

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H13-0682-22 **Applicant:** Mr R Tearle
Proposal: Proposed replacement dwelling and storage barn
Location: The Limes 15 Hall Gate Moulton
Terminal Date: 2nd September 2022

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
29	The Historic Environment
30	Pollution
31	Climate Change and Renewable and Low Carbon Energy
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2021

Section 2. Achieving sustainable development.
Section 4. Decision making.
Section 5. Delivering a sufficient supply of homes.
Section 9. Promoting sustainable transport.
Section 11. Making effective use of land.
Section 12. Achieving well designed 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.

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
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CASE OFFICER ASSESSMENT

Proposal

Full planning permission is sought for a replacement dwelling, plus a storage barn.

Description

The site (some 0.21ha) is located within a row of frontage properties on the western side of Hall Gate and is currently occupied by a late 19th/early 20th house with a contemporary extension and conservatory to the rear. Houses are located to the north and south and a grade II listed property (no. 12) on the opposite side of Hall Gate

Policies/Constraints

The site is within Moulton Settlement Limit as defined within the South East Lincolnshire Local Plan 2011-2036 (March 2019). It is outside Moulton Conservation Area.

Recent Planning History

None.

Consultation Responses

Moulton Parish Council

No response.

LCC Highways/SUDs

Does not wish to restrict the grant of permission.

SHIDB

Note that the applicant has indicated that they intend to dispose of surface water to an existing watercourse. However, I cannot see that a drainage strategy or plan has been provided, or that the viability of the proposed drainage strategy has been evidenced. To discharge surface water to a watercourse, consent will be required under Byelaw 3.

Public

No comments received.

Planning Considerations

The main issues are:

- Principle/sustainability;
- Character and appearance;
- The likely effect of the development upon the amenity of nearby occupiers;
- Highway safety;
- Other material considerations such as flood risk and drainage.

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 site is inside Moulton Settlement Limit as defined within the South East Lincolnshire Local Plan (SELLP), 2019. Policy 1 (Spatial Strategy) of the Local Plan indicates that within Minor Service Centres, including Moulton, 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 allocated and committed sites and infill.

In this case, the site is within the existing village fabric and the proposal constitutes frontage infilling. The proposal is therefore acceptable in spatial terms and is in accordance with Policy 1 of the SELLP.

The proposal involves the demolition of an existing attractive late 19th/early 20th Century house, which is of some historic/architectural interest. However, it is not listed or within Moulton Conservation Area. Given its lack of protection, demolition would be hard to resist.

Character/Appearance

Policy 2 of the South East Lincolnshire Local Plan (SELLP), 2019 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 complement and enhance designated and non-designated heritage assets and respect the massing of neighbouring buildings. 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, 2021.

Existing development within the immediate locality is generally late 19th/early 20th Century, with a few exceptions. The house to the north appears to be of a later period, whilst the property to the south is of recent construction, but based upon an Edwardian period dwelling. No. 12 Hall Gate (grade II listed) is situated opposite in well landscaped grounds and is a Georgian period property.

The replacement dwelling is essentially a modern interpretation of an Edwardian house, with some contemporary features. It would fit satisfactorily within the streetscene and would not materially harm the character or appearance of the area or setting of No. 12 Hall Gate.

The proposal satisfactorily accords with Policies 2, 3 and 29 of the South East Lincolnshire Local Plan, 2019 in this respect.

Residential Amenity

Policies 2 and 3 of the South East Lincolnshire Local Plan (2019) set out residential amenity and the relationship to existing development and land uses as main considerations when making planning decisions. They are consistent with advice within the National Planning Policy Framework (2021). Paragraph 130, amongst other matters, seeks places with a high standard of amenity for existing and future users.

Houses fronting Hall Gate are located to the north and south. The proposed dwelling would be situated on a relatively spacious plot and would be 5.8m from the northern boundary and a distance ranging between 9m and 10.8m approximately from the southern boundary. The common boundaries are delineated by fencing/hedging.

A number of rooflights are situated on the northern and southern elevations serving a recreational area, including a fire escape velux. Other than the latter they would be high level.

No resident objections have been received. It is considered that the dwelling could be accommodated without materially harming the amenity of neighbouring residents in terms of overlooking, lack of privacy, overshadowing, overbearing effect, noise and disturbance, etc.

The proposal satisfactorily accords with Policies 2 and 3 of the South East Lincolnshire Local Plan

in terms of amenity.

Highways

Policies 2 and 3 of the SELLP indicate that sustainable development considerations should be met in terms of access and vehicle generation levels and layout of car parking. Policy 36 and Appendix 6 set out the minimum standards for parking provision based upon the use class. Two spaces for dwellings with 3 or less bedrooms should be provided within the curtilage. Three spaces for dwellings with 4 or more bedrooms should be provided within the curtilage.

The existing access would be utilised and the proposal includes ample parking on site. LCC Highways has raised no objections on highway safety grounds.

Flood Risk/Drainage

Policy 4 of the SELLP is concerned with flood risk management and states, inter alia, that new development within Flood Zones 2 and 3 should pass the sequential test and be accompanied by a site specific flood risk assessment which should propose appropriate flood resistance and resilience measures to ensure the development maintains an appropriate level of safety for its lifetime.

In this case, the site is located within Flood Risk 1 on the Environment Agency Maps. The hazard mapping within South Holland's Strategic Flood Risk Assessment (SFRA) shows the site to be unaffected if a breach of the flood defence were to occur. The proposal therefore satisfies the sequential test.

In terms of the exceptions test, the finished floor level of the proposed dwelling should be 300mm above existing ground levels.

Foul water would be disposed of to the mains sewer and surface water to a watercourse, subject to consent from the South Holland Internal Drainage Board.

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 Settlement Limit as defined within the South East Lincolnshire Local Plan, 2019. The proposal is therefore acceptable on spatial grounds. The proposal involves the demolition of an existing attractive late 19th/early 20th Century house, which is of some historic/architectural interest. However, it is not listed or within Moulton Conservation Area. Given its lack of protection, demolition would be hard to resist.

The proposed replacement dwelling would not harm the character/appearance of the area or the setting of No. 12 Hall Gate, which is grade II listed. It is considered that the amenity of nearby residents would not be materially harmed in terms of overlooking, lack of privacy, overshadowing, blockage of light, overbearing effect, noise and disturbance, etc. LCC Highways has raised no objections to the scheme on highway safety grounds.

The proposal therefore satisfactorily complies with Policies 1, 2, 3, 4, 29 and 36 of the South East Lincolnshire Local Plan, 2019, plus advice within the National Planning Policy Framework, 2021. There are no significant factors in this case that indicate against the scheme and outweigh factors in favour of the proposal and the policies referred to above.

Conclusion

For the reasons outlined above 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 conditions.