DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H05-0668-20**	**Applicant:**	**Gem-Mix Holdings Ltd**
Proposal:	Erection of house - outline approval H05-1160-16 (allowed on appeal)		
Location:	37 Fleet Road Fleet Spalding		
Terminal Date:	21st December 2020		

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
30	Pollution
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2019

Section 11. Making effective use of land
Section 12. Achieving well-designed places
Section 14. Meeting the challenge of climate change, flooding and coastal change

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
RESIDENTS	3	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This application seeks reserved matters approval for the erection of a house to the rear of 37 Fleet Road, Fleet. Means of access was established at outline stage.

Outline permission was firstly refused under application ref. H05-1160-16 by delegated powers stating the following reason:

"The proposal, by virtue of the narrow width of the plot and its position relative to nearby properties, would result in an incongruous form of development out of character with the immediate surroundings, which is characterised by frontage development. It would also result in a cramped form of development, with a poor relationship to neighbouring properties and reduced amenity for future occupants. As such, the development is contrary to the provision of Local Plan Policies SG14 and SG17 of the South Holland Local Plan (2006), which promote design of a high quality that respects the character of its surroundings and the amenity of future occupants and nearby residents. These policies are in conformity with national guidance contained in Section 7 of the National Planning Policy Framework, 2012."

The Local Planning Authority's decision was challenged by a planning appeal. The Planning Inspectorate's decision was to allow the appeal and grant outline permission for one house subject to conditions.

The proposed dwelling is a detached two-storey house. The footprint of the development would be approximately located as shown on the indicative plans of the outline application. Likewise, a detached garage would be erected to the front of the house as approved. The garage would be shared with the occupiers of No. 37 and each garage space would benefit from independent access. Internally, there would be communal spaces on the ground floor level whereas four bedrooms (two of them en-suite) and one bathroom would be on the first floor level.

Site Description

The site is at the eastern part of the built-up area of Holbeach as shown on Inset Map 5 of the South East Lincolnshire Local Plan (SELLP), 2019.

The application site is long and narrow. It is mostly vacant with shrubs and a few small greenhouses and outbuildings for storage that have fallen into disrepair. Two pairs of semi-detached houses and two further detached dwellings form the frontage onto Fleet Road. The access to the site would extend through No's. 35 and 37. Immediately to the west there is an industrial site managed by JML Henderson Ltd. This forms part of Fleet Road Industrial Estate which is classified as an Established Employment Site by Policy 7 of the SELLP. To the east, there is residential development on Grimwood Close comprising 19 houses which have been fairly recently built after obtaining permission (H05-0519-16). A 2 metre high timber closeboard fence bounds the site on the eastern boundary and beyond there are the rear gardens of No's. 1 to 17 Grimwood Close.

History

H05-0326-20 - Erection of 3 pairs of semi-detached 3 bed dwellings along with up graded site entrance and road way, car parking and bin storage - re-submission of H05-0572-19 - Refused

H05-0572-19 - Erection of 3 pairs of semi-detached 3 bed dwellings and 1 detached 3 bed dwelling along with up-graded site entrance and roadway - Refused

H05-1160-16 - Residential development - proposed house - Granted on Appeal

Consultation Responses

LCC Highways/SuDS Authority

No objection.

Reminds that the applicant should seek IDB consent for the alteration of any riparian owned/maintained watercourses within or adjacent to the site boundary.

South Holland IDB

No objection.

Reminder that the applicant should comply with the Board's byelaws.

Public

Four residents have objected to the proposal raising the following issues:

-Concerns about how the development respects the rights of way to the rear of the curtilage of No. 37.
-Overlooking from the first-floor windows onto the rear gardens of adjacent properties.
-Cumulative impact of noise and disturbance of the vehicular traffic in addition to the existing noise levels from the industrial site nearby (JML Henderson Ltd).
-Overbearing and overshadowing effect of the proposed development (both houses and garage) onto the adjacent properties.
-The scale of the proposed development is significantly larger than the dwelling approved by the Appeal Decision.
-Loss of the existing wildlife on the site.
-Cumulative impact upon the high volume of traffic in Holbeach which will undermine highway safety standards.
-Further pressure on the services and facilities in Holbeach.
-Concerns about how the development will address residual flood risk that might impact neighbouring properties.

Planning Considerations

Principle of development

Outline permission was granted by Appeal Decision on 6 October 2017. Condition 1 sets out a standard 3-year time period as of the date of the decision for the submission of the reserved matters. This application has been submitted within the time period and therefore the principle of developing a house on the proposed site remains acceptable.

Design and layout

Paragraph 127 of National Planning Policy Framework (NPPF), 2019 establishes that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area; are visually attractive as a result of good architecture and sympathetic to local character and history, including the surrounding built environment and landscape setting; and 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, among other considerations. 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.

The intended dwelling would be a detached two-storey house. The width would be approx. 11.48 metres, the depth 14.10 metres and the apex height 7.56 metres. The eaves would be in the region of 5 metres. The dimensions of the detached garage would be 5.80 metres in width, 11.60 metres in depth and 4.55 metres in apex height. The eaves would be 2.25 metres high.

Having regard to the dimensions of the neighbouring houses in Grimwood Close and Fleet Road, it is confirmed that the scale and height of the development are commensurate with the surrounding properties. The detached garage would appear subservient to the house by reason of scale and height.

The key issue of the design and layout of the proposed development is the relationship of both house and garage with the existing properties nearby. The development would be in close proximity

to the eastern boundary which adjoins the rear gardens of No. 1 to 17 Grimwood Close. The house would be set back 3 metres from this boundary whereas the garage will be narrowly 75 centimetres separated from it. In relation to the nearest properties, the separation distance of the house is 12 metres with the opposing elevation in No. 7 and 9 Grimwood Close. The garage would be separated in the region of 9.60 metres from Nos. 1 and 3. The implications of the close proximity of the house for the residential amenity of neighbours living in Grimwood Close are addressed in the section below.

The details of material schedule have not been formally provided although the resulting appearance of the proposals will be of standard residential development. The applicant intends to lay turf on the rear garden, plant a hedge of native species to the side of the garage and gravel the full drive area. A 2 metre high timber close board fence would be erected tantamount to the existing fencing on the eastern boundary where the boundaries are currently untreated. The facing brickwork, roof tiles, and material for fenestration and rainwater goods would be similar to the houses nearby, thereby no harm upon the visual amenity would occur.

In summary, the scale of the development would be in keeping with the neighbouring buildings. The impact upon the character of the local area is considered to be acceptable. The resulting appearance of the site would be residential as are the adjacent properties.

Residential amenity

As mentioned above, the separation distance of the proposed house is 12 metres with the opposing elevation in No. 7 and 9 Grimwood Close. The first-floor rear windows of these neighbouring properties lighten bedrooms whereas the ground floor window on the eastern side elevation of the house is for a study room.

The Draft of the South East Lincolnshire Design Guide SPD sets out a minimum distance of 12 metres from rear elevation to side elevation of two-storey buildings in order to safeguard privacy and outlook of primary room windows. This policy document has not been adopted yet but it provides a good framework to assess controversial overlooking impact at this stage of the application.

Following the initial plans submitted, there might have been potentially overlooking from first-floor rear windows of No. 7 and 9 to the study room window on the eastern side elevation of the proposed house. Notwithstanding this, under case officer's request, the separation distance of the house with the nearest properties has been increased from 10 to 12 metres, and the glazing of the study room window has been obscured with the addition of restrictors.

It is worth reminding that the noise pollution from the adjacent industrial site to the west (JML Henderson Ltd) dictates the position and orientation of the dwellinghouse. This issue was widely assessed in the previous applications for residential development ref. H05-0326-20 and H05-0572-19. The degree and geographical extent of the noise pollution were predicted in the Environmental Noise Assessment (produced by Acoustic Associates and dated October 2019). In view of that, the footprint of the house could not be significantly repositioned to the western part of the site as the noise pollution might be unacceptably detrimental to the future occupiers.

Having said that, the proposed development might be acceptable in terms of overbearing effect provided that the separation distance is 12 metres. Should the distance be shorter, the harm upon the amenity of residents nearby might turn out excessively detrimental to the extent which this application should be refused in this regard.

No overshadowing impact is anticipated onto the neighbouring properties. The proposed dwellinghouse is centred between north and south as well as the houses in Grimwood Close. There might be some shadowing onto the rear gardens of Grimwood Close only at the end of winter days. However, the relationship between the height of the house and separation with the adjacent dwellings is such that the shadow will not encroach onto the buildings where occupiers live. Additionally, the shadow on the gardens is considered to be acceptable as it would only happen for a short period of time when the outdoor amenity area would not be widely enjoyed due to weather conditions.

On balance, the development is considered to be acceptable with regards to residential amenity which is one of the key principles of design and development management as set out in Policies 2 and 3 of SELLP (2019).

Flood risk and drainage

The finished floor levels would be raised in accordance with the approved Flood Risk Assessment (prepared by Geoff Beel Consultancy dated October 2016). The house would also be two-storey in the interest of flood risk protection. It is confirmed the incorporation of resilient and resistance features to the building which would be subsequently assessed and approved by SHDC Building Control.

South Holland IDB reminded of the need to comply with the Board's byelaws. However, no alteration or discharge is anticipated for the IDB drain running to the north of the site.

Highways safety and parking provision

The proposed layout includes the existing vehicular access between Nos. 35 and 37 Fleet Road as a way of access to the site. This was agreed at outline stage and is therefore not a reserved matter. The width is 4.2 metres which is slightly more than the recommended 4.1 metre width for private driveways serving 5 or less properties according to LCC highway design standards. The remainder of the internal roadway will be 4.2 metres wide.

The driveway layout is such that motor vehicles would be able to turn within the site and enter the highway in a forward gear. Visibility splays appear sufficiently wide on both sides insofar as motor vehicles can leave the site in a safe manner. LCC Highway Authority has raised no objection to the proposals on the grounds of highway safety.

In conjunction with Policy 36, Appendix 6 of SELLP sets out the minimum standards for car parking provision. Three car parking spaces within the curtilage must be provided for dwellings with 4 or more bedrooms. The internal dimensions of the detached garage complies with the minimum 2.6m x 5.6m internal width. Two cars could be parked inside the garage and one further on the driveway. Therefore, the car parking provision would be appropriate and the proposal accords with Appendix 6 of SELLP.

Other considerations

One of the resident objections raised the issue of ownership of access. It is claimed there is a right of way to the rear of No. 39 from the proposed vehicular access on Fleet Road. This was also raised against the previous application H05-0326-20. The area beyond the rear boundary of No. 39 falls with the area marked in blue. Therefore, the right of way is respected with this proposed development.

Notwithstanding this, this is a private matter that has no material bearing on the assessment of the planning issues in this application. The grant of permission would not override any legal rights of access.

Planning balance

The erection of a dwellinghouse as proposed would not be the ideal development given its proximity with adjacent properties in Grimwood Close and the light industrial site to the west. Notwithstanding this, there is extant outline permission to do so by Appeal Decision and the reserved matters have been carefully assessed and refined through the application process in order to ensure that the form of development will not be in conflict with the uses of the neighbouring land.

Therefore, any adverse impact of granting permission to the proposals would not significantly and demonstrably outweigh the benefits of doing so, when assessed against the planning policies taken as a whole.

Conclusion

In view of the amendments made to the original proposal, concerns on residential amenity raised by the members of the public are acceptably addressed. On balance, the matters of the outline application accord with the relevant planning policies contained in South East Lincolnshire Local Plan (SELLP), 2019 and the National Planning Policy Framework (NPPF), 2019.

It is accordingly recommended to approve this planning application via delegated powers.

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

The recommendation is for a delegated approval.