SOUTH HOLLAND DISTRICT COUNCIL

Report of: **Development Manager**

To: **Planning Committee - 10 November 2021**

(Author: **Greg Watkinson - Planning Conservation Officer)**

Purpose: **To consider Planning Application H13-0982-20**

Application Number:	H13-0982-20	**Date Received:**	30 October 2020
Application Type:	FULL		
Description:	Demolition of existing disused commercial premises and erection of 3 cottage style terrace units		
Location:	The Chase Moulton Spalding		
Applicant:	Mr W Lane	**Agent:**	Kirk Homes Ltd
Ward:	Cowbit, Weston and Moulton	**Ward Councillors:**	Cllr R Grocock Cllr A Casson Cllr A R Woolf

You can view this application on the Council's web site at
http://planning.sholland.gov.uk/OcellaWeb/planningDetails?reference=H13-0982-20

1.0 REASON FOR COMMITTEE CONSIDERATION

1.1 This application has received significant public objection and has also been requested to be considered at Committee by several members of South Holland District Council as well as the Local MP.

2.0 PROPOSAL

2.1 This planning application is for the demolition of an existing disused commercial premises and the erection of a terrace of 3 houses in its place, at The Chase, Moulton.

2.2 The building that it is proposed to demolish is a disused shoemakers workshop and has a footprint dimension 22.3 metres x 10.6 metres. The replacement structure would be 25.8 metres (27.6 metres if accounting for the proposed access between the new building and the extant structure to the West) x 7.1 metres in footprint and also 8.25 metres tall.

2.3 The proposed unit of 3 cottages are presented in a modest 1 and 1/2 storey configuration with traditional detailing such as white painted timber barge boards, clay pantiles, timber framed windows and low set dormer windows facing front.

2.4 At the ground floor elevation, to the front of the block, each property would feature 2 standard timber casement windows, a single vision timber door, and also a waist-height-to-eaves tall non-opening window. The central property is also proposed to feature a front-rear access alleyway, featuring segmental arch, closed off with a simple timber gate. At the first floor level, only a single dormer window will be present on each frontage, excluding the tops of the tall windows based from the ground floor. Each frontage is separated from the roadway by virtue of

a small 0.5 metre deep planting area and step.

2.5 It is proposed that each of the 3 dwellings would be serviced by roof windows upon the rear elevation set well above eye height to negate risk of southward overlooking. It is also proposed that there will be 1 first floor fixed rear elevation window on each dwelling which although mounted at below eye-height, are proposed to be small and formed using obscured glass. At rear ground floor level, there would be 2 timber casement windows per property with French doors also. Each plot to be separated at the rear using timber fencing. The aforementioned access alley/segmented arch for the central property leads to the rear elevation and into the garden/yard area. The two other properties are proposed to source rearward access either through the interior or via side access paths eat each end of the block of properties.

2.6 On the eastern and western gables of the block it is proposed to feature another waist-height-to-eaves tall non-opening window of the same style seen on the frontage of each property. No other features are present on the gables.

2.7 In the rear yard of each property, it is proposed that an individual waste storage structure will be erected giving each property an area of waste storage.

2.8 It is proposed that the area of the plot to the east of the development will form a car park containing 6 allocated bays - 2 allocated parking spaces per property.

2.9 The proposal has been amended since submission to reduce the height of the proposed structure and also to better define the parking provision on-site.

3.0 SITE DESCRIPTION

3.1 The proposal site is a 'backland' plot, currently occupied by a disused shoemakers workshop.

3.2 The site sits in a central, although secluded position within the Conservation Area of Moulton.

3.3 The extant structure is of no aesthetic or historic value to the Conservation Area at large. It dates roughly to the late 1800s or early 1900s, being constructed of 2 major parts, the earlier brick structure and a much later, taller timber extension.

3.4 To the north of the site are the domestic garden spaces of Millgrave House and 12 High Street.

3.5 To the immediate east of the site is an unused area of hard standing (where the proposed car park is located). Further yet to the east is the grounds of the Abbeygate Retirement Home.

3.6 To the west of the site is the rear of 18 High Street, to which the extant building is currently attached, as such, this outlook would only be that of a solid wall made good after demolition works.

3.7 To the south are the domestic garden space of the Grade II listed Mulberry House, and also the extremely significant, Grade I listed Moulton Mill.

3.8 The Historic England listing description of Mulberry House reads like so;

"Millhouse with bakehouse, now house. Early C18, mid C18, mid C19, C20. Red brick. Slate roof with ashlar coped gables, moulded wooden eaves cornice, with projecting gable stack to right, single gable stack to left. Mid C18 main house of 2 storeys with attic, 3 bay front with plinth, first floor band and a band above the first floor windows. Central doorway with open mid C19 porch with plain square piers and pilasters, entablature, inner panelled door with plain and marginal overlight. Doorway flanked by single glazing bar sashes. 3 glazing bar sashes above. All the windows with flush wedge lintels and cambered heads. 2 dormers with lead roofs, segmental heads and single 2 light casements. Attached to right is a lower rendered early C18 wing, single storey with garret, 2 bays, and with a brick coped gable and gable stack. C20 glazing bar casement in west front, with semi-circular head. Single glazing bar sash to right and

another above. To the left is a lean-to containing a Venetian window and decorative glazing bar sashes. To the right is another low wing originally the bakehouse with a C20 glazing bar casement."

3.9 The Historic England listing description of Moulton Mill reads the following;

"Tower mill. c.1822, by Robert King, 1895, 1928. Brown brick. Corrugated iron shallow pointed roof of 1928, with finial, and dentillated brick eaves. 8 storeys plus basement, a total of 80 feet in height to the curb. 18 feet, 9 inches in diameter at ground level; 12 feet in diameter at curb. 3 round basement openings, one each to the south-east, south-west and north-west. To the north is a large drive wheel, part of steam engine gearing inserted after 1895 after the sails had been damaged by gales. West side with flanking flights of 8 stone steps on each side that lead up to doorway with cambered head and panelled door. 7 glazing bar casements, one above the other, above; that on the third floor inserted into blocked doorway that originally gave access to reefing stage. North and south sides each with 8 glazing bar casements, one above the other above. East side with a 2 storey granary attached masking the lower 3 storeys, the ground floor of early C19 and rendered, the upper floors of 1895 and in red brick. Both storeys with pivotal glazing bar casements. 5 glazing bar casements rise one above the other, above the roof of the granary. All the windows with cambered heads. Almost all the internal machinery survives intact. The basement contains the engine drive gearing of c.1895 which originally powered the subsidiary shaft rising up to the great spur wheel. The first floor contains an electrically powered Turner Inkoos Mill, a Kibbler and a Hunt's roller mill. The second floor contains storage bins and the third, originally the spent floor with bridge trees and now missing the governor. 2 pairs of French stones remain in place on the fourth floor, one inscribed: 'WJ & T Child.Maker. Hull. 1853'. Pair of grey stones lean against wall. Spur wheel with iron nuts and morticed wooden cogs, iron hub and rib, with wooden radiating spokes. Small iron nut engages the subsidiary drive shaft. Fifth and sixth floors with bins intact. Upper two floors are empty. Above, the wallower with chamfered and stopped wooden shaft with upper iron section, and an exceptional wooden clasp arm bevel wheel with wooden cogs. Endless chain sack hoist formerly driven from a friction rim on the underside of the wheel. Hexagonal wooden curb frame built into the brickwork, with iron track, inward facing tooth ring and centring wheels running below. The wind shaft no longer exists but the tail bearing housing remains. This is the tallest windmill in the country (not including the tallest complete windmill, including the cap, at Sutton in Norfolk). Source: Dolman, p.23. Buildings at entrance to road now demolished.

3.10 Being a central location within Moulton, there are various listed buildings within close walking distance of the site.

3.11 The proposal site itself is characterised as being a former industrial 'backland' site with modern introduction of residential development.

3.12 The central portion of Moulton in general can be characterised by a mix of historic residential, commercial and industrial development, mainly in the Georgian and Victorian styles.

4.0 RELEVANT PLANNING POLICIES

4.1 **The Development Plan**

South East Lincolnshire Local Plan, March 2019

If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, Section 38 (6) to the Town and Country Planning Act as amended by the 2004 Act states that the determination must be made in accordance with the plan unless material considerations indicate otherwise.

1 - Spatial Strategy
2 - Development Management
3 - Design of New Development
4 - Approach to Flood Risk
11 - Distribution of New Housing
17 - Providing a Mix of Housing
28 - The Natural Environment
29 - The Historic Environment
30 - Pollution

36 - Vehicle and Cycle Parking

National Guidance

National Planning Policy Framework (NPPF), 2021

Section 5 - Delivering a sufficient supply of homes
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

Planning Practice Guidance (PPG)

5.0 RELEVANT PLANNING HISTORY

5.1 H13-0765-82

Change of use of former "Packing shed" to agricultural and motor vehicle repair workshop. Approved on 19-01-83

6.0 REPRESENTATIONS

6.1 Cllr A Woolf

Requests the application be considered at Planning Committee.

6.2 Cllr L Sneath

As District and County Council Heritage Champion, I aspire to protect the rural charm of our local villages and I have 2 main concerns about this application in the heart of this village conservation area. The plans for 3 cottages are a greedy overdevelopment of this small site. Another concern is the increase in cars leaving the properties and crossing a busy pavement between 2 popular village shops, both busy and well used. The passageway from the site to the pavement and road is extremely narrow, not wide enough for a car and a pedestrian to pass.

The 2 residents of The Chase already suffer regular inconvenience from shoppers parking across their entrance. When the factory was in use, many years ago, the staff mainly worked in the village and walked to work and deliveries were rare so an increase to six residents cars and possibly visitors as well is bound to cause dangerous issues.

6.3 Rt Hon Sir John Hayes CBE MP

Over the course of the original consultation, and the consultation to amendments, a total of 3 objection letters were received from Rt Hon Sir John Hayes CBE MP. 2 of these were received prior to the amendment, 1 was submitted in response to the amendment. Their content can be summarised as follows;

- The proposed styling of the structure is out of keeping with the surroundings. The proposed dormer windows, tall slit windows and clay pantiles are alien to the Conservation Area
- First floor front windows will overlook to the north.
- 3 Properties is an overdevelopment of the site and will lead to little to no amenity space for residents.
- Access to The Chase is too narrow and vision is so restricted it will present a risk to pedestrians and vehicles alike. Furthermore, there is no turning space for deliveries and emergency vehicles.
- The addition of 3 properties will substantially increase the amount of traffic along the chase which is not suited to regular vehicular comings and goings.
- It is not sufficient as an argument against the impact of the access to state that the County Council Highways Authority have raised no objections.
- A single well designed property would represent a far more appropriate form of development
- The amendments to the design of the proposal make little difference to previous objections.
-Requests that the application be considered at the Planning Committee.

6.4 South Holland Internal Drainage Board

- We would recommend that the proposed strategy is supported by ground investigation to determine the infiltration potential of the site and the depth to groundwater. If on-site material were to be considered favourable then we would advise infiltration testing in line with BRE Digest 365 (or equivalent) to be undertaken to determine its efficiency. If (following testing) a strategy wholly reliant on infiltration is not viable and a surface water discharge is proposed to a watercourse, then the proposed development will require land drainage consent in line with the Board's byelaws (specifically byelaw 3). Any consent granted will likely be conditional, pending the payment of a Surface Water Development Contribution fee, calculated in line with the Board's charging policy

- Not aware of any riparian owned/maintained watercourses within or adjacent to the site boundary. However, this should be confirmed by the applicant. If the proposals do involve the alteration of a watercourse, consent would be required under the Land Drainage Act 1991 (and Byelaw 4).

6.5 Lincolnshire County Council Historic Environment Officer

Proposal site is in a location likely to host archaeological evidence. As such, it is requested that the standard Archaeological Scheme conditions be applied to any approval.

6.6 Lincolnshire County Council Lead Local Highways and Flood Authority

The Highways and Lead Local Flood Authority response is in relation to the impact the proposed development would be expected to have on the operation of the Public Highway. The proposed development is located on a private road and the highway authority has no jurisdiction over the use of this road. With regard to this application we have considered the safety and impact of these proposals on the High Street and its junction with the private road. It is for the Local Planning Authority to determine whether the access provided by the private road is safe and suitable for all users.

As Lead Local Flood Authority, Lincolnshire County Council is required to provide a statutory planning consultation response with regard to drainage on all Major Applications. This application is classified as a Minor Application and it is therefore the duty of the Local Planning Authority to consider the drainage proposals for this planning application.

The development proposals will generate on average 21 vehicle trips per day, the site already has permission for a commercial use use and this will generate a comparable amount of trips. It is therefore not be possible to raise an objection to the proposals based on traffic impact, in accordance with the NPPF.

6.7 Historic England

Does not wish to offer any comments, recommends that the Local Planning Authority's specialist conservation and archaeology advisors be consulted.

6.8 South Holland District Council Environmental Protection Officer

Requests that the standard contaminated land condition be applied to any approval.

6.9 South Holland District Council Inward Investment Manager

No objection.

6.10 Public

Over the course of the original consultation, and the consultation to amendments, a total of 10 local objection letters were received. These can be summarised into the following planning points;

- The Chase is narrow and unsuitable for additional traffic.
- The entrance junction to the chase is busy and this creates a dangerous access.
- Further development will make passing and turning along the chase impossible.

- The proposed properties have no garden
- The proposed frontages are too close too the roadway, making it dangerous to exit the properties.
- Dormer windows will project from the elevation, making entrance and exit for HGVs and other large vehicles impossible.
- The proposal is an overdevelopment of the site.
- Dormer windows would overlook gardens of properties to the North.
- Design is not reflective of the Moulton Conservation Area.
- Trees to the south mean that the residences would be constantly overshadowed.
- Rear dormer windows overlook to the south.
- Views of and from the Mill would be spoiled.
- Clay pantiles are not vernacular to the area.
- Proposed structure's increased height over the extant presents an overshadowing risk.
- Proposal should be 1 single bungalow.
-The height of the properties, 2.75m taller than the extant structure is out of keeping with the conservation area.
- Swift Bricks should be conditioned if approved.

7.0 CONSIDERATIONS

7.1 Planning Considerations

7.2 Principle of Development

7.3 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.

7.4 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.

7.5 Furthermore, the site sits within flood risk zone 1 which is the lowest designation of risk.

7.6 For the above reasons, the principle of residential development at this site is deemed to be acceptable.

7.7 Heritage Impact

7.8 The Local Planning Authority does not consider there to be any risk presented to the value or significance of either the designated heritage asset in the form of the Conservation Area or that of any nearby listed properties.

7.9 The purpose of a Conservation Area is not to establish a design orthodoxy within an area. It is simply to ensure that the design and nature of development within is appropriate in terms of styling, influence and impact, particularly from publicly viewable areas of the Conservation Area.

7.10 The prohibition of modern or locally novel features such as the tall slit windows, dormer windows and clay pantiles is not supported in planning policy relating to development within Conservation Areas. Moulton itself is awash with multiple historic patterns and stylistic flourishes. It would be inappropriate to suggest that all development should follow an orthodoxy which either does not exist, or which is not based on a realistic image of the village and associated patterns of development.

7.11 The above is especially true from a design perspective when considering the setting. This is a back land and formerly commercial setting. It is not easily visible from any portion of the Public Realm within the Conservation Area, being set down The Chase which is a small, private

accessway. Therefore, the impact of the proposal upon publicly appreciable portions of the Conservation Area, positive or negative is negligible. Furthermore, design touches such as the red clay pantiles may at first seem at odds with the surrounding, however, detailed consideration of the setting and design would suggest that such features can be considered acceptable and even well-suited to their Conservation Area setting, even through slate tiles may be the accepted norm at street frontage development in the area. As a backland plot, it is more historically likely that such development, especially if commercial in nature or related to workers, would feature clay pantiles due to the historically cheaper nature of the clay tiles compared to the slates used in publicly viewable areas. Several properties within the Conservation Area themselves do not utilise slates, even several properties within visual range make use of concrete pantiles. The extant structure itself does not use slates, instead option for contrasting industrial coverings.

7.12 For many of the same reasons, it is a fallacy to suggest that unconventional or even dormer windows are alien to the Conservation Area setting. Several historic and in some cases listed properties within visual range of the site feature dormer windows, as well as windows which are not of the conventional box style.

7.13 Much concern has been raised over the impact upon views of the Grade I listed Moulton Mill. It should at first instance be raised that there is no right to a view from private space established within planning policy. Policy 29 of the South East Lincolnshire Local Plan, 2019, however, does state that wherever a development within the Conservation Area would impact views within the Conservation Area. It should:

1. Retain buildings/groups of buildings, existing street patterns, historic building lines and ground surfaces;
2. Retain architectural details that contribute to the character and appearance of the area;
3. Where relevant and practical, remove features which are incompatible with the Conservation Area;
4. Retain and reinforce local distinctiveness with reference to height, massing, scale, form, materials and plot widths of the existing built environment;
5. Assess, and mitigate against, any negative impact the proposal might have on the townscape, roofscape, skyline and landscape;
6. Aim to protect trees, or where losses are proposed, demonstrate how such losses are appropriately mitigated against.

7.14 The proposal seeks only to remove a building which it is established is of no aesthetic or historic value to the conservation area, it does not seek to alter the street pattern. Historic building lines remain untouched and no local ground surfaces are deemed to be worthy of recognition.

7.15 The proposal does not seek to physically impact upon any architectural features within the Conservation Area which contribute to the area's value.

7.16 This proposal does in fact propose the removal of a structure which is very utilitarian and not at all attractive. The structure it is proposed to demolish is also unused. By removing this structure it could be argued that the proposal helps to remove a building which is considered incompatible in terms of design to the area.

7.17 The proposals do not seek to create a residence which is out of keeping with its surroundings in terms of scaling, massing, form, materials or plot widths. The proposed properties are, in fact somewhat commensurate with the massing, plot widths etc of many nearby terraced properties. The scale of the property, certainly in terms of height throughout is also far more complimentary to the area, not at all dwarfing or towering over any nearby properties, being of a generally smaller stature than most residential development in the immediate area.

7.18 The impact upon the perceived skyline, townscape and roofscape is a salient point to raise in this case, as views of the Moulton Mill are afforded to many locations within the Conservation Area. Such a development will likely impact upon views of that building within a close proximity. However, the views which would be impacted are almost exclusively within private realm, with the proposed new structure bearing absolutely no impact upon views afforced to the public realm. There is otherwise no right to a view from private domestic spaces established within planning policy. The single exception to this case is that views of the Mill from the Churchyard

risk being very slightly diminished due to the roughly ~2.5m greater height of this building over the extant property. Given the height of the Moulton Mill and the angle of view from the church yard, what views are possible from the yard will barely be impacted upon with only slight reductions in the amount of the lower portion of the mill being visible, not at all impacting upon the general character of the view or in any way detracting from the perceived magnificence of that site as appreciated from the public realm.

7.19 It would also be inappropriate to suggest that development be prohibited in the setting of the mill given the central setting of that building and historic precedence for built form surrounding the site - much of it, including many of the residences in the immediate setting, actually taller than the proposed development.

7.20 The proposal does not seek to impact upon any established trees.

7.21 It is clear that effort has been made to suggest a more traditional and modest style in terms of style which befits the intended character of the site of small workers' cottage style properties. This is presented as a reasonable context for the proposed style.

7.22 It will be ensured by means of condition that all external materials, including doors and windows, are fully commensurate with the Conservation Area setting of the proposal.

7.23 For the reasons listed above, by virtue of a proposal which makes an effort to reference traditional design whilst utilising modern flourishes in an avoidance of bland, uninteresting design, while simultaneously also ridding the Conservation Area of an unsightly, unused commercial site, the Local Planning Authority considers this proposal to be an enhancement of the Historic Environment in line with the requirements of Section 16 of the National Planning Policy Framework (2021) and also the provisions of Policy 29 of the South East Lincolnshire Local Plan (2019)

7.24 Design and Layout

7.25 Paragraph 130 of the National Planning Policy Framework (NPPF), 2021 establishes that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area; and are visually attractive as a result of good architecture and sympathetic to local character and history, including the surrounding built environment and landscape setting. 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. As outlined above, it is considered that the general style and design of the property is appropriate to the setting, particularly when considered in the context of a Conservation Area.

7.26 The proposed structure would be 25.8 metres x 7.1 metres in footprint and also 8.25 metres tall. Whilst this is larger in width and height than the existing structure, these dimensions overall appear commensurate with its setting in terms of scale, mass and bulk. Especially in reference to neighbouring residential properties and similar examples of this proposal's type within the area.

7.27 The visual impact of the proposed development is deemed acceptable upon the village and backland character of the setting. Attention has clearly been paid to presenting a proposal which within the context of a 3 dwelling development is modest in style and scale and compatible with its surroundings, especially in terms of scale and massing. As mentioned in the 'heritage impact' section above, some more modern or non-conventional design features are already present within the Moulton Conservation Area. Whilst larger than the extant structure, the proposed structures will still appear diminutive in scale, particularly in reference to other properties along The Chase. Furthermore, the proposal would not be readily visible from any portions of the public realm and would not materially impact upon any protected views from the public realm.

7.28 Furthermore, the proposed footprint of the block of properties is dimensionally very similar in terms of the visual massing of the building to that of the extant property - it is 4 metres wider dimensionally, but at almost half the depth, the overall scale must be understood to be quite similar. Surrounding properties are taller and for reasons listed later in this report, the enhanced

height is not considered to present any risk of incongruousness or overshadowing. It must therefore, be said that from a visual standpoint, the massing of the site will only be marginally altered by these proposals and therefore should not be considered to be a visual overdevelopment of the site. Later 'Road Safety' and 'Parking Provision' sections of this report will outline how The Chase as an access road and the proposed parking provision are suited to the proposal, meaning the site also cannot be considered an overdevelopment in terms of capacity.

7.29 Overall, it is considered that the proposal will not have a material or detrimental effect upon the character of the area. The proposal is modest in scale for its format and materials deemed appropriate to the location will be secured by means of condition. The proposal therefore complies with Policies 2 and 3 of the South East Lincolnshire Local Plan (2019).

7.30 Road Safety

7.31 The Lincolnshire County Council Highways Authority have been consulted on this application and whilst only able to comment on the safety of the emerging junction through onto The Chase, have raised no objection with the safety of the entrance and exit to the site. They have also calculated that with the scale of the development, 21 daily vehicle trips along The Chase will be created by such a development.

7.32 Much concern has been raised about the suitability of The Chase for accepting such a proposal. With the narrow width and lack of passing or turning spaces commonly amongst the concerns raised. However, The Chase already plays host to the vehicular accesses of 3 large homes with far greater vehicular capacity than any of the three proposed 2 bedroom dwellings. The Chase already does not feature passing places or established turning areas, having only previously informally relied upon the land to the east of the proposal, owned privately by the applicant. The calculations of the LCC highways authority that the current commercial use of the site presents a very similar generation of traffic suggest that a residential development of three 2 bedroom houses will not represent a material increase in the traffic capacity of The Chase, meaning that this development cannot be considered an overdevelopment in terms of capacity. Furthermore, even if the proposed car park were to be full to capacity, the entrance and exit corridor will still remain free, for vehicles to carry out reversing J-turns if there is a need to turn round outside of the driveways or parking spaces of the properties those vehicles are visiting. Larger heavy goods vehicles etc which would not be capable of such manoeuvres are already unsuitable for The Chase and would find it impossible to gain access to the site as it already stands, with 3 large domestic properties along it.

7.33 The proposed dimensions of the new block of properties is further receded from the roadside than the extant building, even when taking account of the dormer and bay windows and so, dimensionally, the proposal actually forms a marginally wider access to The Chase than already exists.

7.34 Finally, whilst the space in front of the properties, for stepping out onto is relatively small, being only 0.5 metres deep, it is still sufficient to allow for an open door and standing pedestrians without impacting upon the accessway. Refuse is not intended to be stored in this area, rather it is intended that it should be stored in the rear refuse storage shelters, and therefore, there is no perceivable risk of refuse blocking any access.

7.35 Residential Amenity

7.36 Policy 2 of the South East Lincolnshire Local Plan states that all forms of development should take into account *"(...) impact upon neighbouring land uses by reason of noise, odour, disturbance or visual intrusion"*

7.37 Much concern has been raised locally regarding the risk of overlooking and overshadowing. With respect to overlooking, it should immediately be stated that there is no risk of overlooking presented to the south at all by these proposals. The proposed roof windows, including those on the southern elevation are to be mounted well above eye-height. The only south facing rear windows at first floor height are proposed to be very small casement windows with opaque glass that mitigates against any risk of overlooking. To the north, however, there is some concern regarding the dormer windows (the only north facing first floor level windows).

However, the view afforded to these windows is across a shared accessway, the other side of which is domestic driveway or garden space. All windows present on both properties to the north run perpendicular to the proposed viewing angle and the domestic outdoor space is either shielded from view by established planting or already readily viewable from the street level along the shared access.

7.38 Similarly, due to the southern positioning of the sun, the only overshadowing risk presented is to the same properties to the north. These properties are already subject to a degree of overshadowing by the extant property, and it would be a fallacy to suggest that this proposal introduces a risk which was not present already, although the severity of the risk is still enhanced by the increased height of the proposed structure. However, given the existing built form, it would appear that the vast majority of the overshadowing effect would be manifested upon the shared accessway and domestic garden space - whilst this is an overshadowing factor, generally, overshadowing of garden space is not considered to be a reason for refusal alone. Moreover, much of the development along The Chase has been shielded from such an effect by making use of substantial planting, which provide a shade generation sources of their own upon those same areas.

7.39 With regards the residential amenity of the proposed properties themselves, concern has been raised over the level of private amenity space. Each of the three properties will be formatted with a modest, but fully appropriate rear lawn/yard. Additionally, for the same reasons why these proposals do not present overlooking or overshadowing risks themselves, there is no risk of overlooking to these proposed properties presented by any neighbouring properties. No substantial built form exists to the direct south of the site, mitigating any overshadowing risks and all visible windows run perpendicular to those on any elevation of the proposed block of properties.

7.40 Parking provision

7.41 Appendix 6 of the South East Lincolnshire Local Plan states that all properties up to 3 bedrooms should be supplied with 2 parking spaces. Each of these three proposed properties are 2 bedroom and therefore, the provision of 6 allocated parking spaces (2 per property) is deemed to be in accordance with both Policy 36 and Appendix 6 of the South East Lincolnshire Local Plan (2019).

7.42 Refuse Storage

7.43 Policy 3 of the South East Lincolnshire Local Plan (2019) sets out that all new residential development should include provision for refuse storage. It is proposed that all 3 properties will be provided with individual refuse storage shelters to the rear.

7.44 Flood Risk/Drainage

7.45 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.

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

7.47 Foul water would be disposed of to the foul sewer. Full surface water details have yet to be agreed and this matter may be dealt with by condition.

7.48 Biodiversity

7.49 The explanatory text to Policy 28 of the South East Lincolnshire Local Plan 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 included to address Policy 28.

7.50 Planning Balance

7.51 These proposals represent an example of well thought-out design which incorporates quality of design and materials. It is important to recognise that the Conservation Area setting does not support the notion of design orthodoxy within Moulton, which is itself a village with many contrasting styles of property. A small development of 3 properties which would not be readily visible from the public realm is not deemed to have any detrimental impact upon the character of the Conservation Area or any material impact upon any public views of the Grade I listed mill. Being within the settlement boundary for Moulton and within the lowest possible flood risk area, the principle of such a development is acceptable. Whilst some further objections have been received regarding overlooking, overshadowing, these concerns have been addressed in the above report and supported, where applicable by the comment of statutory consultees,

7.52 The Planning Balance is therefore considered to be in favour of the proposal.

7.53 Conclusion

The proposal is considered to be in accordance with Policies 1, 2, 3, 4, 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 (2021).

Additional Considerations

Public Sector Equality Duty

7.54 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.

7.55 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

7.56 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.

7.57 It is not considered that the recommendation in this case will have a disproportionately adverse impact on a protected characteristic.

Human Rights

7.58 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).

7.59 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.

8.0 RECOMMENDATIONS

8.1 **Grant planning permission subject to the conditions listed at Section 9.0 of this report.**

9.0 CONDITIONS

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

   Reason: As required by Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

   Application Form
   Heritage Impact Assessment
   A1427-01
   CM-002 A
   CM-011 A
   CM-010 B
   CM-012 B

   Reason: For the avoidance of doubt and in the interests of proper planning.

3. No development shall take place until a written scheme of archaeological investigation has been submitted to and approved in writing by the Local Planning Authority. This scheme should include the following and should be in accordance with the archaeological brief supplied by the Lincolnshire County Council Historic Environment advisor on behalf of the Local Planning Authority:

   1. An assessment of significance and proposed mitigation strategy (i.e. preservation by record, preservation in situ or a mix of these elements).
   2. A methodology and timetable of site investigation and recording
   3. Provision for site analysis
   4. Provision for publication and dissemination of analysis and records
   5. Provision for archive deposition
   6. Nomination of a competent person/organisation to undertake the work
   7. The scheme to be in accordance with the Lincolnshire Archaeological Handbook.

   The archaeological site work shall only be undertaken in accordance with the approved written scheme.

   Reason: To ensure the preparation and implementation of an appropriate scheme of archaeological mitigation in accordance with national guidance contained in Section 16 of the National Planning Policy Framework, 2021. This issue is integral to the development and therefore full details need to be finalised prior to the commencement of works.
   This Condition is imposed in accordance with Policy 29 of the South East Lincolnshire Local Plan, 2019.

4. The applicant shall notify the Lincolnshire County Council Historic Environment Department in writing of the intention to commence at least fourteen days before the start of archaeological work required in connection with Condition 3 above in order to facilitate adequate monitoring arrangements.

Reason: To ensure satisfactory archaeological investigation and retrieval of archaeological finds in accordance with national guidance contained in Section 16 of the National Planning Policy Framework, 2021.
This Condition is imposed in accordance with Policy 29 of the South East Lincolnshire Local Plan, 2019.

5. A copy of the final report required in connection with Condition 3 above shall be submitted within three months of the work being carried out to the Local Planning Authority and the Lincolnshire Historic Environment Record. The material and paper archive required as part of the written scheme of investigation shall be deposited with an appropriate archive in accordance with guidelines published in The Lincolnshire Archaeological Handbook.

Reason: To ensure satisfactory arrangements are made for the recording of possible archaeological remains in accordance with national guidance contained in Section 16 of the National Planning Policy Framework, 2021.
This Condition is imposed in accordance with Policy 29 of the South East Lincolnshire Local Plan, 2019.

6. The development hereby permitted shall not be commenced until a scheme to deal with any contamination of land or pollution of controlled waters has been submitted to and approved in writing by the Local Planning Authority (LPA) and until the measures approved in that scheme have been implemented. The scheme shall include all of the following measures:

i) a desk-top study carried out to identify and evaluate all potential sources of contamination and the impacts on land and/or controlled waters, relevant to the site. The desk-top study shall establish a 'conceptual site model' and identify all plausible pollutant linkages. Furthermore, the assessment shall set objectives for intrusive site investigation works/Quantitative Risk Assessment (or state if none required). Two full copies of the desk- top study and a non-technical summary shall be submitted to the LPA without delay upon completion.
ii) if identified as being required following the completion of the desk-top study, a site investigation shall be carried out to fully and effectively characterise the nature and extent of any land contamination and/or pollution of controlled waters. It shall specifically include a risk assessment that adopts the Source-Pathway-Receptor principle, in order that any potential risks are adequately assessed taking into account the sites existing status and proposed new use. Two full copies of the site investigation and findings shall be forwarded to the LPA without delay upon completion.
iii) thereafter, a written method statement detailing the remediation requirements for land contamination and/or pollution of controlled waters affecting the site shall be submitted to and approved in writing by the LPA, and all requirements shall be implemented and completed to the satisfaction of the LPA. No deviation shall be made from this scheme. If during redevelopment contamination not previously considered is identified, then the LPA shall be notified immediately and no further work shall be carried out until a method statement detailing a scheme for dealing with the suspect contamination has been submitted to and agreed in writing by the LPA.
iv) two full copies of a full closure report shall be submitted to and approved in writing by the LPA. The report shall provide verification that the required works regarding contamination have been carried out in accordance with the approved Method Statement(s). Post-remediation sampling and monitoring results shall be included in the closure report to demonstrate that the required remediation has been fully met.

Note
The applicant is advised that the phased risk assessment required by the Contaminated Land Scheme Condition should be carried out in accordance with the procedural guidance of the Environmental Protection Act 1990 Part 11A.
The applicant's attention is also drawn to the document entitled "Developing Land Within Lincolnshire - A guide to submitting planning applications to develop land that may be contaminated", which can be obtained through the Local Environmental Health Department.

Reason: To assess whether the site is polluted and to address any pollution to ensure a satisfactory development. This issue is integral to the development and therefore full details need to be finalised prior to the commencement of works.
This Condition is imposed in accordance with Policy 30 of the South East Lincolnshire Local Plan, 2019.

7. Before the commencement of the development hereby permitted beyond oversite a schedule of external materials of construction of buildings and hard surfaced areas shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the materials so approved.

Reason: To ensure that the Local Planning Authority retains control over the external materials of construction of the development in the interests of the appearance of the development, and the character and visual amenity of this part of the Conservation Area in which it is set.
This Condition is imposed in accordance with Policies 2, 3 and 29 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 16 of the National Planning Policy Framework, 2021.

8. Details of the design of all external doors and door frames to be utilised in the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority prior to their installation. Such details shall indicate, at a scale of not less than 1:10, the longitudinal and cross-sectional detailing (including reveals), threshold and lintol detailing, and means of opening. The doors and door frames shall be installed in accordance with the approved details and thereafter so maintained.

Reason : To ensure that the Local Planning Authority retains control over these details of the development in the interests of the appearance of the development, and the character and visual amenity of this part of the Conservation Area in which it is set.
This Condition is imposed in accordance with Policies 2, 3 and 29 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 16 of the National Planning Policy Framework, 2019.

9. Details of the window frames to be utilised in the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority prior to their installation. Such details shall indicate, at a scale of not less than 1:10, the longitudinal and cross-sectional detailing (including reveals), cill and lintol detailing, and means of opening. The window frames shall be installed in accordance with the approved details and thereafter so maintained.

Reason: To ensure that the Local Planning Authority retains control over these details of the development in the interests of the appearance of the development, and the character and visual amenity of this part of the Conservation Area in which it is set.
This Condition is imposed in accordance with Policies 2, 3 and 29 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 16 of the National Planning Policy Framework, 2019.

10. The rainwater goods utilised in the development hereby permitted shall be coloured black and of metal construction and thereafter so maintained.

Reason: In the interests of the appearance of the development and the character and visual amenity of this part of the Conservation Area in which it is set.
This Condition is imposed in accordance with Policies 2, 3 and 29 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 16 of the National Planning Policy Framework, 2021.

11. Details of the design and positions of all external boxes for gas and electricity supplies and of any gas flues and soil vent pipes shall be submitted to and approved in writing by the Local Planning Authority prior to their installation and there shall be no variation from the details so approved.

Reason: To ensure that the Local Planning Authority retains control over these details of the development in the interests of the appearance of the development, and the character and visual amenity of this part of the Conservation Area in which it is set.
This Condition is imposed in accordance with Policies 2, 3 and 29 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 16 of the National Planning Policy Framework, 2021.

12. Prior to their installation full details of the proposed roof light(s) shall be submitted to and approved in writing by the Local Planning Authority. The roof light(s) shall be installed in accordance with the approved details and thereafter so maintained.

Note: The applicant is advised that a flush fitting rooflight of traditional design, having a slim metal frame and central vertical glazing bar, would be appropriate.

Reason: To ensure that the Local Planning Authority retains control over these details of the development in the interests of the appearance of the development, and the character and visual amenity of this part of the Conservation Area in which it is set.
This Condition is imposed in accordance with Policies 2, 3 and 29 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 16 of the National Planning Policy Framework, 2021.

13. Before the development is commenced beyond oversite, full details of the proposed soakaway system for the disposal of surface water from the development hereby permitted, including percolation test results, shall be submitted to and approved in writing by the Local Planning Authority. This shall include the calculations undertaken to determine the volume of storage required. Should the percolation test results be considered unacceptable by the Local Planning Authority details of an alternative means of providing for surface water drainage shall be submitted for consideration. The approved means of surface water drainage shall be implemented in full before the development hereby permitted is first brought into use.

Reason: To ensure that the site is adequately drained, to avoid pollution, and to prevent increased risk of flooding.
This Condition is imposed in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 14 of the National Planning Policy Framework, 2021.

14. 6 swift nest bricks shall be incorporated within the external walls of the properties hereby approved and shall be retained thereafter.

Reason: In the interests of biodiversity.
This Condition is imposed in accordance with Policy 28 of the South East Lincolnshire Local Plan, 2019.

15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, (or any Order or Statutory Instrument revoking and re-enacting that Order), none of the following developments or alterations shall be carried out.

i) the erection of freestanding curtilage buildings or structures including car ports, garages, sheds, greenhouses, pergolas or raised decks;
ii) the erection of house extensions including dormer windows, conservatories, garages, car ports, porches or pergolas;
iii) alterations including the installation of replacement or additional windows or doors and the installation of roof windows.

Reason: To ensure that the Local Planning Authority retains control over the future extension and alteration of the development, in the interests of its architectural and visual integrity, levels of residential amenity and the visual amenity and character of this part of the Conservation Area within which it is set.
This Condition is imposed in accordance with Policies 2, 3 and 29 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 16 of the National Planning Policy Framework, 2021.

16. The water consumption of each dwelling hereby permitted should not exceed the requirement of 110 litres per person per day (as set out as the optional requirement in Part G of the Building Regulations 2010 and the South East Lincolnshire Local Plan, 2019). The person carrying out the work must inform the Building Control Body that this duty applies. A notice confirming the requirement for the water consumption has been met shall be submitted to the Building Control Body and Local Planning Authority, no later than five days after the completion of each individual dwelling.

Reason: To protect the quality and quantity of water resources available to the district.
This Condition is imposed in accordance with Policy 31 of the South East Lincolnshire Local Plan, 2019.

17. The Local Planning Authority has acted positively and proactively in determining this application by assessing it against all material considerations, including national guidance, planning policies and representations that have been received during the public consultation exercise, and by identifying matters of concern within the application and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal.

This decision notice, the relevant accompanying report and the determined plans can be viewed online at http://planning.sholland.gov.uk/OcellaWeb/planningSearch

Background papers:- Planning Application Working File

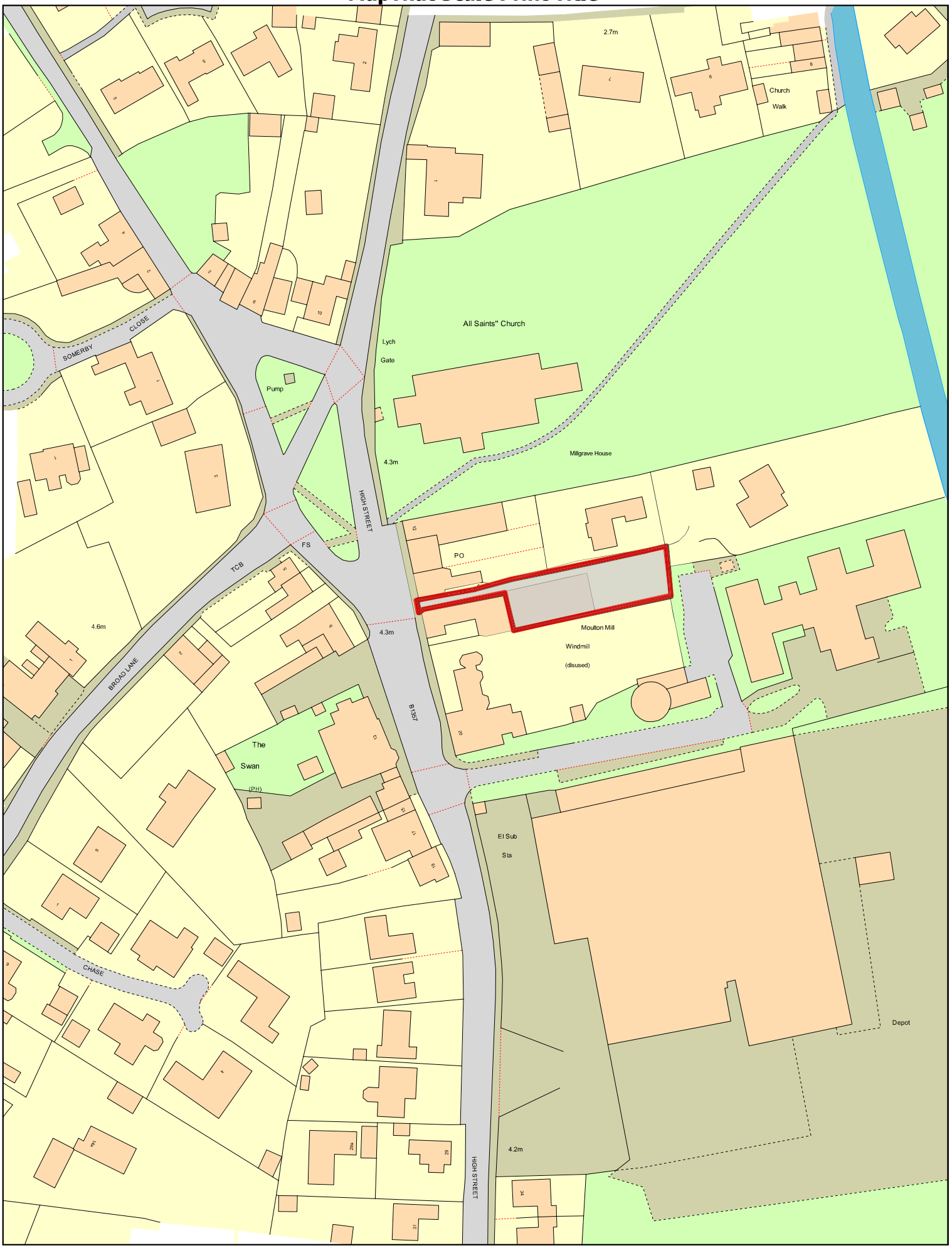
Lead Contact Officer

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Appendices attached to this report:

Appendix A Plan A

MapThat Scale Print Title



SOUTH HOLLAND DISTRICT COUNCIL

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MAP SCALE 1:1250
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