

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H13-1009-23 **Applicant:** BLM Builders Ltd
Proposal: Residential Development - 2 Dwellings - Outline Approval H13-0651-20
Location: Rear Of War Memorial Seas End Road Moulton Seas End
Terminal Date: 30th January 2024

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
28	The Natural Environment
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 2023

Section 2. Achieving sustainable development.
Section 4. Decision making.
Section 5. Delivering a sufficient supply of homes.
Section 12. Achieving well designed and beautiful 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
SHDC INTERNAL	0	0	1	0
OTHER STATUTORY BODIES	0	0	1	1
RESIDENTS	2	0	0	0

CASE OFFICER ASSESSMENT

Proposal

The site has outline planning permission for residential development (2 plots), with all matters reserved for subsequent approval (ref. H13-0651-20). Reserved matters approval is now sought for a 3 bed house on plot 1 and a 4 bed bungalow with attached double garage on plot 2 at the rear.

Site Description

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

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

The site is located in Environment Agency Flood Zones 2 and 3, but is predominantly within an area classified as low hazard within the South East Lincolnshire Residual Flood Hazard Mapping dated February 2017.

War Memorial Listing Description

Moulton Seas End war memorial stands on the east side of Seas End Road. Dedicated in 1920, the memorial is a polished granite column with a two-stepped base. The memorial commemorates those who died in the First World War and the Second World War. This memorial takes the form of a tall, four-sided pillar of grey granite, with a moulded and dentilated cornice and a moulded foot. The pillar is crowned by a small, four-sided block of granite with a pyramidal top. The whole surmounts a three-stepped, square base.

The memorial was unveiled on 25 January 1920. It was constructed by the local monumental mason Henry Tagg of Holbeach at a cost of £169, which was raised by public subscription. The land upon which it stands was donated by local farmer Mr William Pocklington. It commemorates twenty-two members of the local community who lost their lives in the First World War. Following the Second World War, the dates of the conflict and the three names of the local servicemen who died were subsequently added to the memorial.

History

H13-0651-20 - Outline - Residential Development (2 dwellings) - Approved 17 August 2021 subject to S106 planning obligation relating to donation of land in association with the war memorial. All matters are reserved for subsequent approval.

Note accompanying decision notice:

The frontage property should be of a high standard of design and reflect traditional vernacular to preserve the setting of the War Memorial, which is grade II listed. The property at the rear should be single storey and the section of the private roadway adjoining the War Memorial should be block paved.

H13-0642-23 - Full - Proposed Residential Development - 3 Dwellings - Refused 20 September 2023.

Reasons:

1. Overdevelopment. Cramped/incongruous.
2. Scale and massing harm setting of grade II listed War Memorial.
3. Loss of biodiversity.

Consultation Responses

Moulton Parish Council

No response received.

LCC Highways and Lead Local Flood Authority

No objections.

South Holland Internal Drainage Board

Cannot see that the applicant has identified a drainage strategy for the site within their application. We recommend a drainage strategy is provided for the site. If the applicant proposes to discharge surface water to a watercourse, consent would be required under Byelaw 3.

The applicant has not indicated how they propose to dispose of foul water from the development. If the applicant proposes to discharge treated foul water to a watercourse, consent would be required under Byelaw 3.

Environmental Protection

Contamination - No comments.

Noise - No comments.

War Memorials Trust

The Trust concurs with the conclusions of the Heritage Impact Assessment which supplemented application H13-0651-20, principally that the proposed residential development to the rear would have a moderate adverse impact on the setting and significance of the war memorial. Whilst the proposed hedgerow and tree screening to the east would mitigate the impact of the development, the two-storey property behind will visually dominate the setting. The removal of an existing mature hedgerow screen to the south of the heritage asset will further impact upon the setting of this designated heritage asset and have a slight adverse impact upon its significance.

Reiterate that a condition survey be undertaken prior to the commencement of building works and upon completion, to assess if any damage has been caused to either the war memorial or its iron railings during the construction of the dwellings, subject to approval.

Public

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. Resident objection received (main points

summarised):

- No requirement for additional housing of this nature.
- Limited facilities in village.
- Overdevelopment. Out of character.
- Properties and trees too close to neighbouring property. Cause overshadowing, blockage of light, damage, fire risk, light pollution, etc. Maintenance issues.
- On site cabin on plot 1 should be well away from neighbouring property
- Proposed Red Maple trees cause damage to neighbouring properties. Should be copper/Silver Birch
- Access very tight and inadequate. Danger of damage to War Memorial.
- Inadequate parking/turning. Lead to parking on roads and stop people parking to pay respects.
- Construction management practices should be put in place relating to restriction on working hours, construction traffic, parking, working practices, utilities, etc.
- Should have renewable energy facilities.
- Lack of drainage strategy. Inadequate space for soakaways and little green space. Prone to flooding.
- Neighbouring properties have drainage pipe work on land
- Object to trees being felled for driveway. Provide habitat for nesting birds, which will be disturbed.
- Field provides habitat for wild flowers, birds, mammals, frogs, bees, newts, etc. how will this be maintained/protected?
- In danger of damaging War Memorial (SAM).
- Space left for War Memorial inadequate. Would be in someone's front garden.
- What do villagers want for area, including bench, etc.

Planning Considerations

The principle of 2 dwellings on the site has been established by virtue of the outline planning permission (ref. H13-0651-20). This application is therefore to assess the reserved matters, which are as follows:

- i) the layout, scale and external appearance of the building(s) (including a schedule of external materials to be used);
- ii) the means of access to the site, including construction of the private roadway; and
- iii) the landscaping of the site (including boundary treatment).

The main issues therefore are:

- Whether the layout, scale and external appearance of building(s) is acceptable on visual amenity, heritage and amenity grounds.
- Access/highway issues
- Landscaping.

It should be noted that all other matters such as foul and surface water drainage and construction management fall outside the remit of this application and that a separate condition compliance application would need to be submitted to discharge those matters.

Evaluation

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

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

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

The Authority is able to demonstrate a supply of deliverable sites equivalent to in excess of 5 years through the latest Housing Land Supply Assessment.

Character/appearance and heritage matters

Policy 2 of the South East Lincolnshire Local Plan outlines sustainable development considerations

for development proposals, providing a framework for an operational policy to be used in assessing the sustainable development attributes of all development proposals. Furthermore, Policy 3 accords with the provisions of section 12 of the National Planning Policy Framework (Dec 2023), in that it requires development to comprise good design; identifying issues that should be considered when preparing schemes so that development sits comfortably with, and adds positively to, its historically-designated or undesignated townscape or landscape surroundings.

These policies accord with the provisions of the National Planning Policy Framework (December 2023) and require 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.

Section 12 of the Framework specifically relates to 'achieving well-designed and beautiful places' and details that "the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve" and as such, it is generally accepted that good design plays a key role towards sustainable development.

Paragraph 135 of the Framework states that new development should function well and add to the overall quality of the area (including beyond the short term) and should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping. It should also be sympathetic to local character and history, including the surrounding built environment and establish a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live.

Proposals for new development therefore require the aforementioned considerations to be adequately assessed and designed, including the siting, design and scale to be respectful of surrounding development and ensure that the character of the area is not compromised.

Policy 29 (The Historic Environment) states amongst other matters that the distinctive elements of the South East Lincolnshire historic environment will be conserved and, where appropriate, enhanced, in keeping with the policies in the National Planning Policy Framework. Development proposals will be expected to conserve and enhance the character and appearance of designated and non-designated heritage assets, including archaeology, historic buildings, conservation areas, scheduled monuments, street patterns, streetscapes, landscapes, parks (including Registered Parks and Gardens), river frontages, structures and their settings through high-quality sensitive design.

Paragraph 203 of the National Planning Policy Framework (December 2023) relates to heritage assets and states that local authorities should take account of "the desirability of new development making a positive contribution to local character and distinctiveness." Paragraph 207 goes further and indicates that "where a proposed development will lead to substantial harm to a designated heritage asset, local planning authorities should refuse consent" unless there are substantial public benefits.

Whilst the proposed hedgerow and tree screening to the rear of the war memorial would help to mitigate the impact of the development, the two-storey property behind would still visually dominate and thereby harm the setting of the grade II listed war memorial.

Paragraph 208 of the National Planning Policy Framework (December 2023) states that "where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use". In this case, there are not considered to be any public benefits that outweigh the harm.

Also, the character of existing development along this section of Moulton Seas End Road is predominantly that of frontage detached dwellings, with some backland properties mainly on larger and more spacious plots. However, the bungalow on plot 2 at the rear takes up a significant proportion of the plot by virtue of its size and scale and constitutes overdevelopment.

It is therefore considered that the proposed design and layout constitutes an inappropriate and cramped form of development that would have a material impact on the character and appearance of the surrounding area and the setting of the grade II listed war memorial. Pre-application advice was given under PE-00147-20 which advised that a single dwelling on site was the preferred form of development given the shape of the site and the built character of the surrounding area. Whilst outline approval was subsequently granted for the site for two dwellings, this permission was with all matters reserved, therefore any submitted indicative layout is not considered to carry material

planning weight.

For the above reasons, therefore, the proposal fails to accord with the relevant criteria of Policies 2, 3 and 29 of the SELLP.

Amenity

Policies 2 and 3 of South East Lincolnshire Local Plan (2019) sets out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

Paragraph 135 of the National Planning Policy Framework (December 2023) states that development should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Overdevelopment - The proposal is considered to have a material overdevelopment impact by virtue of the scale and location of the proposed dwellings. Both dwellings are close to neighbouring boundaries to the detriment of the amenity of neighbouring residents.

Overshadowing - The proposal is considered to have a material overshadowing impact. There are south facing ground floor windows and a conservatory at 51 Seas End Road adjacent to the proposed dwelling, with a further three south facing windows at first floor level. It is considered that there would be a material impact on the ground and first floor windows throughout the year from approximately midday onwards for the remainder of sunlight hours. There is not considered to be a material overshadowing impact in relation to the bungalow at the rear or to the surrounding area.

Overlooking - There is not considered to be a material overlooking impact. This is because the bungalow to the rear of the site is single storey and bordered by fencing and established hedging. The ground floor windows of the two-storey dwelling at Plot 1 will face proposed or existing fencing. The west facing first floor windows face the war memorial and beyond to the front of the site. The east facing first floor windows are considered to represent a standard frontage orientation and overlooking would be oblique. The first floor east facing windows are 12-18 metres from Plot 2. The northern elevation has a staircase window only set back from the boundary. Whilst the southern elevation includes a bedroom window it is set back from the neighbouring boundary. It is therefore considered that there will not be a material overlooking impact.

2.1m high fencing is proposed along boundaries adjoining neighbouring dwellings to the north and south to address overlooking given that finished floor levels will be raised to address flood risk, as per condition 8 of the outline consent (ref. H13-0651-20).

As detailed above, therefore, the scale and design of the proposal is such that there would be a significant or unacceptable impact on the residential amenities of the occupiers of adjacent properties or land users in terms of general relationship and overshadowing. As such, the proposal fails to accord with the relevant criteria of Policies 2 and 3 of the Local Plan and the provisions of Section 12 of the National Planning Policy Framework, December 2023.

In respect of other matters raised, maintenance rights are a civil as opposed to planning matter. Fire regulations fall outside planning. A condition was imposed concerning construction management and this will therefore be the subject of a separate condition compliance application.

Means of access/highway issues

Policy 2 details that proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to access and vehicle generation. Policy 3 details that development proposals will demonstrate how accessibility by a choice of travel modes including the provision of public transport, public rights of way and cycle ways will be secured, where they are relevant to the proposal.

Further, Policy 36, to be read in conjunction with Appendix 6 of the South East Lincolnshire Local Plan, sets out minimum vehicle parking standards and requires at least two spaces for dwellings of up to three bedrooms and three spaces for dwellings with four or more bedrooms.

Section 9 of the National Planning Policy Framework (December 2023) specifically relates to 'Promoting sustainable transport'. Paragraph 115 of the Framework advises that "development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe".

The scheme includes two parking spaces for plot 1 and at least three (including attached garage) for plot two, with adequate turning space. No lawful on-site parking will be removed in relation to the war memorial. The County Highways Authority does not wish to restrict the grant of permission on highway safety grounds. The proposal therefore accords with Policies 2, 3 and 36 on highway grounds.

Landscaping

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 impact or enhancement for areas of natural habitats. Policy 3 indicates that development proposals should, where relevant to the proposal, include the incorporation of existing hedgerows and trees and the provision of appropriate new landscaping to enhance biodiversity.

Policy 28 outlines that a high quality, comprehensive ecological network of interconnected designated sites, sites of nature conservation importance and wildlife-friendly greenspace will be achieved by protecting, enhancing and managing natural assets. This policy details a need to address gaps in the ecological network by ensuring that all development proposals shall provide an overall net gain in biodiversity.

Additional tree planting (Red Maple) is proposed, along with a new Beech hedge. Nevertheless, it is considered that there has been minimal effort to address biodiversity on site. The proposal does not have a comparable amount of greenery or undeveloped land when compared to other addresses in the vicinity of the site.

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

Concerns have been raised on overshadowing and structural grounds in relation to the positioning of large Red Maple trees next to neighbouring boundaries. However, the species of these trees could be revised if consent was forthcoming.

Flood risk/drainage

Flood risk has previously been addressed as part of the outline consent (ref. H13-0651-20) and a condition imposed requiring the development to be carried out in accordance with the submitted flood risk assessment. The latter indicated that the site has a low 'actual risk' of flooding. It therefore recommended that the floor level of single storey dwellings is 0.4m above surrounding site levels and the floor level of two storey dwellings is 0.3m above surrounding site levels. It also recommended that there is flood resilient construction to a height 0.3m above finished floor level.

Drainage details do not fall within the remit of this reserved matters application, but rather a subsequent condition compliance application.

War Memorial

Issues have been raised in relation to the war memorial. In response, frontage land has been donated in conjunction with it and it is for Moulton Parish Council to decide what facilities to provide, maintenance, etc.

Planning Balance

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

It is considered that the layout and design constitutes an inappropriate and cramped form of development that would materially harm the character and appearance of the surrounding area and

the setting of the grade II listed war memorial fronting the site. Moreover, the proposal would have an adverse effect upon the amenity of neighbouring residents by reason of its close proximity and overshadowing (plot 1). Also, the submitted landscaping scheme makes minimal effort to address biodiversity net gain.

In this instance, there are no material considerations in favour of the scheme that outweigh the aforementioned concerns.

CONCLUSION

This application is not considered to be in accordance with Policies 2, 3, 28 and 29 of the South East Lincolnshire Local Plan, 2019, as well as Sections 2, 12, 15 and 16 of the National Planning Policy Framework, December 2023. There are no significant factors in favour of the scheme that outweigh the concerns and which justify approval contrary to the policies referred to within the development plan as a whole.

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

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