G.R. MERCHANT LTD
Architectural & Planning Consultants

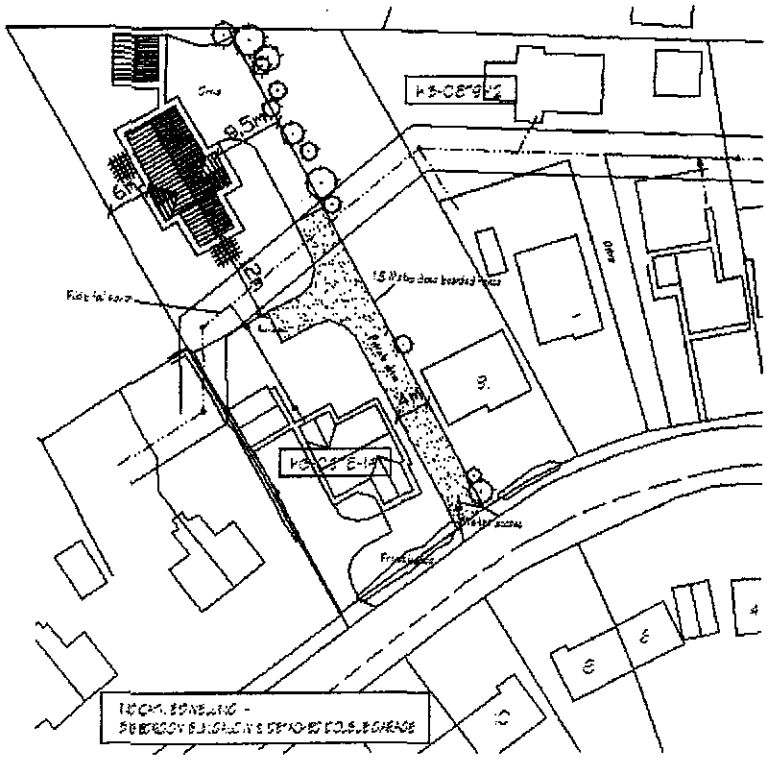
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2793-15

RESIDENTIAL DEVELOPMENT (OUTLINE)
REAR OF 11 WEST COBGATE
MOULTON
SPALDING
LINCS
PE12 6QN

FOR

CASTLEBUILD LTD



PLANNING, DESIGN & ACCESS STATEMENT

VAT No. 552 6200 69
Registered in England No: 5667107
Registered Address: Bank House, Broad Street, Spalding, PE11 1TB

RESIDENTIAL DEVELOPMENT (OUTLINE)
REAR OF 11 WEST COBGATE
MOULTON
SPALDING
LINCS
PE12 6QN

The application is to acquire Town & Country Planning Permission for Residential Development (Outline) to the rear of 11 West Cobgate, Moulton for the benefit of Castlebuild Ltd – the outline proposal is for a single dwelling.

PLANNING HISTORY

Refusal of Planning Permission was determined under reference H13-0310-14 on the 28th May 2014 which was for 'Residential Development – 2 No Detached Bungalows'. Subsequently the application was dismissed on appeal under reference APP/A2525/A/14/2227701 on the 26th March 2015 (see appendix).

The host dwelling, 11 West Cobgate, Moulton, is in the process of being replaced with a 3 bedroom bungalow and detached double garage under reference H13-0578-14 (see appendix).

THE SITE

The application site is centrally located within an established residential area in Moulton village and occupies an area of 0.13 hectares (0.32 acres). The Cobgate frontage is a street scene with Council and ex-Council semi-detached houses opposite and the host dwelling 11 West Cobgate was a post second world war bungalow with allotment garden which is in the process of being replaced under reference H13-0578-14, the whole site amounting to 0.21 hectares (0.52 acres).

SIRE BOUNDARIES

The current site boundaries consist of:

- 1.8 metre high close boarded fencing alongside 9 West Cobgate.
- The North and West boundaries are currently undefined.
- The North, West & South boundaries to be defined with 1.8m close boarded fence.

The current application site is fallow allotment to 11 West Cobgate.

HIGHWAYS

Access to the proposed bungalow will be to utilise the existing vehicular allotment access off West Cobgate. This will provide adequate parking and turning facilities for the development. The host dwelling will retain the existing access. The proposed driveway to be surfaced with tarmac to Local Authority and Highway requirements. Access to the rear of the host property is available off the new tarmac drive.

VISIBILITY

The visibility requirements for a small scale developments in 'Manual for Streets' is 2 metres x 43 metres – this criteria can be easily accommodated within the existing access.

THE PROPOSAL

Permission is sought to develop the rear allotment garden to 11 West Cobgate, Moulton by proposing a synthetically designed detached 3 bedroom bungalow and detached double garage with associated parking and turning facilities.

The location and design of the dwelling has taken into account neighbouring properties; the position and orientation will provide excellent amenity space (South/West orientated) thus ensuring privacy to all adjoining properties.

This proposal is similar to developments that have recently been approved and constructed in the village along with previous examples in neighbouring villages and settlements, (Weston, Holbeach etc) in particular H13-0223-12 off High Street, Moulton and H13-0879-12 to the rear of 5 West Cobgate, Moulton (see appendix).

UTILITIES/SERVICES

The public foul water sewer to this part of Moulton traverses the site, as indicated on the application plans, therefore subject to agreement with Anglian Water and compliance with their 3 metre easement distances, foul water from the proposal can easily be connected. Surface water from roofs will be to a rainwater harvesting system and soakaway over-flow arrangement. Electricity, water, gas and BT are all available to the site in West Cobgate.

POLICIES

The proposal is in accordance with Section 6 of the National Planning Policy Framework, March 2012 and the policies H26, SG14, SG16 & SG17 of the South Holland Local Plan 2006. Although there may be some conflict with Policy HS6, this must be outweighed by other material considerations in favour of the proposal (backland development, garden land).

11 WEST COBGATE

11 West Cobgate, the host dwelling is currently in the process of being replaced under H13-0578-14.

EXTERNAL MATERIALS

To be agreed by Reserved Matters.

APPLICATION PLANS

2793-15-04	Indicative Bungalow Design
2793-15-05	Site & Location Plans - Existing
2793-15-06	Site & Location Plans - Proposed

G R Merchant
April 2015

APPENDIX

Refusal Notice H13-0310-14

Appeal Dismissal APP/A2525/A/14/2227701

Planning – Replacement Dwelling 11 West Cobgate, Moulton H13-0578-14

Location Plan – Existing 1/1250

Location Plan – Proposed 1/1250

'Google' Site Plans

Inset 12 – Moulton
South Holland Local Plan 2006

Planning Permission H13-0223-12 & H13-0879-12
-similar approved proposals

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Town and Country Planning Act 1990

Refusal of Planning Permission

Reference: H13-0310-14 **Received:** 15th April 2014 **Type:** OUTLINE

Name: Castlebuild Ltd
Holbeach Road
Spalding
Lincs

Agent: G R Merchant Ltd
Unit 4 Wrights Mews
12A Park Road
Holbeach
Spalding
Lincolnshire
PE12 7EE

Description: Residential Development - 2 detached bungalows

Location : 11 WEST COB GATE MOULTON
SPALDING

South Holland District Council hereby give notice that PERMISSION HAS BEEN REFUSED for the development for the following reason(s):

1 In the opinion of the Local Planning Authority the proposal would result in an incongruous form of backland development out of character with the existing character and pattern of development in the locality. It would also materially harm the amenity of nearby residents by virtue of additional noise and disturbance, including vehicles using the private driveway. The proposal is therefore contrary to Policies SG14 and SG17 of the South Holland Local Plan 2006. These policies require, inter alia, that the layout and design of new development should reflect its surroundings and that it should not cause material harm to residential amenity. Furthermore, the proposal is contrary to the objectives of Policy HS6 of the South Holland Local Plan to ensure that new development in villages integrates well with existing patterns of development. To permit the development contrary to the above policies would encourage further applications of a similar nature on adjoining sites which would then be difficult to resist, to the further detriment of the character of the locality. The above policies are consistent with the advice contained in the National Planning Policy Framework (NPPF) 2012. For example, paragraph 53 of the NPPF indicates that inappropriate development of residential gardens should be resisted where it causes harm to the local area. Paragraph 58 stresses that new development should respond to local character and reflect the identity of its surroundings.

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The Local Planning Authority has acted positively and proactively in determining this application in as timely a manner as possible and by identifying matters of concern. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory solution and due to the harm which has been clearly identified within the reason for the refusal, approval has not been possible.

Copies of all documentation submitted in connection with this application can be viewed online at www.sholland.gov.uk/doitonline/plandev/plansearch.aspx.

Note(s):

The determined plans are:
Dwg. nos. 2628-14-01, 2628-14-02 and 2628-14-03.

Paul Jackson
Planning Manager

28th May 2014 **H13-0310-14**

This decision refers only to that required for the purposes of the Town and Country Planning Acts and not for Building Regulations or any other legislation.

The Planning Inspectorate

Appeal Decision

Site visit made on 17 February 2015

by Mark Caine BSc (Hons) MTPL MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 26 March 2015

Appeal Ref: APP/A2525/A/14/2227701
11 West Cobgate, Moulton, Spalding, Lincs, PE12 6QN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Castlebuild Ltd against the decision of South Holland District Council.
- The application Ref H13-0310-14, dated 10 April 2014, was refused by notice dated 28 May 2014.
- The development proposed is a residential development.

Decision

1. The appeal is dismissed.

Procedural matter

2. The application was submitted in outline, with all detailed matters reserved for future approval. I have therefore dealt with the appeal on this basis.

Main Issues

3. The main issues in this appeal are the effect of the proposal on the character and appearance of the surrounding area and on the living conditions of the occupiers of neighbouring properties, with particular regard to noise and disturbance.

Reasons

Character and appearance

4. The appeal site lies within a predominantly residential area that is characterised by a mixture of detached bungalows and two-storey semi-detached dwellings that are set back from the highway and follow consistent building lines. The linear street pattern and long rear garden areas are prevalent and key features of the spacious layout along the northern side of West Cobgate.

5. However the proposal would be in a backland location on a former allotment garden directly to the rear of a bungalow that is under construction at 11 West Cobgate. The introduction of two dwellings into this open undeveloped area would increase the built form and density of development across the site and significantly reduce this space. The proposed dwellings would also have significantly smaller garden areas than the majority of dwellings found in the surrounding area. As a result they would appear as isolated, intrusive features that would be out of context with the established pattern of development and spacious layout of the immediate surroundings.

6. My attention has been drawn to two other planning permissions for backland developments in this area. However I do not have the full details of the circumstances that led to them being accepted before me so cannot be sure that they represent a direct parallel to the appeal proposal. Whilst I have determined the appeal based on its individual merits, in this instance, to allow this proposal would make it more difficult for the Council to resist other similar proposals for backland development in this area and I consider that their cumulative effect would exacerbate the harm which I have described above. Although my decision does not turn on this matter, it adds some weight to my conclusions on the main issues.

7. I therefore conclude that the proposal would have a significantly harmful effect on the character and appearance of the surrounding area. As such it would conflict with the aims of Policy HS6 of the South Holland Local Plan 2006 (Local Plan) which amongst other things seeks to ensure that development integrates into the street scene and village pattern of development. This is consistent with paragraph 58 of the National Planning Policy Framework (the Framework) that new developments shall respond to local character and reflect the identity of its surroundings.

Living conditions

8. Whilst I appreciate that the proposed layout plan is only indicative this shows that the new access road would cross the existing front garden area of No 11 and pass through the gap between its side elevation and the shared boundary with 9 West Cobgate. The proposed access would also be in close proximity to the side elevation of No 9, and its front and rear garden areas. In my view the regular passing and parking of cars associated with the two additional houses, deep into the currently open and undeveloped area, so close to No 9, No 11 and their rear garden areas would generate a level of activity, noise and disturbance that would cause material harm to the living conditions of their residents.

9. I therefore conclude that the proposal would have a harmful effect on the living conditions of the occupiers of neighbouring properties, with particular regard to noise and disturbance. As such it would conflict with the aims of Local Plan Policies SG14 and SG17. Collectively these require, amongst other matters, for the effect of development on the amenity of nearby residents to be taken into consideration, including potential noise nuisance that is associated with vehicular activity. I consider these policies to be consistent with the objectives of the Framework, which include seeking to secure a good standard of amenity for all existing and future occupants of land and buildings. They are therefore not out-of-date.

Other matters

10. In support of their case the appellant has put to me that the indicative details have satisfied issues that could have been raised by the Highway Authority and the Environment Agency, and that comments from the Council's Environmental Health Section can be dealt with by condition. I am also aware that Moulton Parish Council supports the proposal. Nonetheless, these matters do not outweigh or overcome the harm that I have identified.

11. For the reasons given above, the appeal is therefore dismissed.

Mark Caine INSPECTOR

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Town and Country Planning Act 1990

Planning Permission

Reference: H13-0578-14 **Received:** 11th July 2014 **Type:** FULL

Name: Castlebuild Scaffolding Ltd
Holbeach Road
Spalding
Lincs
PE12 6QN

Agent: G R Merchant
Unit 4 - Wrights Mews
12a Park Road
Holbeach
Spalding
Lincs
PE12 7EE

Description: Replacement dwelling

Location : 11 WEST COB GATE MOULTON
SPALDING

South Holland District Council hereby give notice that PERMISSION HAS BEEN GRANTED for the development in accordance with the application and plans submitted, subject to any condition(s) set out below:

1 The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: As required by Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2 The development hereby permitted shall be carried out in accordance with the following approved plans:
Dwg. nos. 2628-14-10, 2628-14-11 and 2628-14-12.

Reason: For the avoidance of doubt and in the interests of proper planning.

3 Before the new dwelling is commenced, the existing dwelling on the site shall be demolished and all rubble and associated materials cleared from the site.

Reason: To ensure a satisfactory form of development in th einterest of the visual amenities of the locality
This Condition is imposed in accordance with Policy SG14 of the South Holland Local Plan 2006.

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4 No development beyond oversite shall commence until a scheme of landscaping and tree planting for the site indicating, inter alia, the number, species, heights on planting and positions of all the trees, together with details of post-planting maintenance has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety within a period of 12 months beginning with the date on which development is commenced. All trees, shrubs and bushes shall be maintained by the owner or owners of the land on which they are situated for the period of five years beginning with the date of completion of the scheme and during that period all losses shall be made good as and when necessary.

Reason: To ensure that the development is adequately landscaped, in the interests of its visual amenity and that of the area in which it is set.
This Condition is imposed in accordance with Policy SG18 of the South Holland Local Plan 2006.

The Local Planning Authority has acted positively and proactively in determining this application by assessing the application against all material considerations, including national guidance, planning policies and representations that have been received during the public consultation exercise and subsequently determining to grant planning permission in as timely a manner as possible in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Copies of all documentation submitted in connection with this application can be viewed online at www.sholland.gov.uk/doitonline/plandev/plansearch.aspx

Paul Jackson
Planning Manager

2nd September 2014 **H13-0578-14**

This decision refers only to that required for the purposes of the Town and Country Planning Acts and not for Building Regulations or any other legislation.



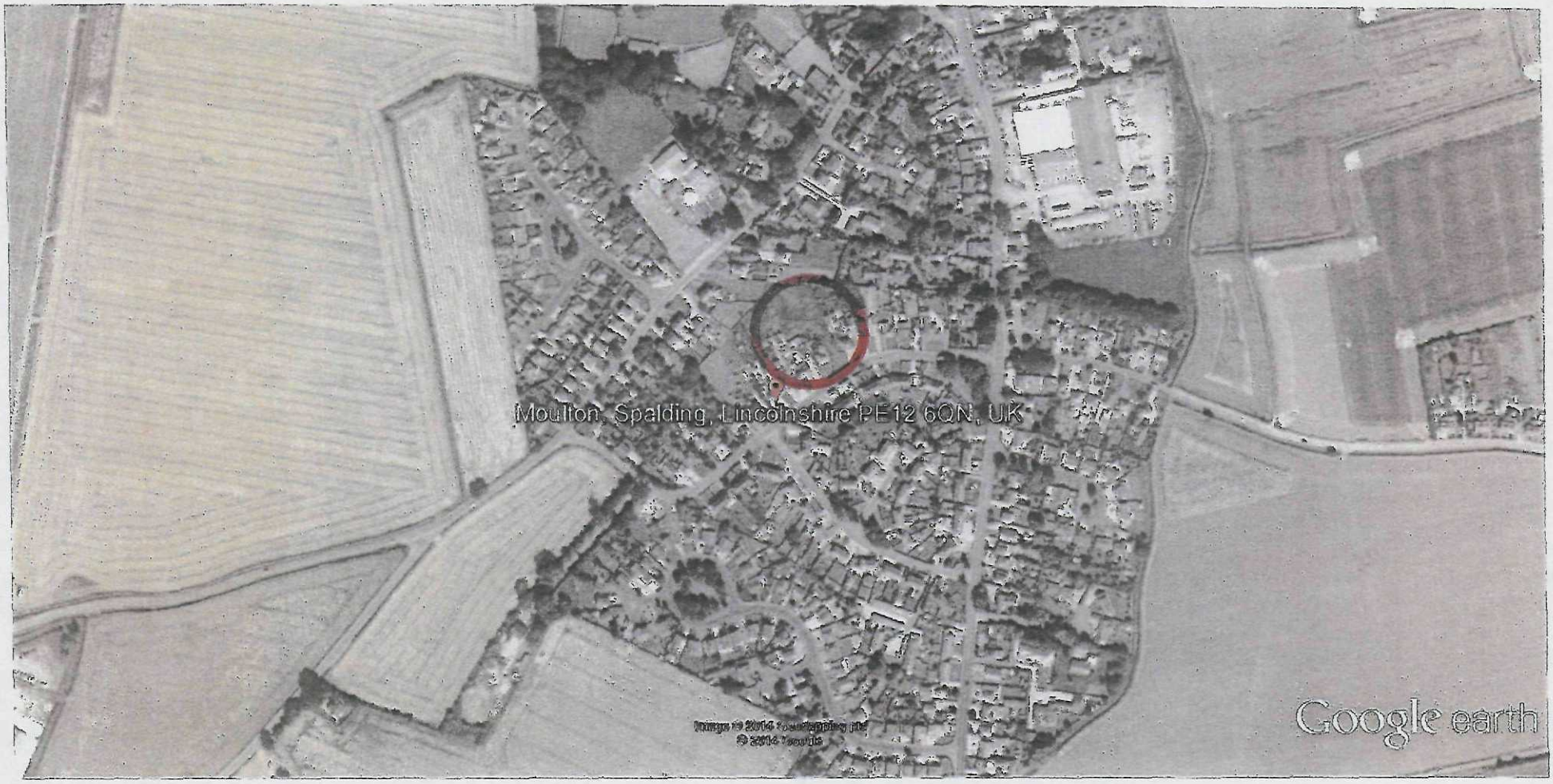
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LOCATION PLAN - EXISTING.
1/1250.



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LOCATION PLAN - PROPOSED.
1/1250.



Google earth

feet 2000

meters 700



Google earth

feet 300

meters 100

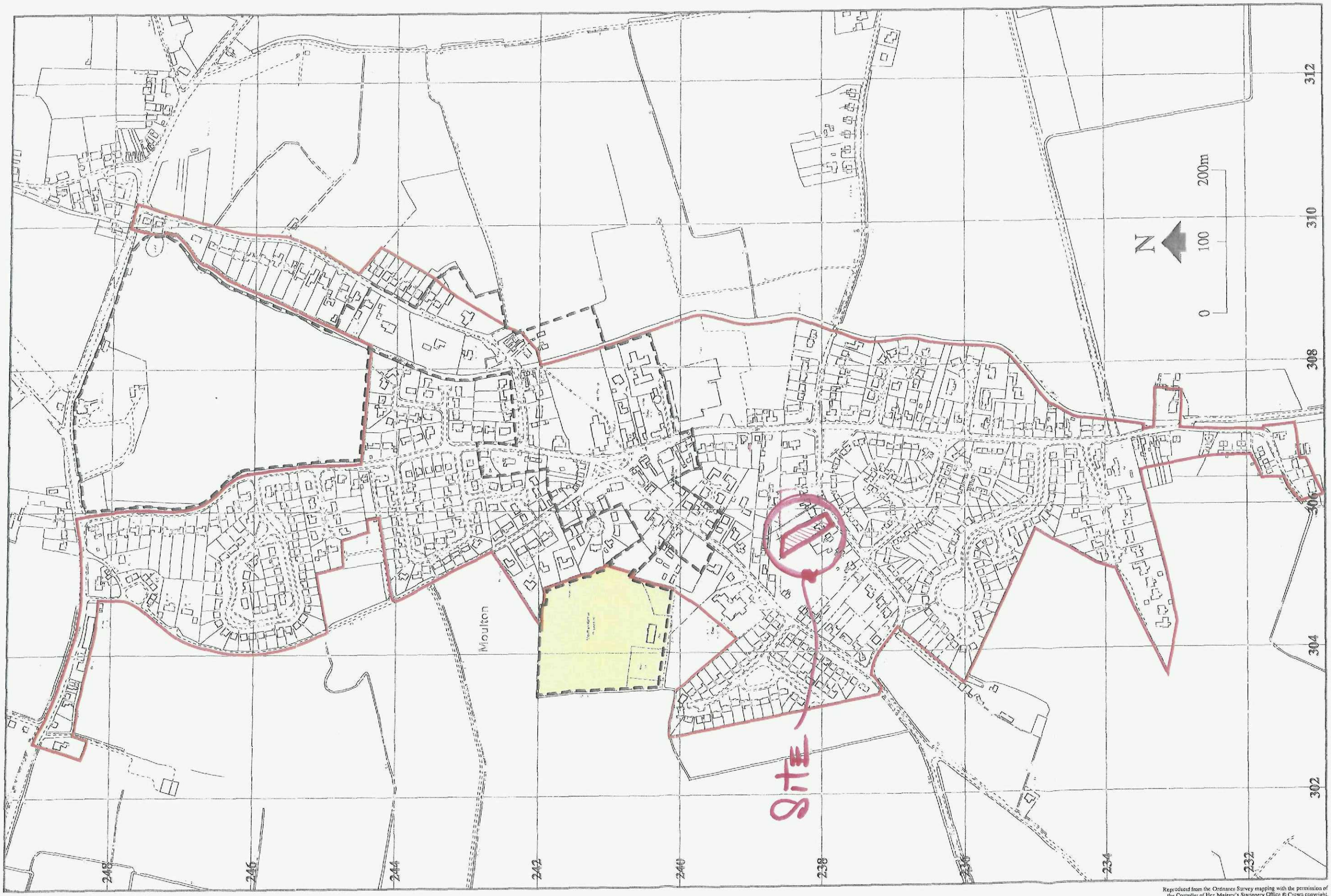


Google earth

feet 900

meters 300

Inset 12
Moulton



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Town and Country Planning Act 1990

Planning Permission

Reference: H13-0223-12 **Received:** 20th March 2012 **Type:** FULL

Name: Mr A D and Mrs L J Price
The Plantation
Hallgate
Moulton
Spalding
Lincs
PE12 6QG

Agent: TAC Architects
14 Old Fendike Road
Weston Hills
Spalding
Lincs
PE12 6DD

Description: Proposed detached dwelling

Location : Rear of 29 High Street Moulton
Spalding Lincs

South Holland District Council hereby give notice that PERMISSION HAS BEEN GRANTED for the development in accordance with the application and plans submitted, subject to any condition(s) set out below:

1 The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: As required by Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2 The development hereby permitted shall be carried out in accordance with the following approved plans:
Dwg. no. 11/297/PA/001 received 19 March 2012
unless otherwise agreed in writing by the Local Planning Authority.

Reason: For the avoidance of doubt and in the interests of proper planning.

3 Before the commencement of the development hereby permitted a schedule of external materials of construction of buildings shall be submitted to and approved in writing by the Local Planning Authority. Samples shall be provided as may be required by the Local Planning Authority of the materials in the schedule and the use of such samples shall be approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the schedule and samples so approved.

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Reason: To ensure that the Local Planning Authority retains control over the external materials of construction of the development in the interests of the character and appearance of the development and the visual amenity of the area in which it is set. This Condition is imposed in accordance with Policy SG14 of the South Holland Local Plan 2006.

4 Before the dwelling is commenced all obstructions exceeding 1 metre in height shall be cleared from the land between the highway boundary and the vision splay indicated on the 1:500 land registry plan accompanying the application. The visibility splay shall thereafter be kept free of obstacles exceeding 1 metre in height.

Reason: In the interests of safety of the users of the public highway and the safety of the users of the site and to accord with Policies SG14 and SG15 of the South Holland Local Plan 2006.

5 Before the dwelling is brought into use the driveway and parking area shall be constructed in accordance with the details accompanying the application.

Reason: To ensure a satisfactory form of development, in the interest of the amenities of the locality. This Condition is imposed in accordance with Policies SG14 and SG15 of the South Holland Local Plan 2006.

6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order or Statutory Instrument revoking and re-enacting that Order), there shall be no additional dormer or other windows/roof lights installed in the roof area of the dwelling hereby permitted other than those shown on the approved drawings, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent overlooking of neighbouring property, in the interests of the protection of residential amenity. This Condition is imposed in accordance with Policies SG14 and SG17 of the South Holland Local Plan 2006.

7 Before the dwelling is brought into use the eastern boundary of the site shall be screened in accordance with the approved details. The scheme of screening shall thereafter be retained in its entirety.

Reason: In the interest of the amenities of the locality. This Condition is imposed in accordance with Policies SG14 and SG17 of the South Holland Local Plan 2006.

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Reason For Approval
The proposal is in accordance with national and local policies as set out in Section 6 of National Planning Policy Framework, March 2012; Policies HS6, SG14, SG15, SG16 and SG17 of the South Holland Local Plan, 2006.

Although there is some conflict with Policy HS6, this is outweighed by other material considerations in favour of the proposal.

The issues relating to overdevelopment, character and highway safety are material considerations but not sufficient in this case to indicate against the proposal and to outweigh factors in favour of the proposal, subject to conditions.

Paul Jackson
Planning Manager

18th May 2012 **H13-0223-12**

This decision refers only to that required for the purposes of the Town and Country Planning Acts and not for Building Regulations or any other legislation.

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Town and Country Planning Act 1990

Planning Permission

Reference: H13-0879-12 **Received:** 26th October 2012 **Type:** FULL

Name: Executors of G Sainty
C O G R Merchant Ltd
4 Wrights Mews
12a Park Road
Holbeach
Spalding Lincs
PE12 7EE

Agent: G R Merchant Ltd
Unit 4 Wrights Mews
12A Park Road
Holbeach
Spalding
Lincs
PE12 7EE

Description: Erection of detached bungalow and double garage

Location : Rear of Homeland 5 West Cobgate
Moulton Spalding

South Holland District Council hereby give notice that PERMISSION HAS BEEN GRANTED for the development in accordance with the application and plans submitted, subject to any condition(s) set out below:

1 The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: As required by Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2 The development hereby permitted shall be carried out in accordance with the following approved plans:
Dwg. nos. 2458-12.01 received 25 October 2012 and 2458-12.02A received 22 November 2012.

Reason: For the avoidance of doubt and in the interests of proper planning.

3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order or Statutory Instrument revoking and re-enacting that Order), no windows, other than those illustrated on the plans hereby approved, shall be formed in the walls or roof of the development hereby permitted.

Reason: To ensure that the Local Planning Authority retains control over any future alteration of the development, in the interests of its architectural and visual integrity, and to prevent

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overlooking of neighbouring property, in the interests of the protection of residential amenity. This Condition is imposed in accordance with Policies SG14 and SG17 of the South Holland Local Plan 2006.

The Local Planning Authority has acted positively and proactively in determining this application by assessing the application against all material considerations, including national guidance, planning policies and representations that have been received during the public consultation exercise, and by identifying matters of concern within the application and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal within the statutory timeframe, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Copies of all documentation submitted in connection with this application can be viewed online at www.sholland.gov.uk/doitonline/plandev/plansearch.aspx

Reason For Approval
Policies SG14, SG17 and HS6 of the South Holland Local Plan, 2006;
and Sections 6 and 7 of the National Planning Policy Framework 2012.

The issues relating to blocking of light is a material consideration but not sufficient in this case to indicate against the proposal and to outweigh the policies referred to above.

Paul Jackson
Planning Manager
17th December 2012

H13-0879-12

This decision refers only to that required for the purposes of the Town and Country Planning Acts and not for Building Regulations or any other legislation.

Terry Huggins Chief Executive
Mark Stokes - Deputy Chief Executive Maxine O'Mahoney - Director of Commissioning