

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H13-0385-25 **Applicant:** S R & A V Willson Building Contractors

Proposal: Residential Development 2 Dwellings - Approved under H13-0507-24. Modification of Condition 1 to allow amendments to previously approved plans

Location: Rear Of War Memorial Seas End Road Moulton Seas End

Terminal Date: 12th June 2025

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

National Guidance

National Planning Policy Framework December 2024

- Section 2 - Achieving sustainable development
- Section 4 - Decision-making
- Section 5 - Delivering a sufficient supply of homes
- Section 11 - Making effective use of land
- Section 12 - Achieving well-designed and beautiful 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

National Guidance

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 INTERNAL DRAINAGE BOARD | 0 | 0 | 0 | 1 |
| SHDC INTERNAL | 0 | 0 | 1 | 1 |
| RESIDENTS | 1 | 0 | 0 | 0 |

CASE OFFICER ASSESSMENT

Proposal

The application seeks consent to vary condition 1 of permission H13-0507-24 to allow for amendments to the previously approved plans. The proposed changes include alterations to the approved plot layouts. The proposed bungalows would be larger than previously approved. For example, the ridgeline of plot 1 is proposed to measure 4.7m in height, rather than 4.3m as previously approved. The vehicular access is proposed to be the same.

Site Description

The site is located on the eastern side of Seas End Road within the centre of Moulton Seas End. The site currently features an area of grassland and there are trees and hedgerows located on the edges of the site. The grade II listed Moulton Seas End War Memorial is located along the site frontage, next to the site.

51 Seas End is located to the north of the site and 55 Seas End is located to the south of the site. Both boundaries are de-lineated by close boarded fencing. A bungalow, The Retreat, is located to the east of the site, served by a private road off Pipwell Gate.

The site is within Flood Zone 3, as identified by the Environment Agency's flood risk maps.

Relevant Planning History

H13-0902-18: (Listed Building Consent) Clean and repaint the War Memorial - Granted 18 October 2018.

H13-0727-18: (Listed Building Consent) Clean and repair wording on War Memorial - Withdrawn

H13-0651-20: (Outline Application) Residential Development - 2 Dwellings - Approved 17 August 2021

H13-0507-24: (Reserved Matters) Residential Development - 2 Dwellings - Outline Approval H13-0651-20 - approved 05 November 2024

Consultation Responses

The responses received from consultees during the consultation period are summarised below. The responses can be viewed in their entirety on South Holland District Council's website.

South Holland Internal Drainage Board: It was noted within our previous comments on this site that a drainage strategy has not been provided. We recommend a drainage strategy is provided for the site. The applicant has not indicated how they propose to dispose of foul water from the development. I cannot see that a method of foul water disposal has been proposed yet. If the applicant proposes to discharge treated foul water to a watercourse, consent would be required under Byelaw 3. I am not aware of any riparian owned/maintained watercourses within or adjacent to the site boundary, however this should be confirmed by the applicant. There are no Board maintained watercourses within or adjacent to the site boundary therefore Byelaw 10 does not apply.

Lincolnshire County Council - Highways and SUDS: No objections. The minor amendments proposed will not have an adverse impact upon the public highway or surface water flood risk.

Environmental Protection: No comments regarding the proposed changes.

Conservation Officer: No objections. Materials Schedule condition should be carried through from the original permission.

Moulton Parish Council: No response received.

Cllr T E Sneath: No response received.

Cllr A Casson: No response received.

War Memorials Trust: No response received.

Public Representations

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance, one representation has been received. The following summarises the key matters that are raised within the response:

- The proposals would be an overdevelopment of the site by increasing each plot floorplan by nearly 20%.
- The closer proximity to neighbouring boundaries would pose a risk in terms of fire safety and flooding.
- There will be less capacity for the site to soak up surface water due to the proposed hardcore surfaces. The plans do not confirm the proposed waste water storage arrangements such as septic tanks.
- Due to removal of 7+ trees, this will mean that less water can be soaked up/dissipated. There has been flooding on plot 2 in 4 of the last 8 years.
- Plot 1 is very close to 51 Seas End and the septic tank water soakaway goes under the fence into the field, which potentially could be damaged.
- The original approved plan was for two mirrored bungalows, which seem to have changed dramatically by adding garages, utility rooms and toilets when this is not really required.

Key Planning Considerations

Development Plan

Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

The adopted South East Lincolnshire Local Plan 2011-2036, adopted March 2019 (SELLP), is the development plan for the district, and is the basis for decision making in South Holland. The relevant development plan policies are detailed within the report above.

The policies and provisions set out in the National Planning Policy Framework, December 2024 (NPPF) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

There are no adopted Neighbourhood Plans for the area within which the site is located.

The principle of development for the proposed two dwellings has previously been found to be acceptable through the approval of outline application under reference H13-0651-20. Approval was subsequently granted for the reserved matters of the two dwellings under reference H13-0507-24. The current application seeks to alter the approved site layout and change the form and indicative materials of the two dwellings. There is therefore no need to revisit the matter as to whether the principle of development is acceptable. The main considerations which are relevant in this case include the following:

- Scale, Layout, Appearance and Landscaping;
- Impact on Amenity;
- Impact on Heritage Asset;
- Access, Highway Safety and Parking;
- Flood Risk;
- Biodiversity Net Gain; and
- Impact on Outline Conditions.

These matters are considered in turn below.

Scale, Layout, Appearance and Landscaping

Paragraph 135 of the NPPF states that new development should function well and add to the overall quality of the area and should be visually attractive as a result of good architecture and appropriate landscaping.

Policy 2 of the Local Plan outlines sustainable development considerations for development proposals, providing a framework for an operational policy to be used in assessing the sustainable development attributes of all development proposals.

Policy 3 accords with the provisions of Section 12 of the NPPF, in that it requires development to comprise good design; identifying issues that should be considered when preparing schemes so that development sits comfortably with, and adds positively to, its historically-designated or undesignated townscape or landscape surroundings.

The application seeks consent for two single storey bungalows. The proposed dwellings would be located towards the rear of the plot.

Within the approved layout from the reserved matters permission H13-0507-24, each dwelling was proposed to feature the same mirrored layout. Under the current application, the dwellings would feature different layouts. The dwellings were previously proposed to measure 14.5m by 11.2m, and under the current proposals, plot 1 is proposed to measure 13.5m by 16.2m, and plot 2 is proposed to measure 8.9 by 19.7m. The bungalows are therefore proposed to be larger than the previously approved dwellings.

There is a range of house types within the area and there is therefore no strict uniformity in terms of the surrounding plot layouts. The building footprints of the proposed bungalows would be larger than some of the surrounding dwellings, however, some of these dwellings feature two storeys and therefore their overall scale is larger than the proposed bungalows. Furthermore, the bungalow to the east of the site, The Retreat, features a comparable building footprint as the proposed dwellings. The proposed bungalows are single storey, and it is considered that their scale and positioning would be suitable for the area.

The visual appearance of the proposed dwellings is similar to the previously approved dwellings, as the facades continue to feature floor length windows, which would give the dwellings a more contemporary appearance than some of the neighbouring properties. The dwellings would however be located towards the rear of the site, which would reduce their impact on the street scene.

The bungalows are proposed to feature hipped roof forms, which are similar to the previously approved dwellings. The main difference is the height of the dwellings. Previously, the bungalows were proposed to measure 4.3m up to their roof ridgelines, and 2.7m up to their eaves. Under the current proposals, the proposed ridgeline for plot 1 is 4.7m and for plot 2 is 4.35m. Both bungalow measure 2.7m up to eaves. Whilst the height of the bungalows is slightly taller, the impact of this is considered to be acceptable as the bungalow feature hipped roof forms and the bungalows would not overshadow any neighbouring dwellings. The bungalows are located relatively close to the site boundaries, however, due to the scale of the bungalows, it is not considered that the bungalow

would result in an unacceptable degree of overshadowing of the rear gardens of neighbouring dwellings.

Nearby dwellings feature a mixture of red and brown brickwork and rendered facades. The proposed materials for the bungalows include 'red orange multi bricks' and smooth dark grey tiles. It is therefore considered to be appropriate to secure further details of the proposed materials via a condition.

It is noted that the public representation sets out a concern with the loss of trees as a result of the proposals and also with potential overshadowing as a result of the proposed tree planting. None of the trees within or adjacent to the site are subject to a Tree Preservation Order and as such the trees could be removed without planning permission. Several red maple trees are proposed to be planted within the site. The site layout plan notes that these trees are expected to be a maximum of 5m in height and therefore would not grow to be 100m as set out as a concern within the public representation. The trees have also been moved further north away from the site boundary. It is not considered that the trees would result in an unacceptable degree of overshadowing due to the positioning and likely height of the trees and furthermore, there would be dappled light through the trees.

Conditions 4, 5 and 6 of the outline permission H13-0651-20 require details of the proposed site levels, floor levels, landscaping, boundary planting to be set out within the reserved matters submission. These details are set out within the submitted site layout plan and as set out above, the details are acceptable.

The visual impact of the proposed development is acceptable. The proposed development would therefore not cause an adverse impact to the character or appearance of the area and would therefore accord with Policies 2 and 3 of the Local Plan and Section 12 of the NPPF.

Impact on Amenity

Paragraph 135 of the NPPF states that development should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Policies 2 and 3 of Local Plan set out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

The proposed bungalows would not result in an unacceptable degree of overshadowing of one another or of neighbouring properties due to their positioning and scale within the site. Public Rep

In terms of separation distances, there is approximately 3m between the side elevation of plot 1 and the boundary fence which is located at the rear of 51 Seas End Road. No windows are proposed along the side elevation. There is also a boundary fence between the site and 51 Seas End. As such, it is not considered that the proposed plot 1 bungalow would result in an unacceptable degree of overlooking with 51 Seas End.

There is approximately 2.4m between the norther elevation of plot 1 and northern boundary of the site. The rear garden of 49 Seas End is located to the north of this boundary. As such, none of the windows on the north elevation would face directly onto habitable rooms. As there is a boundary treatment separating the properties, the proximity of the northern elevation to the boundary would not result in an unacceptable degree of overlooking of the amenity space of 49 Seas End.

Plot 1 would also not face directly onto any habitable rooms of The Retreat, which is located to the east of the site. There would be sufficient screening between the properties as a result of vegetation and fencing.

There would for be approximately 5.2m between the side elevations of plots 1 and 2, however, there would be a boundary fence between the dwellings which would reduce the potential for overlooking between the dwellings.

Several windows are proposed along the southern elevation of plot 2 which would front onto a boundary fence with 55 Seas End Road. As such, this would not result in an unacceptable degree of overlooking.

A sufficient amount of internal living space and outdoor amenity space is proposed for each of the bungalows.

The public representation sets out concerns with how construction activities will be managed. Condition 7 of the outline permission requires the submission of a construction management plan and as such this will be managed appropriately. Furthermore, the local authority have powers under separate legislation to control and manage construction activities if there are issues such as construction activities taking place late at night.

Whilst the concerns set out within the public representation have been reviewed, it is considered that the proposed bungalows would have an acceptable impact on the amenity of neighbouring properties and future occupants. As such, the proposed development accords with Policies 2 and 3 of the Local Plan and Section 12 of the NPPF.

Impact on Heritage Asset

Section 16 of the NPPF sets out the importance of assessing the impact of proposals on the setting of designated and non-designated heritage assets, to ensure that proposals preserve and enhance these assets.

Policy 29 of the Local Plan sets out within Section A, Part 3, that proposals that affect the setting of a Listed Building will be supported where they preserve or better reveal the significance of the Listed Building.

The site is next to a grade II listed war memorial, which is located on the road frontage with Seas End Road. A Heritage Impact Assessment was submitted with the original outline application for the site. The council's conservation officer has set out that they have no objections to the proposed development. The proposed development would therefore have an acceptable impact on the setting of the listed building. As such, the proposed development accords with Policy 29 of the Local Plan and Section 16 of the NPPF.

Highway Safety and Parking

Paragraph 116 of the NPPF sets out that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe, following mitigation.

Policy 2 of the Local Plan sets out that proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to access and vehicle generation. Policy 3 sets out that development proposals will demonstrate how accessibility by a choice of travel modes including the provision of public transport, public rights of way and cycle ways will be secured, where they are relevant to the proposal.

Policy 36 and Appendix 6 of the Local Plan, set out minimum vehicle parking standards. The standards require at least two spaces for dwellings of up to three bedrooms, and three spaces for dwellings with four or more bedrooms.

The proposed bungalows would be served via a new vehicular access from Seas End Road, to the west of the site. Lincolnshire County Council's highways and sustainable drainage team have confirmed they have no objections to the amended site layout. Previously the highways team requested a condition which would require the visibility splays to be maintained. It is considered appropriate to include this condition again although it has not been specifically requested.

There is sufficient room for parking and turning within the site for both bungalows. The proposed development would therefore be acceptable in terms of highway safety and would therefore accord with Policies 2, 3, 33 and 36 of the Local Plan, as well as Paragraph 116 of the NPPF.

Flood Risk

The site lies within Flood Zone 3 of the Environment Agency's Flood Maps. The flood risk impact of the proposed development was assessed as part of the outline application. Condition 2 of outline permission H13-0651-20 requires the development to be carried out in accordance with the Flood Risk Assessment that was submitted with the outline application. The proposed amendment should

not undermine this condition.

Biodiversity Net Gain

The approval of reserved matters for outline planning permissions are not within the scope of biodiversity net gain as they are not a grant of planning permission. Notwithstanding this, it is noted that planting is proposed which should help deliver some habitat within the site.

Impact on Outline Conditions

The proposed amendments would not undermine the purpose of the conditions included with outline permission H13-0651-20. The relevant outline conditions would still need to be discharged as and when required.

A legal agreement was finalised as part of the determination of outline permission H13-0651-20. There were no legal agreements for the subsequent reserved matters application H13-0507-24 which the current application seeks to amend. As such, there is no need to vary the legal agreement.

Planning Balance

As detailed above, Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise. The development hereby proposed does not materially harm the character or appearance of the locality, or amenity of nearby residents. The proposed development therefore accords with the Local Plan and the NPPF. In this instance, there are no material considerations that weigh against the proposal and as such, the planning balance is in favour of the development.

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

Taking the above considerations into account, the proposal is considered to accord with Policies 1, 2, 3, 4, 29 and 36 of the Local Plan, along with the identified sections contained within the NPPF. There are no significant factors in this case that indicate against the proposal and outweigh the consideration in favour of the proposal and the policies referred to above.

Recommendation

Based on the assessment detailed above, it is recommended that the proposal should be approved under delegated authority.