DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H13-0642-23**	**Applicant:**	**B L M Builders Ltd**
Proposal:	Proposed Residential Development - 3 Dwellings		
Location:	Rear Of War Memorial Seas End Road Moulton Seas End		
Terminal Date:	13th September 2023		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
04	Approach to Flood Risk
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
17	Providing a Mix of Housing
28	The Natural Environment
29	The Historic Environment
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2021

5 - Delivering a sufficient supply of homes
12 - Achieving well-designed places
14 - Meeting the challenge of climate change, flooding and coastal change
15 - Conserving and enhancing the natural environment
16 - Conserving and enhancing the historic environment

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	1
WARD MEMBER	0	0	0	1
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SOUTH HOLLAND	0	0	0	1

INTERNAL DRAINAGE BOARD				
SHDC INTERNAL	1	0	1	0
OTHER STATUTORY BODIES	0	0	0	1
RESIDENTS	3	0	0	1

CASE OFFICER ASSESSMENT

PROPOSAL

This is a full planning application for a proposed residential development of three dwellings to the rear of the Grade II Listed War Memorial off Seas End Road, Moulton Seas End. The proposal seeks to provide a two storey dwelling toward the frontage of the site, with two single storey bungalows to the rear of the site. The two storey dwelling is sited approximately 6 metres to the east of the rear of the war memorial. This dwelling on Plot 1 will contain a wc, lounge, utility, and an open plan kitchen / dining area at ground floor level. Three bedrooms, an en-suite and a bathroom will be provided at first floor level. The first floor side elevation windows are to be obscure glazed.

The single storey bungalow on Plot 2 will be sited toward the northern boundary of the rear of the site. This bungalow will contain an integral single garage, four bedrooms, an en-suite, bathroom, wc, lounge, utility, and an open plan kitchen / dining area.

The single storey bungalow on Plot 3 will be sited toward the southern boundary of the rear of the site. This bungalow will contain three bedrooms, an en-suite, bathroom, utility room, and a combined kitchen, dining and lounge area.

The proposed materials of construction are to be red orange multi bricks, with terracotta pantiles or similar for the roofing materials. Exact materials of construction would need to be addressed via condition.

The war memorial and land surrounding is not included within the red line boundary of the application site.

A site visit was conducted on Friday the 4th of August.

SITE DESCRIPTION

The site is located in-between 51 Seas End Road to the north and 55 Seas End Road to the south. A property named The Retreat is located beyond the eastern line of low level trees and is accessed off a road called Pipwell Place. A Grade II Listed War Memorial is located at the western frontage of the site, and on the opposite side of the road is 30 Seas End Road.

The frontage of the side is partially open toward the southern boundary, with 1 metre high metal railings and a gate surrounding the war memorial. Established conifers are located at the southern boundary with a 1.8 metre high fence extending toward the rear of the site. An established hedge is located along part of the northern boundary at the boundary with the rear garden of 49 Seas End Road. A 1.8 metre high fence is located along the northern boundary around the side and rear boundary of 51 Seas End Road.

The site is located in Environment Agency Flood Zones 2 and 3, and is not subject to increase flood hazard or flood depth on the 2115 South Holland Strategic Flood Risk Mapping.

RELEVANT HISTORY

PE-00147-20

Enquirer advised that a single dwelling proposal at the rear of the site is the preferred form of development for the site. Care must be taken to not affect the setting of the Grade II listed war memorial.

H13-0651-20

Outline with all matters reserved - Residential Development - 2 Dwellings - Approved - 17 August 2021.

CONSULTATION RESPONSES

Lincolnshire County Council - County Highways & SUDS Department

No objections. Requests new access and utility connection informatives.

Lincolnshire County Council - Historic Places Team

"This section has commented on a previously approved application for residential development on this site. The proposed development is situated directly behind and within the setting of the Moulton Seas End War Memorial, which is a Grade II Listed asset. This section raised concerns regarding the impact on the setting of the listed war memorial and the local authority will want to satisfy itself that the new proposals do not significantly erode the communal value of the listed asset as a focus of public remembrance. In this respect I would defer to the advice offered by the Local Planning Authority's Conservation Officer as to the appropriateness of the development. There is no archaeological impact associated with the listed asset."

South Holland District Council - Environmental Protection

No comments.

South Holland District Council - Conservation Officer

"I write to confirm my objection to this proposal. The War Memorial is a Grade II listed Heritage Asset, of clear importance to the setting of Moulton Seas End village both in terms of its aesthetic value and the clear historic and community value. As such, it is of vital importance to the value of both the heritage asset and the wider setting that the War Memorial be respected by any proposal on the adjacent land. The war memorial, by its very nature is a place of public gathering. In their 2008 document, 'Conservation Principles', Historic England (then English Heritage) defined what could be considered the values by which heritage significance could be measured. Amongst these 4 'values', 'Communal Value' asserts that heritage value can be considered derived from the emotional or symbolic importance of sites such as war memorials, burial grounds, places of worship. It is therefore of paramount importance to the significance of the asset that not only the material of the structure is protected, but also the space around and its immediate setting, to ensure that the community value is not negatively impacted."

"As a matter of principle, I do not consider the proposal presented by this application to respect the character, setting, value or appearance of the Grade II listed memorial or its immediate setting in any sense."

"This site has previously been subject to pre-application advice from the Conservation Officer, under PE-00147-20, regarding a 2-property development, wherein it was expressed that a single-dwelling development would be the preference and that all development should be sited as far to the east of the plot, to minimise to an absolute degree any perception of encroachment upon or association with the Listed Memorial. This proposal fails to address any of the concerns raised by this office under that pre-application advice, instead exacerbating them."

"The scale of the development would appear totally cramped within its setting, and the scale, positioning and massing, particularly of proposed plot 1 would force the war memorial into visual subservience, having an entirely unacceptable harmful impact upon the listed war memorial. In

conjunction with a large boundary this proposal would serve only to visually 'hem' the memorial into a greatly reduced space that would appear more akin to a side garden to plot 1, than a space for public appreciation of the community heritage asset."

"Policy 29, Section A, Subsection 3 of the South East Lincolnshire Local Plan (2019) (SELLP) confirms the following:"

"Proposals that affect the setting of a Listed Building will be supported where they preserve or better reveal the significance of the Listed Building."

"Clearly, for the reasons listed above, this application fails to meet this standard. By visually encroaching and overbearing upon the listed memorial, Plot 1 of this proposal appears to enclose the war memorial and force it into subservience to the proposed housing development. This is an undoubted visual harm upon the listed asset, therefore failing to preserve or better reveal the significance of the asset."

"This harm to the heritage asset also therefore can be considered contrary to the requirements of Policy 2, Subsection 8 and Policy 3, Subsection 1 of the SELLP."

"I, therefore, recommend that this application be refused due to its inherent conflict with Policies 2, 3 and 29 of the SELLP."

South Holland District Council - Trees and Nature Conservation Officer

"Brief comments with regard to trees/nature conservation aspects following site visit of 30th August 2023."

"Typical area of semi-improved neutral grassland, much cock's-foot grass (Dactylis glomerata), evidence of several species of vetch and many grasshoppers likely to be the field grasshopper (Chorthippus brunneus). Currently a thriving grassland ecosystem. The proposed development does not reflect this in any form. There is potential on this site to have given consideration to the forthcoming requirements for a bio-diversity net-gain to be achieved alongside development, rather than a loss. Many have already embraced this ethos in readiness for the implementation of such."

"The site looks tight due to the scale of the potential dwellings, possibly reducing the size of dwellings to allow for an amenity area of grassland to be retained and managed to retain and enhance biodiversity (Not retained as an immaculate lawn) would have been an option, thus helping to sustain the current ecosystem."

"On the southern boundary of the site about half way along a species of Indian bean tree, likely to be Catalpha bignonioides overhangs the boundary from next door. Sadly it is encroached on by a laurel (Prunus laurocerasus) and elderberry (Sambucus nigra) so its condition could not be determined. The presence of this tree has been taken account of on the plans and a semicircular landscaping area provided. Obviously there is no reliability with regard to the tree being retained as we do not know its current condition or the inclination of those on whose land it grows. However I do question the proposed planting of two red maple within the area currently taken by the canopy spread of the Indian bean tree. According to the Eyewitness hand book on trees by Allen J, Coombes, published by Dorling Kindersley, 1992, red maple (Acer rubrum) can potentially reach 25m (80 feet) in height. Perhaps best to keep to the proposed low level planting scheme of low maintenance grasses and shrubs, and retain the overhanging branches of the Indian bean tree, which are most attractive when flowering."

"Should permission be granted, prior to development taking place the Root Protection Area of the Indian bean tree which encroaches in to the potential development site should be fenced off to British Standard 5837:2012."

"In the boundary at the south eastern corner of the proposed development site there are a few immature black poplars (Poplus nigra), possibly Lombardy poplars (Poplus nigra 'Italica') similarly the Root Protection Areas of these trees will require respecting where they encroach into the potential development site and should be fenced off to British Standard 5837:2012."

"Adjacent to the eastern boundary of the site on neighbouring property are fruit trees and adjacent to the northern end are four black poplars which have the potential for significant growth, and partially overhang the site. Their Root Protection Areas will require respecting where they encroach

into the potential development site and should be fenced off to British Standard 5837:2012."

"Poplars are high water demand trees and this will require to be taken into account when potential foundations are calculated."

"On the plans, a tree is shown drawn in the south eastern corner of 51 Seas End Road, as above; its Root Protection Area will require respecting where it encroaches into the potential development site and should be fenced off to British Standard 5837:2012."

"The hawthorn (Crataegus monogyna) hedgerow on the northern perimeter of the site (Who does it belong too?) should ideally be retained and maintained (taking into account seasonal pruning) at its present height (according to plans currently 3m plus in height; needs an accurate measurement if height conditioned). Space requires to be kept between the proposed dwelling and the hedgerow to enable this to happen, looks a bit tight on the plans. Two bedrooms and the bathroom in the proposed dwelling at Plot 2 will be permanently dark as they face north onto this hedge."

"Again hedges have Root Protection Areas which need respecting during development."

"To obtain access to the site conifers currently screening the adjacent property to the south will require removal. Very narrow access to the site in particular during building works due to the close proximity of the War Memorial. Obviously these trees must not be removed during the bird nesting period which is mainly between mid- February and end of September. There would appear no need to remove the privet bush (Ligustrum ovalifolium) in the north western corner of the frontage to the War Memorial. In many places the once common house sparrow (Passer domesticus) has suddenly declined. A flock of such birds frequently uses the same bush to live in all year round for generations. Apparently such a flock inhabits the privet bush and possibly the aforementioned conifers; if so it
would be a pity if either where removed without good reason. (House-sparrow nest boxes fixed to buildings have their place, but do not replace a site where a colony has lived for years and sheltered to escape predators such as sparrow hawks (Accipiter nisus)."

"To conclude:
- Consider potential for retention and enhancing of biodiversity.
- Basically, consider the growth potential of immature trees and influence on proposed and existing properties. (Look at proposed red maple near north eastern corner of the dwelling in plot one. Will the foundations of the adjoining property to the north be sufficient to accommodate it, think of the shading implications with it being on the south side of an existing property.)
- Red poplars are outstanding trees, but plant them in a position where they can be appreciated when
mature.
- Protect all trees/hedges which effectively trespass onto the site, by installing fences to protect their
Root Protection Areas immediately prior to and during development. Take them into account when foundations are designed.
- Leave space to enable easy maintenance of trees and hedgerows.
- Consider the aspect of the proposed dwellings and their dimensions, to avoid potential shading and
overlooking."

South Holland Internal Drainage Board

Requests further details of surface water disposal. If the applicant intends to dispose of foul water to a water course or to alter a water course then consent would be required from the Board.

Councillor Woolf

"Issues raised by local residents give me good reason to request this application is heard and determined at Planning Committee."

Moulton Parish Council

"The Parish Council would like to raise concerns about how close this would be to such a memorial and the potential damage to the stone due to vibrations of works carried out whilst building."

Members of the public

This application has been advertised in accordance with the Council's Statement of Community Involvement and the Development Procedure Order. In this instance, six letters of representation have been received. These can be summarised as:

Overdevelopment.
Overshadowing.
Overbearing.
Impact from proposed tree planting locations.
The proposed maximum growth height of the proposed trees is inappropriate for the site.
Noise post development.
Fire risk due to proximity of properties.
Surface water drainage concerns.
What are the environmental credentials of the proposal?
Impact on Electricity Substation.
Loss of biodiversity.
The site regularly floods.
Impact on Grade II listed monument.
Impact on remembrance day by reducing available land on which observers can gather.
Access and manoeuvrability is tight.
Not enough parking on site - leading to on street parking.
Lack of facilities in the area.
Light pollution
Impact on hedging to northern boundary if fence is erected.
Where are septic tanks to be located?

Disturbance during construction
Is there demand for new housing in the area?
Neighbours not consulted about proposed plans.
Why do the proposed dwellings have chimney stacks?
How are the properties to be heated?

KEY PLANNING CONSIDERATIONS

The main issues and considerations in this case are (but are not limited to):

Overdevelopment
Overshadowing
Overlooking
Tree Planting
Housing
Surface Water Drainage
Foul Water Drainage
Impact on bioversity
Impact on a listed monument

EVALUATION

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

In this case, the adopted South East Lincolnshire Local Plan 2011-2036, adopted March 2019, forms the development plan for the District, and is the basis for decision making in South Holland. The relevant development plan policies are detailed above.

The policies and provisions set out in the National Planning Policy Framework (updated September 2023) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

Furthermore, where a Neighbourhood Plan has been adopted, this alongside the adopted Local Plan, forms part of the Development Plan for the District, and must be considered when assessing development proposals. In this instance, no relevant neighbourhood plans have been adopted.

Principle

Policy 1 of the SELLP directs developments to the most sustainable locations. The proposal site is located wihtin the settlement boundary of Moulton Seas End, which is classed as an Other Service Centre and Settlement in the settlement hierarchy.

The relevant section of this policy states: "Within the settlement boundaries of the Other Service Centres and Settlements (as shown on the Inset Maps) development will be permitted 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. Development will normally be limited to Committed sites and infill."

Due to the shape of the site it is considered that any dwellings in this location would constitute infill. This is because the immediate frontage of the site has a Grade II listed monument adjacent to the footpath. To site a dwelling close to the monument would have a material impact on its setting. Permission for dwellings in a similar location has been granted to the rear of 43 and 45 Seas End Road under reference H13-0864-20.

As such, the proposal is considered to be in accordance with the requirements of Policy 1 of the South East Lincolnshire Local Plan when viewed in principle. This is subject to the assessment against site specific criteria; including (but are not limited to) the impact of the proposal on the character or appearance of the area, impact on the residential amenities of neighbouring occupiers, parking provision, and impact on a listed monument which are discussed in turn as follows amongst other matters.

Flood Risk, Site Levels and Drainage

The South East Lincolnshire Strategic Flood Risk Assessment (SFRA) provides an overview of how flood risk has been considered in shaping the proposals of the Local Plan; including the spatial strategy and the assessment of housing and employment sites. Policy 4 of the South East Lincolnshire Local Plan is clear in that "Development proposed within an area at risk of flooding (Flood Zones 2 and 3 of the Environment Agency's flood map or at risk during a breach or overtopping scenario as shown on the flood hazard and depths maps in the Strategic Flood Risk Assessment) will be permitted" in instances where specific criteria is met.

The site is located in Environment Agency Flood Zones 2 and 3, and is not subject to increased flood hazard or flood depth on the 2115 South Holland Strategic Flood Risk Mapping. The finished floor level of the two storey dwelling is 0.3 metres above average ground level, with a further 0.3 metres of flood resilient construction. The finished floor level of the two single storey bungalows is 0.4 metres above average ground level, with a further 0.3 metres of flood resilient construction. Surface water drainage would be addressed by soakaways, with foul water drainage addressed by a package treatment plant.

The proposed finished floor levels are considered to address potential flood risk, and a condition would be required to secure full details of surface water and foul drainage provision.

Character / Appearance

Section 12 of the National Planning Policy Framework (2023) specifically relates to 'Achieving well-designed 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 130 of the National Planning Policy Framework (NPPF), 2023 establishes that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area. That they are visually attractive, as a result of good architecture, and are sympathetic to local character. Likewise, Policy 2 of the SELLP, states that design which is inappropriate to the local area, or which fails to maximise opportunities for improving the character and quality of an area, will not be acceptable.

It is considered that the proposed design and layout constitutes a cramped and incongruous form of development that will have a material impact on the character and appearance of the surrounding area. Pre-application advice was given under PE-00147-20 which advised that a single dwelling on

site was the preferred form of development given the shape of the site and the built character of the surrounding area. Whilst outline approval was granted for the site for two dwellings, this permission was with all matters reserved, therefore any submitted indicative layout is not considered to carry material planning weight. The location of the two storey dwelling is considered to have a material impact on the setting of the listed monument, and will appear cramped due to the 1.4 metre separation distance to the boundary with 51 Seas End Road to the north, and the narrow landscaping strip gap to the private road access to the south.

There is considered to be a material impact on character and appearance from this proposal which does not accord with the relevant criteria of Policies 2 and 3 of the SELLP.

Amenity

Paragraph 130 of the National Planning Policy Framework (2023) 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 South East Lincolnshire Local Plan (2019) sets out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

Overdevelopment - The proposal is considered to have a material overdevelopment impact. Whilst the NPPF does not support underdevelopment of a site, to allow this density of development would create a detrimental precedent for the surrounding area. It would weaken the position of the Local Planning Authority were similar applications brought forward in the settlement. The density of the development has lead to concerns expressed with regard to road width, manoeuvrability, and lack of grassed land to help facilitate surface water drainage. The density of development coupled with a two storey dwelling is also considered to lead to a material overbearing impact on 51 Seas End Road due to a 1.4 metre separation distance to the boundary with 51 Seas End Road to the north.

Overshadowing - The proposal is considered to have a material overshadowing impact. Concerns were expressed to the agent by the Local Planning Authority early in the application process. It was suggested that a shadow cast report was generated to demonstrate the likely impact from light loss to throughout the day and seasons to 51 Seas End Road. This is due to the height of dwelling at Plot 1 and the proximity to the adjacent dwelling. There are three south facing ground floor windows and a conservatory at 51 Seas End Road adjacent to the proposed dwelling, with a further three south facing windows at first floor level. The submitted shadow cast drawings show a material impact on the ground and first floor windows throughout the year from approximately midday onwards for the remainder of sunlight hours. There is not considered to be a material overshadowing impact between the proposed bungalows or to the surrounding area.

Overlooking - There is not considered to be a material overlooking impact. This is because the bungalows to the rear of the site are single storey and bordered by fencing and established hedging. The ground floor windows of the two storey dwelling at Plot 1 will face proposed or existing hedging or proposed or existing fencing. The west facing first floor windows face the war memorial and beyond to the front of the site. The east facing first floor windows are considered to represent a standard frontage orientation. The first floor east facing windows are 26 metres from Plot 2 at the nearest point and 30 metres from Plot 3 at the nearest point. The south and north facing first floor side elevation windows serve a wc, bathroom and an en-suite and will be obscure glazed. It is therefore considered that there will not be an overlooking impact from any windows from any of the three proposed dwellings on site.

As detailed above, the scale and design of the proposal is considered to be such that there would be a significant or unacceptable impact on the residential amenities of the occupiers of adjacent properties or land users, when also taking account of the conditions recommended. As such, the proposal is considered to not to accord with the provisions of the Section 12 of the National Planning Policy Framework, and Policies 2 and 3 of the Local Plan.

Housing Need

Policies 10 and 11 of the SELLP set out the required housing needs for the district. As Moulton Seas End is classified as an Other Service Centre it does not have any housing targets. Development in this settlement is limited to infill and allocated proposed housing areas. It is

therefore considered that as this site constitutes infill it accords with Policies 10 and 11 of the SELLP.

Policy 17 states that a mix of housing is required to meet the needs of the local population. The proposed two storey dwelling and bungalows would help achieve this variation in property types. As the proposal is small in nature, the actual benefit to the housing stock is minimal, but should still weigh positively in favour of the development.

The National Planning Policy Framework (NPPF) outlines, within para 60, that "to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay".

Para 69 of the NPPF also emphasises the importance that the contribution of small to medium sized sites can make in meeting the housing requirements. ("Small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built-out relatively quickly"). This policy seeks to ensure that there is a sufficient supply of homes and advises that sites of all sizes make a contribution to the housing requirement of an area.

The proposal therefore conforms to Policy 10, 11 and 17 of the SELLP by providing a suitable mix of housing to the area.

Parking / Highway Safety

Section 9 of the National Planning Policy Framework (2023) specifically relates to 'Promoting sustainable transport'. Paragraph 111 of the National Planning Policy Framework (2023) 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.

Furthermore, Policy 36, to be read in conjunction with Appendix 6 of the South East Lincolnshire Local Plan, 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.

Plots 1 and 3 meet the minimum requirement of two off road parking spaces for dwellings with three bedrooms or fewer. Plot 2 meets the minimum requirement of three off road parking spaces for dwellings with four bedrooms or greater. The County Highways and SUDS Officer has no objections to the proposal and has requested standard access and utility informatives. Because the proposal includes a private road the Highways Officer cannot comment on the layout of the road. It is considered manoeuvrability is hampered to due to cramped nature of the site. Additionally, the access road is narrow and is located close to a proposed dwelling, existing boundary treatment and a Grade II listed monument.

The proposal would therefore be acceptable and would not have an acceptable adverse impact on highway safety in accordance with Local Plan Policies 2, 3 and 36, and Section 9 of the National Planning Policy Framework. However, concerns still remain with regard to manoeuvrability on site, and the ability for vehicles to enter and exit the site in a forward gear with ease.

Conservation and Heritage Impact

Policy 29 of the SELLP and Section 16 of the NPPF concern the conservation of heritage assets. Since the site is bordered by a Grade II listed monument, they are relevant to the proposal. Both ensure that any proposal conserves or enhances the character of the area.

The Conservation Officer objections to the proposal. "The War Memorial is a Grade II listed Heritage Asset, of clear importance to the setting of Moulton Seas End village both in terms of its

aesthetic value and the clear historic and community value. As such, it is of vital importance to the value of both the heritage asset and the wider setting that the War Memorial be respected by any proposal on the adjacent land. The war memorial, by its very nature is a place of public gathering. In their 2008 document, 'Conservation Principles', Historic England (then English Heritage) defined what could be considered the values by which heritage significance could be measured. Amongst these 4 'values', 'Communal Value' asserts that heritage value can be considered derived from the emotional or symbolic importance of sites such as war memorials, burial grounds, places of worship. It is therefore of paramount importance to the significance of the asset that not only the material of the structure is protected, but also the space around and its immediate setting, to ensure that the community value is not negatively impacted."

The presence of a private road access would reduce the available space for commemoration and lead to the potential for encroachment onto the pavement and adjacent highway.

The Conservation Officer then states:

"This site has previously been subject to pre-application advice from the Conservation Officer, under PE-00147-20, regarding a 2-property development, wherein it was expressed that a single-dwelling development would be the preference and that all development should be sited as far to the east of the plot, to minimise to an absolute degree any perception of encroachment upon or association with the Listed Memorial. This proposal fails to address any of the concerns raised by this office under that pre-application advice, instead exacerbating them."

"Policy 29, Section A, Subsection 3 of the South East Lincolnshire Local Plan (2019) (SELLP) confirms the following:"

"Proposals that affect the setting of a Listed Building will be supported where they preserve or better reveal the significance of the Listed Building."

"Clearly, for the reasons listed above, this application fails to meet this standard. By visually encroaching and overbearing upon the listed memorial, Plot 1 of this proposal appears to enclose the war memorial and force it into subservience to the proposed housing development. This is an undoubted visual harm upon the listed asset, therefore failing to preserve or better reveal the significance of the asset."

"This harm to the heritage asset also therefore can be considered contrary to the requirements of Policy 2, Subsection 8 and Policy 3, Subsection 1 of the SELLP."

"I, therefore, recommend that this application be refused due to its inherent conflict with Policies 2, 3 and 29 of the SELLP."

Given the above considerations the proposal does not accord with Policy 29 of the SELLP and Section 16 of the NPPF.

Impact on biodiversity

A site visit was conducted by the Trees & Nature Conservation Officer on Wednesday the 30th of August 2023. They have the following observations:

"Typical area of semi-improved neutral grassland, much cock's-foot grass (Dactylis glomerata), evidence of several species of vetch and many grasshoppers likely to be the field grasshopper (Chorthippus brunneus). Currently a thriving grassland ecosystem. The proposed development does not reflect this in any form. There is potential on this site to have given consideration to the forthcoming requirements for a bio-diversity net-gain to be achieved alongside development, rather than a loss. Many have already embraced this ethos in readiness for the implementation of such."

"The site looks tight due to the scale of the potential dwellings, possibly reducing the size of dwellings to allow for an amenity area of grassland to be retained and managed to retain and enhance biodiversity (Not retained as an immaculate lawn) would have been an option, thus helping to sustain the current ecosystem."

The Officer then details individual tree species on site and how they can be protected and enhanced. Their concluding remarks are:

" - Consider potential for retention and enhancing of biodiversity.
- Basically, consider the growth potential of immature trees and influence on proposed and existing properties. (Look at proposed red maple near north eastern corner of the dwelling in plot one. Will the foundations of the adjoining property to the north be sufficient to accommodate it, think of the shading implications with it being on the south side of an existing property.)
- Red poplars are outstanding trees, but plant them in a position where they can be appreciated when
mature.
- Protect all trees/hedges which effectively trespass onto the site, by installing fences to protect their
Root Protection Areas immediately prior to and during development. Take them into account when foundations are designed.
- Leave space to enable easy maintenance of trees and hedgerows.
- Consider the aspect of the proposed dwellings and their dimensions, to avoid potential shading and
overlooking."

It is considered that there has been minimal effort to address biodiversity on site. The proposal does not have a comparable amount of greenery or undeveloped land when compared to other addresses in the vicinity of the site.

For the above reasons the proposal is considered to not be in accordance with Policy 28 of South East Lincolnshire Local Plan, 2019, and Section 15 of the National Planning Policy Framework, 2023.

PLANNING BALANCE

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

The proposal is considered to constitute a cramped and incongruous form of development at odds with the character and design of the surrounding area. The layout and design of the 3 dwellings is considered to lead to an unacceptable impact on the amenity of adjacent properties, significantly impact the setting of the Grade II listed war memorial at the front of the site, and makes minimal effort to address biodiversity net gain.

CONCLUSION

This application is not considered to be in accordance with Policies 1, 2, 3, 4, 10, 11, 17, 28, 29, 36 and Appendix 6 of the South East Lincolnshire Local Plan, 2019, as well as Sections 5, 12, 14, 15 and 16 of the National Planning Policy Framework, 2023.

RECOMMENDATION

Based on the assessment detailed above, it is recommended that the proposal should be refused under Delegated Authority.

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.