

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	H13-0970-20	Applicant:	Larkfleet Homes
Proposal:	Erection of 2 Dwellings		
Location:	3 Shivean Gate, Moulton Spalding		
Terminal Date:	22nd March 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
29	The Historic Environment
30	Pollution
31	Climate Change and Renewable and Low Carbon Energy
32	Community, Health and Well-being
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2019

Sections 2, 4, 5, 12, 14 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 BOARD	0	0	0	2
NORTH LEVEL INTERNAL DRAINAGE BOARD	0	0	0	2
SHDC INTERNAL	0	0	1	0
OTHER STATUTORY BODIES	0	0	1	0
RESIDENTS	1	0	0	2

CASE OFFICER ASSESSMENT

Proposal

Full planning permission is sought for 2 no. 4 bed detached houses. It is essentially a renewal of H13-0283-16 and subsequent non-material amendment (ref. H13-0606-17), albeit with minor revisions.

Site Description

The site is located on the eastern side of Shivean Gate and is currently vacant. It was previously occupied by a bungalow and is just within Moulton Conservation Area. A number of listed buildings are situated within the locality, including No. 2 Shivean Gate almost opposite, which is an early 19th Century period property.

Houses are located to the north of the site (Nos. 5 Shivean Gate and 5 All Saints Close) and also opposite (Nos. 2 and 4 Shivean Gate). Three storey 19th Century properties are situated to the south (Nos 2, 4 and 6 High Street) and associated garden to the east.

Planning History

H13-0537-14 - Full - Replacement dwelling - Refused 21 October 2014

H13-0914-14 - Full - Replacement Dwelling - re-application following refusal of H13-0537-14 - Granted 23 December 2014.

H13-0283-16 - Full - Proposed 2 four-bedroom houses - Granted 6 June 2016.

H13-0078-17 - CC - Details of landscaping, external materials, design/position of meter boxes and boundary treatment (conditions 3, 4, 13 and 17 of H13-0283-16) - Approved 19 July 2017.

H13-0593-17 - C/C - Details of site and floor levels, footway and disposal of surface water and scheme of archaeology (Conditions 16, 19 & 20 of H13-0283-16) - Approved 19 July 2017.

H13-0606-17 - NMA - Proposed 2 four-bedroomed houses (approved under H13-0283-16) - Amendment to remove parapets - Approved 17 July 2017.

H13-0040-18 - C/C - Details of slate sample, doors, windows and frames, eaves and verges (Conditions 7, 8, 11 and Part 14 of H13-0283-16) - Approved 26 April 2018.

Consultation Responses

LCC Highways

No objections subject to provision of frontage footway.

SHIDB

I note that the applicant intends to discharge surface water to a sewer. I recommend that you satisfy yourselves that this proposal is in line with the drainage hierarchy (as per best practice) and is viable in this location.

Environmental Protection

No comments or objections.

LCC Archaeology

Request conditions.

Public

Resident objections received (summarised):

Overlooking/lack of privacy; Overshadowing; Loss of light; Concern regarding the narrow drives and no provision for turning; Cars will park on the street causing problems for local residents; Request swift boxes.

Planning Considerations

The main issues are:

- Principle;
- The effect of the proposed development on the character and appearance of Moulton Conservation Area and the setting of nearby listed buildings;
- Residential amenity;
- 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 proposed development 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 frontage infill within the existing village fabric and has previously had permission for 2 houses (ref. H13-0283-16). The proposal would help sustain the existing settlement. It is therefore satisfactory in locational terms and in accordance with Policy 1 of the SELLP.

Character/Appearance

The site is situated between a row of 19th century period properties immediately to the south-east (Nos 2-10 High St) and a modern house (No 5 Shivean Gate) to the north-west. Semi-detached houses are situated opposite (Nos 2 and 4 Shivean Gate). The former is an early 19th Century grade II listed house constructed in red brickwork with a slate roof.

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.

In accordance with the duty imposed by Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 local planning authorities are required to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. Furthermore, Section 66(1) of the same Act requires that special regard must be had to the desirability of preserving the setting of listed buildings. Moreover, paragraph 193 of the National Planning Policy Framework (NPPF) states that when considering the impact of new development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

Policy 3 of the SELLP stipulates that development should complement and enhance designated and non-designated heritage assets, whilst Policy 29 (The Historic Environment) indicates that proposals within, affecting the setting of a conservation area should preserve (and enhance or reinforce, as appropriate) features that contribute positively to the area's character, appearance and setting. It also states 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 design of the new properties reflects traditional vernacular and is based upon a 2 storey Georgian house. Unlike the previous bungalow on site, which was of no real architectural or historic merit, the dwellings would be an acceptable transition between the taller 19th Century properties to the south within Moulton Conservation Area and the more modestly proportioned house at No. 5 Shivean Gate. They would be constructed in a red stock brick with a slate roof, with traditional architectural detailing. It is considered that the proposal would preserve the character and appearance of the Conservation Area and the setting of nearby listed buildings, including No. 2 Shivean Gate opposite.

Thus, the proposal would be in accordance with the provisions of the respective sections of the Act and would accord with Paragraph 193 of the Framework, which attaches great weight to the conservation of designated heritage assets. It would also accord with Policies 2, 3 and 29 of the South East Lincolnshire Local Plan, 2019.

Residential Amenity

The proposed dwellings would be located to the south of Nos. 5 Shivean Gate and 5 All Saints Close. The dwelling on Plot 2 would be approximately 1.4 metres from the boundary with No 5 Shivean Gate at its nearest point, with a rear extension some 5.6 metres from the boundary. The north-western gable of the dwelling on Plot 2 would be blank and no first-floor window is situated on the north-western elevation of the rear extension. Overlooking of neighbouring properties to the north and south, including no. 2 High Street, would either be at an oblique angle or an acceptable distance from bedroom or landing windows. The front elevations of Nos 2 and 4 Shivean Gate are on the highway edge, some 9 metres opposite. As a consequence, their front windows already have a relatively low level of privacy.

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. Blockage of view over neighbouring land and property devaluation are not material planning considerations and therefore carry no weight.

A number of decorative trees (Cypress, plus a Corkscrew Willow and Magnolia) the subject of a tree preservation order were previously removed. However, it was previously decided that it was not in the public interest to enforce given the species concerned.

The proposal satisfactorily accords with Policies 2, 3 and 30 of the South East Lincolnshire Local in terms of amenity.

Highways

The proposal would have a shared entrance between the two properties with twin timber gates set back from the highway. Each plot would have 3 parking spaces, including the garages. LCC Highways raises no objections to the proposal on highway safety grounds, subject to the provision of a frontage footway as previously required.

Flood Risk/Drainage

The site is designated as 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 dwellings should be 300mm above existing ground levels.

Foul water would be disposed of to the foul sewer. Full surface water details have yet to be agreed.

Biodiversity

The explanatory text to Policy 28 of the SELLP sets out that development can incorporate a number of simple, low-cost measures to deliver biodiversity benefits and enhance priority habitats and species, such as, the use of bat roost boxes, green roofs or walls, and integrating nesting opportunities into buildings and green infrastructure. The use of swift bricks on new developments would help minimise the decline in swifts, a priority species.

A condition is suggested to address Policy 28.

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 in the South East Lincolnshire Local Plan, 2019. It is considered that the proposal would not harm the character/appearance of Moulton Conservation Area or the setting of nearby listed buildings, including no. 2 Shivean Gate opposite. 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, subject to the provision of a frontage footway.

The proposal therefore satisfactorily complies with Policies 1, 2, 3, 4, 29, 30 and 36 of the South East Lincolnshire Local Plan, 2019, plus advice within the National Planning Policy Framework, 2019. 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

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.