The property is 4.9m wide, 10.5m long, 4.3m to the eaves and 6.25m to the top of the ridge. The proposal incorporates two parking spaces and a small garden. The proposal is designed to resemble a coach house, subservient to the nearby Listed Building and be sympathetic to the Conservation Area.

Site Description

The plot is a sub-division of a listed building to the rear of 19 Barrington Gate. The site is therefore within the curtilage of a listed building. The site is also within Holbeach Conservation Area. The surrounding area has a mix of styles reflecting its urban location. Other subservient buildings within the curtilage which were once ancillary buildings to the listed building have been converted to residential. Residential properties exist within the courtyard but also over the boundary in the form of two small dwellings at 5 and 6 St. John's Mews. These are in close proximity to the proposal, separated by a historic wall. Habitable rooms are very close to the boundary in this location.

The listing description of 19 Barrington Gate is as follows:

2 houses. Early C19, 1834. Red Brick, some painted stucco dressings. Slate roof with gable stacks. Two and a half storey, 2 bays to the left, 3 storey, 2 bays to the right, but both ranges of the same height. 2 bays to the right project slightly, all 4 bays with first floor bands. Semi-circular headed doorway with rusticated archivolt with keystone, fanight with radiating spokes and panelled door Single glazing bar sash to the right with rusticated painted wedge lintel with keystone. 2 larger glazing bar sashes to the left. Above are 2 similar glazing bar sashes with, to the right, and set lower down, 2 smaller glazing bar sashes with rusticated wedge lintels with keystones. Above are 2 small glazing bar sashes with 2 larger, lower glazing bar sashes to the right. All sashes to the left hand 2 bays and to the top floor of the right hand 2 bays have painted, flush wedge lintels. Oval plaque in rusticated surround, over first floor window, and inscribed 'JC 1834'.

Listing NGR: TF3608524705

History

No relevant history.

Consultation Responses

LCC Highway and Lead Local Flood Authority

There would not be sufficient cause to withhold the grant of Consent on highway grounds. The

property would be accessed by means of a vehicle access crossing that has been in use for many years. Two off-street car parking spaces are to be provided and it appears that there may just be enough room to turn around, so that drivers are able to enter and leave the highway in a forward gear.

The access appears as though it may serve other properties/premises but at the point where it joins Barrington Gate, it is wide enough for two-way car movements, so that would not be unacceptable.

As a Minor Application, the lead local flood authority would not rule on the suitability of the drainage proposals.

LCC Historic Environment Officer

The proposed development is close to the historic core of the settlement of Holbeach. A previous programme of archaeological evaluation trenching carried out in 2001 on land directly adjacent to the north of this site revealed evidence for medieval and early post medieval activity, including waterlogged remains which can have a high degree of preservation of organic materials.

There is potential for similar remains to also survive on this site which could be impacted by development. Therefore given this it is recommended that the developer should be required to commission a Scheme of Archaeological Works (on the lines of 4.8.1 in the Lincolnshire Archaeological Handbook). This should be secured by South Holland District Councils Standard Conditions AR01, 02 and 03:

'They should .... require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part), in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible' National Planning Policy Framework, section 16, paragraph 205.

Initially I envisage that this would involve monitoring of all groundwork's, with the ability to stop and fully record archaeological features.

SHDC Conservation Officer

Initially objected to the proposal with the following comments:

19 Barrington Gate is a Grade II listed property, situated within the Conservation Area for Holbeach. I believe that a residential development of 2 houses in the curtilage of this listed building would be an overdevelopment of the site, leading to the risk of harm to the character of the Grade II listed asset. I furthermore, feel that the proposed design is inappropriate to the sensitive setting. As presented, the proposed properties are fairly mundane, simple properties of a relatively modern, uniform appearance. Such levels of design quality are not acceptable in the context of a listed curtilage development. Only an exceptionally high level of design quality and sympathy can be acceptable in this setting. Exactly which path the applicant chooses to explore given this advice is subject to their own preference. However, I would strongly recommend that a design that is both subservient and ancillary to the host property is used - perhaps simulating a modest historic outbuilding, matching the style and era of the host property and taking influence from the extant outbuilding (coach house) on site. To ensure subservience, I would also suggest that a smaller scale than full 2-storey is used, much like in the aforementioned extant outbuilding which appears to be at 1.5 storey scale. Should the agent/applicant wish to discuss possible design alternatives, I am more than happy to arrange a meeting, to discuss, accompanying the case officer. I would also suggest that it would be much to the benefit of the proposal to push the line of development further to the east, to match as closely as possible the building line of 5 and 6 St Johns Mews. To do so would reduce the visual impact upon the listed asset via increased visual separation and also assist in reducing the impact upon existing building lines. The proposed use of heritage-appropriate materials is appreciated in this instance, it would of course be expected that this would carry through into any future amendments and that the materials proposed would match as closely as possible with the historic material precedent in the immediate setting.

Following amendments the objection was lifted:

I write to confirm that following the recent amendment to this application, I have no further objections to the proposed development. The new design of a single 2-bed residence is of a sensible scale to the site and the design, which draws influence from existing outbuildings to the

host property is appropriate to the setting and forms a non-harmful impact upon the heritage asset's setting. I would suggest that the officer - should the application be approved - ensure that all materials and accoutrements are appropriate to the heritage setting by means of condition. Ideally, the development would make use of reclaimed and/or matching bricks as well as reclaimed or matching slate tiles. Conditions MD01, MD02, MD12, MD13, MD14, MD22, and PD01 would be appropriately used and recommended in this instance. Otherwise, the case officer should continue to consider this application in accordance with Policy 29 of the SELLP as well as S16 of the NPPF in addition to all other relevant policy and guidance considerations

South Holland Internal Drainage Board

The Board's Byelaws apply. Whilst the Board's regulatory process (as set out under the Land Drainage Act 1991 and the Board's Byelaws) is separate from planning, the ability to implement a planning permission may be dependent on the granting of any required Land Drainage Consents. Officers have noted works which may require Land Drainage Consent from the Board.

Byelaw 3 (Surface Water)
The applicant has indicated that they intend to dispose of surface water to a sewer, which is the least sustainable method of surface water disposal. We recommend that you satisfy yourselves that this proposal is in line with the drainage hierarchy (as per best practice).

Byelaw 3 (Treated Foul Water)
We note that the applicant intends to dispose of foul water to a main sewer. Should the applicant's proposals change to include the discharge of treated foul water to a watercourse, consent would be required under Byelaw 3.

Section 23, Land Drainage Act 1991
We are not aware of any riparian owned/maintained watercourses within or adjacent to the site boundary, however, this should be confirmed by the applicant. 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).

Byelaw 10
There are no Board maintained watercourses within or adjacent to the site boundary therefore Byelaw 10 does not apply.

Anglian Water

They only comment on larger schemes. In this case there are no comments other than information that can be included as a note as follows:

The applicant should check for any Anglian Water assets which cross or are within close proximity to the site. Any
encroachment zones should be reflected in site layout. They can do this by accessing our infrastructure maps. Please see our website for further information:

https://www.anglianwater.co.uk/developers/development-services/locating-our-assets/

Please note that if diverting or crossing over any of our assets permission will be required. Please see our website
for further information:
https://www.anglianwater.co.uk/developers/drainage-services/building-over-or-near-our-assets

Planning Considerations

Principle and Sustainability

Section 38(6) of the Town and Country Planning Act, as amended by the 2004 Act, states that the determination of planning applications must be made in accordance with the development plan unless material considerations indicate otherwise.

Policy 1 of the South East Lincolnshire Local Plan 2019 (SELLP) relates to the overall settlement hierarchy of the district and encourages development in more sustainable locations. The site is within the defined settlement boundary of Holbeach which is designated as a 'Main Service Centre'.

Development will be permitted in Main Service Centres 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.

The proposal is within the settlement boundary and is therefore sustainable development.

Size, Scale, Layout and Design

Policy 2 of the SELLP states that proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to, amongst other things, size, scale, layout, density, impact on amenity, character and appearance of the area and the relationship and impact on existing development and neighbouring land uses, the quality of design, access and vehicle generation level and visual intrusion.

The proposed dwelling as amended is considered to be satisfactory in terms of overall design, scale and layout, although it is on a small plot. In this location, the small scale is considered appropriate for its setting and location in a Conservation Area and Listed Building (see subsequent Heritage Asset comments). A condition removing permitted development rights is recommended due to the restricted nature of the plot and its location near to heritage assets. The revised design, although still over 6 metres in height, would not represent a dominating feature or be significantly out of character with the area as it is at the rear of the site, as the proposal has been redesigned to give the appearance of a subservient building to the listed building. Appropriate materials will be necessary to ensure the design is complimented.It is considered that a condition relating to materials would be appropriate. As a result of these measures being in place, the proposal is considered to comply with policy 2 of the SELLP.

Effect on neighbouring properties

Policy 3 of the SELLP requires all development to create distinctive places, with inclusive design and layout, be sensitive to the landscape character, and take into account residential amenity. Objections were received in relation to impacts on residential amenity and have been taken into account, resulting in the requirement for the reduction in scale of the proposal and the redesign to provide only one dwelling, not two, and for the design to change so it did not have an overbearing impact on the neighbour, and did not lead to loss of light and overshadowing. Amended plans were sought to reduce the scheme in terms of height, and move the property away from the boundary, so as not to cause overshadowing or have an overbearing impact.

The revised proposal now shows a garden next to the boundary with 6 St.John's Mews, rather than a building set further forward of the building line, as the property has been re-orientated. The relationship is now much more favourable. The nearest point of the property, which is now set at an angle, is 4.85m, tapering out to 6.78m. The scale of the house has been changed with an eaves height of 4.3m and the height to the top of the ridge being 6.25m.

Further comments have not been received from objectors, however, it is now not considered that the property would adversely affect outlook, light, overshadowing or be overbearing in amenity terms.

Whilst the structure would be visible, the proposal is not in conflict with Policy 3 of the SELLP.

Flooding Considerations

Policy 4 of the SELLP relates to the approach to flood risk and details how development proposals will be determined, including sequential testing and other relevant considerations.

The Government Flood Map for Planning identified the site as being in Flood Zone 2. This has a medium probability of flooding.

The Environment Agency Long Term Flood Risk map shows that the site is within an area at risk of reservoir flooding, but a low risk of flooding from surface water flooding and flooding from rivers or the sea (annual probability between 0.1% and 1%).

Dwellings are classified as more vulnerable as per Table 2 of the PPG Flood Risk and Coastal Change. An Exception test is not required. As the scheme is a replacement dwelling a sequential test is not required.

The risk from within the South East Lincolnshire SFRA is 'low hazard' for the Residual Flood Hazard Map for the 1% fluvial and 0.5% tidal event for both the present day and 2116. The site is outside the areas of flooding for the present day and 2116 for the Residual Peak Depth Map for the 1% fluvial and 0.5% tidal map.

Finished floor levels are recommended to be a minimum of 0.3m above ground level with 0.3m of flood resilient construction above finished floor level. This can be controlled via condition.

Impact on Heritage Assets

The Council is required by Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the setting of a listed building.

Policy 29 of the SELLP relates to The Historic Environment and seeks to conserve elements of the South East Lincolnshire historic environment and enhanced where appropriate. Proposals that affect the setting of a Listed Building will be supported where they preserve or better reveal the significance of the Listed Building.

With regards the NPPF, chapter 16 sets out the government's advice on conserving and enhancing the historic environment. Paragraph 194 requires that local planning authorities should require an applicant to describe the significance of a heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset); paragraph 195 requires the Local Authority to assess that impact. Paragraph 199 states that when considering the impact of a proposed development on the significance of a designed heritage asset, great weight should be given to the asset's conservation. This is irrespective of whether any proposal amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 200 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting) requires clear and convincing justification. Substantial harm to or loss of a grade II listed building should be exceptional. In this case, the proposal does not result in substantial harm, the proposal is within the courtyard of the listed building at the rear. The listed building is not to be destroyed, removed or damaged. Paragraph 202 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

The proposal does result in less than substantial harm but it is considered that this is at the lower end of the spectrum of less than substantial harm. As can be seen from the listing description of 19 Barrington Gate, the emphasis of the Listed Building relates to the front of the property rather than the rear. Amended plans have been received which now enable the local authority to weigh the public benefits of the proposal. The amendments have been secured as a result of comments from the Conservation Officer who advised that any building within the curtilage of the listed building should appear as a subservient building to the main listed structure. This has now been achieved in terms of overall size, bulk and design. The design now resembles a subservient coach house whilst also providing a dwelling house in an urban location. It resembles the converted coach house adjacent to the shared access to the site. Providing an additional dwelling is considered to weigh in favour against any very minor less than substantial harm. The design better reveals the significance of the Listed Building at the front of the site. As a result the proposal does not conflict with policy 28 of the SELLP.

The front portion of the site is also within Holbeach Conservation Area and as such is covered by part B of policy 28 of the SELLP. This requires that proposals within, affecting the setting of or affecting views into or out of a Conservation Area should preserve (and enhance or reinforce) features that contribute positively to the area's character, appearance and setting. The enhanced design of the amended plans means that the dwelling appears as part of the curtilage of the main Listed Building and acts as a supporting unit. This can be further enhanced by sympathetic materials via condition. As a result it is considered that the proposals do not adversely affect the Conservation Area, its setting, or views into or out of it. The proposal complies with policy 28 of the SELLP.

Foul and Surface Water Drainage

The site is in the South Holland Internal Drainage Board (IDB) District. Surface water drainage from the site discharges to the Board's main drain system. There is an IDB High Priority

pipeline/watercourse approximately 50m north of the site which discharges to the Wheat Mere Drain 250m to the east.

Foul water is to be connected to the sewer. Surface water is to be dealt with via soakaway. These details are considered to be satisfactory, but additional notes can be added in relation to IDB requirements.

Impact on Biodiversity

Section 15 of the National Planning Policy Framework (NPPF) and Policy 28 of the SELLP seeks to provide net gains for biodiversity. There are limited opportunities for such a small site to promote biodiversity net gain, however, a condition relating to the submission of minor details to benefit biodiversity is considered appropriate for items such as swift and bat bricks.

As such the proposal is considered to be in compliance with policy 28 of the SELLP.

Highway Safety and Parking

Policy 36 of the SELLP states that all new development should provide vehicle and cycle parking in accordance with the minimum Parking Standards adopted by the Local Planning Authorities (Appendix 6). The dwelling is two bedrooms which requires 2 car parking spaces and one cycle parking space. Parking is to be on the front drive which is satisfactory. A condition in relation to the submission of a cycle rack can be conditioned to comply with Appendix 6.

The proposal is considered to be compliant with policy 36 of the SELLP.

Planning Balance

Section 38 (c) 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. To determine whether the proposal accords with the Local Plan it is necessary to undertake a planning balance exercise having regard to economic, social and environmental objectives.

In economic terms, future occupants of the house may work locally, support local services and therefore make a contribution to the local economy. There would be short term economic benefits associated with the construction of the dwelling and minor long term benefits of increased spends associated with the household. The economic benefits resulting from the proposal are minor, but weigh in favour of the proposal.

In community terms, the proposal would make a contribution, albeit small, towards providing a house that contributes to housing supply in the district. This weighs in favour of the proposal.

In environmental terms, a condition to secure biodiversity benefits such as swift boxes weighs in favour of the proposal.

The benefits of the proposal outweigh any harm in the overall the planning balance and as such there is no compelling reason to withhold planning permission.

Conclusion

The proposal is considered acceptable and approval is recommended.

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.