

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H13-0651-20 **Applicant:** Pocklington Farms
Proposal: Residential Development - 2 Dwellings
Location: Land To The Rear Of War Memorial Seas End Road Moulton Seas End
Terminal Date: 18th August 2021

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 2019

Sections 2, 3, 4, 5, 11, 12, 14, 15 and 16.

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
IAN MARSHMAN, HISTORIC ENVIRONMENT OFFICER	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE	0	0	0	1

BOARD				
SHDC INTERNAL	0	0	1	0
OTHER STATUTORY BODIES	0	0	1	1
RESIDENTS	4	0	0	1

CASE OFFICER ASSESSMENT

Proposal

Outline planning permission is sought for 2 dwellings, with all matters reserved for subsequent approval. The application is accompanied by a Heritage Impact Assessment and a Flood Risk Assessment.

Site Description

The site (total area some 0.15ha) is located on the eastern side of Seas End Road within the centre of the village. It is currently grassed. The Moulton Seas End War Memorial (grade II listed), enclosed by iron railings, is located along the frontage.

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

Recent Planning History

H13-0727-18 - LBC - Clean and repair wording on War Memorial - Withdrawn

H13-0902-18 - LBC - Clean and repaint the War Memorial - Granted 18 October 2018.

Consultation Responses

Moulton Parish Council - The Parish Council has no issues with taking on the ownership and upkeep of the area surrounding the War memorial shown on the map.

LCC Highway/SUDs - Does not wish to restrict the grant of permission.

SHIDB - Request further drainage details. If the proposals involve the alteration of a watercourse, consent would be required under the Land Drainage Act 1991 (and Byelaw 4).

Environmental Protection - No comments or objections.

LCC Archaeology - The proposed development is situated directly behind and within the setting of the Moulton Seas End War Memorial, which is a Grade II Listed building. It may be possible to develop the site without causing significant harm to the setting of the war memorial but greater detail is needed as to how this can be achieved.

War Memorial Trust - The Trust is pleased to read the Heritage Statement which details the significance of the site and its setting. The applicant has provided a letter which confirms the Parish Council are willing to take ownership of the memorial and its surroundings. The Trust recommends that the war memorial and its wrought iron railings are adequately protected during works.

Public - Resident objections/comments received (summarised):

Room should be left around war memorial (grade II listed) to preserve its setting. Should not be in a front garden; Overdevelopment; Out of character; No requirement for additional homes in the village, which has few facilities; Overshadowing/blockage of light; ; overlooking/loss of privacy; Noise and disturbance; Flooding issues; Pollution; Access from road very tight; Poor visibility; Not enough parking spaces, encouraging parking on road; Loss of trees and habitat for birds and wildlife; Access roadway close to War memorial and neighbouring properties, which should not be damaged by construction traffic;

Planning Considerations

The main issues are:

- Principle;
- The effect of the proposed development on the character and appearance of the area and the setting of Moulton Seas End War memorial, which is grade II listed;
- Residential amenity;
- Highway safety;
- Other material considerations such as flood risk and ecology.

Principle

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

The proposed development is inside Moulton Seas End Settlement Limit as defined within the South East Lincolnshire Local Plan (SELLP), 2019. Policy 1 (Spatial Strategy) of the Local Plan indicates that within Other Service Centres, including Moulton Seas End, development will be permitted that supports their role as a service centre for the settlement itself, helps sustain existing facilities or helps to meet the service needs of other local communities. Development will normally be limited to committed sites and infill.

In this case the proposal would help sustain the existing settlement and is within the fabric of the village. The proposal is therefore satisfactory in locational terms and in accordance with Policy 1 of the SELLP.

Character/Appearance

Policy 2 of the SELLP states that sustainable development considerations should be met in relation to such matters as quality of design, size, scale, layout density and impact on the character and appearance of an area and the relationship to existing development. Policy 3 stipulates that development should respect the massing of neighbouring buildings.

The site is within an existing frontage along Seas End Road. However, there are also dwellings/other buildings situated further back within the locality on both sides of Seas End Road, including Sizen Court approximately 40 metres to the south. Moreover, a bungalow (The Retreat) is situated to the rear (north-east) of the site. It is considered that two dwellings could be satisfactorily accommodated upon the site without materially harming the established character or appearance of the streetscene or locality.

Moulton Seas End War Memorial (grade II listed) fronts the site. It was dedicated in 1920 as a memorial and commemorates the local fallen of the First and Second World Wars. The Memorial takes the form of a four-sided tall pillar of grey granite with a pyramidal top. The whole is surmounted upon a three-stepped square shaped base. It is enclosed by a low fence of wrought iron railings.

Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 requires that special regard must be had to the desirability of preserving the setting of listed buildings. Policy 3 of the SELLP stipulates that development should complement and enhance designated and non-designated heritage assets, whilst Policy 29 (The Historic Environment) suggests that proposals that do not preserve or enhance the setting of a listed building should not be supported.

The above policies are consistent with advice within the National Planning Policy Framework, 2019.

Paragraph 193 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 194 indicates that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

The application is accompanied by a Heritage Impact Study, which assesses the proposed development's likely effect upon the setting of the Grade II listed War Memorial. The present curtilage of the latter is only approximately 4.5m x 2.7m. The surrounding grassed area is presently owned by the applicant. The proposal includes a new public grassed area for remembrance (depth 9 metres) within the environs and curtilage of the Memorial, which could be secured by means of a S106 planning obligation. The site is bounded to the north and south by high hedgerows and modern residential development, which effectively screen off much of the area of the designated heritage asset from direct view.

The main element of the development proposal consists of 2 dwellings, along with the creation of a new private access driveway off the eastern frontage of Seas End Road. The latter would be positioned to the immediate south. The second element to this development proposal would consist of a new hedgerow and tree planting, along with a proposed new public grassed area for remembrance within the environs and curtilage of the War Memorial itself.

The Heritage Impact Assessment accompanying the application indicates that the designated heritage asset is of high significance and is situated in very close proximity to the proposed development site. Despite the proposed new landscaping works, which are to take place to mitigate the potential impact from this development proposal on the setting of the designated heritage asset, it is considered that there would still be a slight-moderate adverse impact from this proposed development on the designated heritage asset with a slight-moderate adverse change to its setting and a slight reduction to its significance.

Where a proposal would not lead to substantial harm to (or total loss of significance of) a designated asset, paragraph 196 of the Framework indicates that the harm should be weighed against the public benefits of the proposal. In this case it is considered that the slight-moderate adverse impact from the proposed development would be outweighed by the public benefits; namely, the provision of a public remembrance area around the memorial.

The proposal is therefore considered to generally accord with Policies 2, 3 and 29 of the SELLP and advice within the Framework in terms of character/appearance and heritage issues.

Amenity

A house is located to the north of the site (no. 51) and a bungalow to the south (no. 55). The former has a number of side windows overlooking the site and a conservatory at the rear set away from the boundary. Both the northern and southern boundaries are presently delineated by 1.8m closeboarded fencing. It is considered that two dwellings could be sited and designed so as not to materially harm the amenity of neighbouring residents in terms of overlooking, lack of privacy, overshadowing, overbearing effect, etc.

It is accepted that there would be some additional noise and general disturbance generated by additional vehicles and general activity within rear gardens, etc, as well as constructional traffic/work. However, the latter would be temporary and could be controlled by means of a construction management plan.

The proposal therefore satisfactorily complies with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan in this respect.

Highway Safety

Access to both properties would be via a private roadway alongside the War Memorial. Concerns have been raised on highway grounds, including visibility at the entrance. However, the County Highways Authority has been consulted and does not wish to restrict the grant of permission on highway safety grounds. Each property would have sufficient space for parking provision.

The proposal therefore satisfactorily complies with Policies 2, 3 and 36 of the South East Lincolnshire Local Plan in terms of highway safety/parking requirements.

Flood Risk/Drainage

The rear of the site falls within Flood Zone 3 (High Probability) within the Environment Agency's Flood Maps. A sequential test therefore needs to be undertaken. The Sequential Test is a decision making tool designed to ensure that areas at little or no risk of flooding are developed in preference to areas of higher risk. For development to pass the sequential test it needs to be demonstrated that there are no reasonably available alternative sites appropriate for the proposed development located in areas with a lower risk of flooding.

The Environment Agency's Flood Maps have been created as a tool to raise awareness of flood risk with the public and partner organisations, such as Local Authorities, Emergency Services and Drainage Authorities. The Maps do not take into account any flood defences. Also, large parts of the South Holland District lie within Flood Zone 3. It is therefore necessary to use the refined flood risk information (Hazard and Depth maps) within the South East Lincolnshire Strategic Flood Risk Assessment (2017) as a basis to apply the sequential test

In this case the site is located in an area of no hazard within the Strategic Flood Risk Assessment. The proposal therefore satisfies the sequential test. In such cases it is recommended that finished floor levels be raised 300mm above existing ground level.

Means of disposal of foul and surface water can be addressed by means of a condition.

The proposal is therefore in accordance with Policies 4 and 30 of the SELLP and advice within paragraphs 155 to 161 of the National Planning Policy Framework, 2019 in this respect.

Ecology

The site is currently grassed. There is no real evidence that protected species would be adversely affected by the proposed development.

Planning Balance

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

The site is within Moulton Seas End Settlement Limit as defined in the South East Lincolnshire Local Plan, 2019. The proposal would not harm the established character/appearance of the locality. There would be a slight-moderate adverse impact from this proposed development on Moulton Seas End War Memorial (grade II listed), with a slight-moderate adverse change to its setting and a slight reduction to its significance. However, this would be outweighed by the public benefits; namely, the provision of a public remembrance area around the memorial.

LCC Highways has raised no objections to the scheme on highway safety grounds and there are no flood risk issues.

The proposal therefore satisfactorily complies with Policies 1, 2, 3, 4, 28, 29, 30 and 36 of the South East Lincolnshire Local Plan (SELLP), 2019, plus advice within the National Planning Policy Framework, 2019. There are no significant factors in this case that indicate against the development and outweigh factors in favour of the proposal and the policies referred to above.

Conclusion

The planning balance lies in favour of the proposal.

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.

Recommendation

That the application be approved under delegated powers subject to the applicant entering into a S106 planning obligation to donate the area of land surrounding the War Memorial indicated on drawing no. SD19-045/2 (depth some 9 metres) to Moulton Parish Council.