

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H13-0507-24 **Applicant:** BLM Builders Ltd
Proposal: Residential Development - 2 Dwellings - Outline Approval H13-0651-20
Location: Rear Of War Memorial Seas End Road Moulton Seas End
Terminal Date: 5th November 2024

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
11	Distribution of New 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 2023

National Planning Policy Framework December 2023

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
OTHER STATUTORY BODIES	0	0	0	1
RESIDENTS	1	0	0	0

CASE OFFICER ASSESSMENT

Proposal

The application seeks approval for reserved matters for the erection of two detached bungalows, through the submission of reserved matters, pursuant to outline planning approval H13-0651-20. Outline permission H13-0651-20 granted consent for up to two dwellings. All matters were reserved and as such the current application seeks consent for the access, scale, landscaping, layout and appearance of the development.

Site Description

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

A house is located to the north of the site (no. 51) and a bungalow to the south (no. 55). Both boundaries are de-lineated by close boarded fencing. A bungalow is situated further to the rear, served by a private roadway off Pipwell Gate.

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

Consultation Responses

The responses received from consultees during the initial consultation exercises, which can be viewed in their entirety through the South Holland website, can be summarised as follows:

Moulton Parish Council: No response received.

Clr T E Sneath: No response received.

Cllr A Casson: No response received.

Cllr A R Woolf: No response received.

War Memorials Trust: The Trust has previously commented on earlier iterations of these proposals, reference number H13- 0651-20 and H13-1009-23; these comments should be read in conjunction. The Trust welcomes the alterations to the plans which have seen the new housing moved further back from the memorials setting. The reduction from a two storey building to two single storey buildings will further reduce the visual impact of this development. However, it is recognised that the impact of the driveway will not be altered by these adapted plans. I would also note that no updated Heritage Impact Assessment has been submitted considering these changes. Whilst the Trust acknowledges the evolving nature of townscape settings in response to housing pressures, there is also a need to be considerate of the importance of retaining the character of a heritage asset's intended setting and mitigating the impact of development on the historic environment. Historic England's guidance on the conservation and management of war memorial landscapes contains further information. I would reiterate our previous recommendation that a condition survey be undertaken prior to the commencement of building works and upon completion, to assess if any damage has been caused to either the war memorial or its iron railings during the construction of the dwellings, subject to approval.

Conservation Officer:

First Response (31 July 2024): Given the sensitive setting, it is appreciated that single storey dwellings have been proposed that are set as far back within the plot and away from the war memorial as possible, retaining a modest area of open space around the heritage asset to allow for ceremonial gatherings and quiet contemplation. Due to this, the proposed planting and the single storey nature of the proposal, I would suggest that the impact upon the setting of the listed memorial is such that it presents no substantive harm to the significance of the asset. I would, however, suggest conditions to affirm the details of the final external materials, and also to ensure that the scheme of planting is both implemented and thereafter so maintained.

Second Response (23 September 2024): No objections. This most recent amendment does not alter the nature or validity of my previous comments.

Environmental Protection:

First Response (28 June 2024): No comments

Second Response (30 August 2024): No comments.

South Holland Internal Drainage Board

First Response (19 June 2024): I cannot see that the applicant has identified a drainage strategy for the site within their application. We recommend a drainage strategy is provided for the site. If the applicant proposes to discharge surface water to a watercourse, consent would be required under Byelaw 3. I note that the applicant has not indicated how they propose to dispose of foul water from the development. If the applicant proposes to discharge treated foul water to a watercourse, consent would be required under Byelaw 3.

Second Response (22 August 2024): No additional comments.

Highways and SUDS Support

First Response (24 June 2024): Visibility to be demonstrated in accordance with Manual for Streets.

Second Response (03 September 2024): Visibility has not been demonstrated as previously requested.

Third Response (31 October 2024): The parking and turning detailed is acceptable for the size of the proposed dwellings. The proposal will not have an adverse impact on the public highway. Highway condition 13 and highway informatives 3 and 8 are recommended.

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, letters of representation have been received from one household. The key matters raised within the response are summarised below for reference:

- The plans are not representative of the current layout of the Memorial footprint.
- Plots 1 and 2 are very close which would result in an overdevelopment of the site.
- The proposed red maple trees would cause overshadowing when grown. British native trees should be proposed instead.
- The copper beech hedging at the front of the site would be above 1.8m in height.
- It is good that the proposed bungalows have been reduced in size.
- Due to the proximity of the proposed bungalows to one another, this could cause issues in terms of access for fire and rescue services.
- Insufficient planting and soakaway areas are proposed due to the amount of hard surfacing that would be located within the site.
- Construction work could potentially damage the pipe work of the septic tank for No. 51.
- Construction work could be disruptive.
- Queries regarding the proposed heating of the dwellings (e.g. solar panels or air source heat pumps).
- Concerns that the dwellings would result in electricity shortages.
- Flood risk concerns.
- Concerns with the proposed loss of trees and lack of biodiversity net gain
- Concerns with the impact on the listed memorial.
- Lack of parking provision.

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 2023 (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 has been established through the approval of outline permission H13-0651-20. The main issues and considerations 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; and
- Biodiversity.

These matters are assessed in turn below.

Scale, Layout, Appearance and Landscaping

Section 12 of the NPPF specifically relates to 'Achieving well-designed and beautiful places' and details that the "creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve" and as such, it is generally accepted that good design plays a key role towards sustainable development.

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.

Similarly, 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. Furthermore, 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 and each dwelling features the same layout, which is mirrored.

The dwellings would measure 14.5m by 11.2m, and approximately 4.3m up to their roof ridgelines. A chimney breast is proposed on each dwelling, and this would measure 4.9m in height.

The proposed dwellings 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. Nearby dwellings feature a mixture of red and brown brickwork and rendered facades. There is a range of house types within the area and there is therefore no strict uniformity. The proposed materials for the bungalows include 'red orange multi bricks' and terracotta pantiles. It is therefore considered to be appropriate to secure further details of the proposed materials via a condition. The scale and positioning of the bungalows is acceptable given the divergence of the surrounding settlement pattern.

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. These trees have been reduced to a smaller variation during the determination of the application and as such the trees would not be as tall as previously proposed. It is not considered that the trees would result in an unacceptable degree of overshadowing though as there would be dappled light through the trees and they would not be positioned to block a significant amount of light to neighbouring dwellings.

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 development would not result in an unacceptable degree of overshadowing of neighbouring properties due to its scale and positioning.

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.

In terms of separation distances, there is approximately 4.6m between the side elevation of plot 1 and the boundary fence which is located at the rear of 51 Seas End Road. Windows are proposed along this side elevation which would connect to a dining and lounge area. Given that there is a boundary fence between the site and no. 51, the proposed plot 1 bungalow would not result in an unacceptable degree of overlooking between the properties. There would for be approximately 6.3m

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.

As detailed above, 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

Section 9 of the NPPF is titled 'Promoting sustainable transport'. Within this section, Paragraph 115 advises 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".

In respect of highway matters, Policy 2 details 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 details 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 33 further reinforces the need for developments to be accessible via sustainable modes of transport.

Policy 36 of the SELLP, in conjunction with Appendix 6, sets out minimum vehicle parking standards and requires 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. Lincolnshire County Council's highways and sustainable drainage team have confirmed they have no objections to the proposed layout, following the submission of details related to the proposed visibility splay. The highways team have recommended a condition which would require the visibility splays to be maintained. 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 SELLP, as well as Section 9 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.

Biodiversity

It is noted that the public representation queried how a net gain in biodiversity is proposed to be achieved within the site. 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.

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 proposed development represents appropriate development within the defined settlement boundary. 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 be in accordance with policies 1, 2, 3 and 36 (including Appendix 6) 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.