

Appeal Decision

Site visit made on 29 October 2004

by Anthony J Davison BA(Hons) LLB(Hons) MSc MBA FRTPI RIBA MLI
an Inspector appointed by the First Secretary of State

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Date
18 DEC 2004

Appeal Reference: APP/A2525/A/04/1147380
Holbeach House, North Side of Fleet Road, Holbeach PE12 7AY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Craegmoor Homes Ltd against the decision of South Holland District Council.
- The application Ref H05/0719/03, dated 4 June 2003, was refused by notice dated 2 December 2003.
- The development proposed is the erection of a residential mental health care facility.

Summary of Decision: The appeal is allowed, and planning permission granted subject to conditions set out below in the Formal Decision.

Procedural Matters

1. The appeal proposals were amended following submission of the planning application and I have dealt with the appeal on the basis of the plans in their revised form.

2. During my visit to the site I also viewed it, in the company of representatives of the two main parties, from the Twigglets Nursery on Branches Lane and from various residential properties on Rowan Close, The Brambles and Armitage Close.

The Appeal Proposals

3. Holbeach House, which is a Grade II Listed Building, was originally built as a workhouse in about 1837 and has been in continuous use as a residential institution since then. Its most recent use has been as a residential care facility although the Council has granted planning permission for its conversion into apartments and it is now empty pending implementation of that permission. It has been sold to a developer and no longer forms part of the appeal site. To the rear of Holbeach House is another building, variously referred to as Orchard House and Orchard Apartments. This was once the workhouse Infirmary but is now used by the Appellants to house about tweny residents with learning difficulties and mental health needs.

4 The proposed building, which would be arranged around a central courtyard, would house a secure unit for people with mental health problems and would complement the existing care facility in Orchard House. It would occupy a piece of open land behind Holbeach House and to the east of Orchard House. An industrial site occupied by the South Holland Internal Drainage Board borders the site to the north while to the east are the back gardens of residential development on Rowan Close. Apart from a two-storey section facing Holbeach House the building would be of one storey. Access would be gained by means of an existing driveway leading from Fleet Road to a car parking area between the front of the building and the back of Holbeach House.

Main Issues

5. I consider the main issues to be, firstly, the effect on the character and appearance of the area, with particular regard to the setting of Holbeach House and, secondly the impact on living conditions in nearby residential property in terms of noise and disturbance.

Planning Policy

6 The Council has relied on two policies in the 1998 South Holland District Local Plan, which forms part of the development plan for the area. Policy E1 lists a number of criteria, including visual and residential amenity, against which development proposals will be assessed. Policy E2A says, among other things, that planning permission for development near listed buildings will only be granted if it would preserve or enhance their setting.

Appraisal

Character and Appearance of the Area

7. The building would be sited behind Holbeach House, which would screen it from the road. It would be, for the most part, of only one storey and would back on to other development on the remaining three sides. As it would not readily be seen from any public viewpoint I consider that it would have no material visual impact on the wider area.

8. I do not accept the Council's argument that the development would be cramped and lacking in external amenity space. Not only would the new building incorporate an internal courtyard but there would be additional amenity space around it enclosed by a brick wall while a large part of the overall site would remain open. Furthermore, the Council's description of the building as being extremely close to the northern and eastern boundaries of the site is, in my opinion, somewhat of an exaggeration. The application plans indicate that the northern and eastern elevations would be set some 3.5m and 6m respectively from the site boundary. In my view this is quite adequate for a single storey building especially since the buildings on the adjoining sites are themselves some distance from the boundary.

9. Nor do I agree with the Council that the development would leave insufficient space on the site for landscaping. There is already a belt of trees along the eastern boundary of the site and I consider that there would be ample scope for further ornamental planting both in the courtyard and elsewhere on the site.

10 The building would form part of the setting of Holbeach House and Orchard House but would be some distance away from them. The rear wings of Holbeach House are set at an angle to the site and although they would come to within about 17m of the front of the proposed building the average distance between them would be much greater than that. Moreover, Holbeach House was designed so as to have its main elevation facing the road. The back of the building has a much less formal character and has also been much altered over the years. Parts of it have been rebuilt and sundry extensions and fire escape staircases have been added to it. The new building would be on a piece of derelict previously developed land and I consider its design to be both unassuming and inoffensive. It is my view, taking all of the above into consideration, that the development would not harm the setting of the Listed Building.

11. My conclusion on this issue is that the appeal proposal would not have an adverse impact on either the setting of the Listed Building or the character or appearance of the wider area and would, in that respect, comply with Local Plan Policy E1 as well as with Policy E2A.

Living Conditions in Nearby Residential Property

12. The appeal site forms part of a complex of buildings that have been in institutional use for the best part of two centuries. The evidence before me indicates that they have been used for the care of people with mental illness at various times in its history up to and including the present day. I consider that the use of the proposed building would therefore be wholly in keeping with the long established use of the site.

13. The two-storey element of the building would face the back of Holbeach House, which is likely to be converted to apartments. However, the two buildings would be set well apart and in my opinion this would be sufficient to ensure mutual standards of privacy within the two buildings. The only other residential properties in the vicinity of the new building would be those on Rowan Close. However, because these would back on to the single storey part of the building and would be separated from it by a 1.8m high brick wall as well as the existing boundary fence and tree belt I am of the view that mutual privacy for occupants of those properties and residents in the proposed building would be assured.

14. Bearing in mind the residential nature of the proposed building I can see no reason for supposing that it would give rise to undue noise or disturbance. Indeed part of the site is occupied at present by a car park, which could potentially cause noise and disturbance for residents of Rowan Close. By screening the car park, which would be retained in another form in the development, the proposed building could actually reduce the existing potential for noise and disturbance. Furthermore, the Council admits that the adjacent industrial building to the north is a source of significant noise and, for that reason, has suggested that the windows of the proposed building should be soundproofed. It seems likely to me that the soundproofing would have the effect of keeping noise in as well as keeping it out.

15. Notwithstanding the views expressed by their occupants, I consider it unlikely that the proposed development would have any impact at all on living conditions in houses in The Brambles and Armitage Close in terms of privacy, noise or disturbance. Not only would these properties be a very long way from the proposed new building but most of them would be separated from it by the substantial Orchard Apartments building.

16. Some local residents are concerned about the security aspects of the proposal. They allege that occupants of Orchard House have occasionally behaved in an anti-social manner in roads surrounding the site and they are concerned that such problems might be exacerbated by the proposed development. However, because the appeal building – unlike Orchard House – would be a secure unit, residents would not be free to leave the premises. That being the case, I see no reason why the activities of its residents should impinge on the occupants of other houses in the area.

17. Moreover, I regard such concerns as being management issues rather than land use planning considerations. The proposed development would simply continue the long established use of the site. As is already the case with the existing facility the proposed accommodation would be registered with the National Care Standards Commission (NCSC), which is the body responsible for regulating such facilities and for ensuring that the physical characteristics and management systems of the facility are of an appropriate standard.

18. My conclusion on this issue is that the proposed development would have no material impact on living conditions in nearby residential property in terms of noise, disturbance or loss of privacy and would comply with Local Plan Policy E1. While I have taken account of the fears expressed by local residents I do not regard them as being of sufficient weight to justify withholding planning permission for a development that would be compatible with the long established use of the site and would comply with the relevant policies in the development plan.

Conditions

19. The Council has suggested that eleven conditions should be attached to the planning permission if the appeal is allowed.

20. I see no need for a condition requiring the Appellants to obtain the Council's approval for their security arrangements because matters relating to security are the responsibility of NCSC under other legislation. I consider the proposed condition restricting the future use of Holbeach House should not be imposed because, as the Appellants point out, that building is no longer under their control. In any event, I consider that the Council has provided insufficient justification for imposing such a condition, which would have the effect of removing the long established use of the building.

21. I see no need for additional screening along the part of the site boundary adjoining Armitage Close because it is some distance away from the proposed building. Similarly I see no need for the 2m high brick wall that the Council is seeking along the western boundary of the site, which would be separated from the proposed building by Orchard House. Nor do I see any need for the 2m high walls that the Council says it would require on the eastern and northern boundaries of the site. A 2m high wall along the eastern boundary would be only a metre or so from the 1.8m wall proposed by the Appellants, while the 1.8m high wall that the Appellants propose along the northern boundary with the industrial site would, in my opinion, be perfectly adequate. While I consider that the appearance of these walls could have a material impact on the outlook the bungalows on Rowan Close I consider that this could simply be addressed by including means of enclosure in the landscaping condition.

22. I consider all the other proposed conditions, modified where necessary to bring them more into line with the model conditions in Circular 11/95, The Use of Conditions in Planning Permissions, to be necessary for the reasons given by the Council in its appeal statement although I consider a period of ten years to be much longer than necessary to ensure the establishment of the planting scheme. The Environment Agency, which is concerned that the site is in an area vulnerable to flooding, has also asked that a condition be imposed requiring the submission of details of surface water drainage works. I consider this to be necessary for the reason given by the Agency.

Conclusions

23. For the reasons given above and having regard to all other matters raised, including concerns expressed about traffic generation and the perceived infringement of human rights, I conclude that the appeal should be allowed.

Formal Decision

24 I allow the appeal, and grant planning permission for the erection of a residential mental health care facility at Holbeach House, North Side of Fleet Road, Holbeach PE12 7AY in accordance with the terms of the application, Reference H05/0719/03, dated 4 June 2003, and the plans submitted therewith (as subsequently amended), subject to the following conditions:

1) The development hereby permitted shall begin before the expiration of five years from the date of this decision.

2) No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include details of the means of the boundary treatment and means of enclosure, details of which trees are to be retained or felled and details of any new planting including position, species and planting height.

3) All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the local planning authority. The trees and shrubs shall be adequately maintained by the owners of the land on which they are situated for a period of five years from the date of completion of the scheme and all losses shall be made good during that period.

4) The building shall not be occupied until the parking and vehicular manoeuvring facilities have been constructed in accordance with the approved plans.

5) Construction work shall not begin until a scheme for protecting the proposed development from noise from the industrial premises to the north has been submitted and approved in writing by the local planning authority; all works which form part of the scheme shall be completed before the development is occupied.

6) No development shall take place until the applicants, or their agents or successors in title, have secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority.

7) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

8) No development shall take place until a scheme for the provision of surface water drainage has been submitted to and approved in writing by the local planning authority. The works shall be completed in accordance with the approved details.

A J Davison

Inspector

Beacon Council 2003-2004 Supporting the Rural Economy

SOUTH HOLLAND DISTRICT COUNCIL

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Town and Country Planning Act 1990

Refusal of Planning Permission

Reference: H05/0719/03 Received: 05-JUN-03 Type: FULL

Name: Craegmoor Homes Ltd
97 Friar Street
Droitwich
Worcestersire
WR9 8EG

Agent: W S Atkins
160 Aztec West
Almondsbury
Bristol
BS32 4TU

Description: Erection of 24 bed residential mental healthcare facility

Location : Holbeach House North Side of Fleet Road
Holbeach

South Holland District Council hereby give notice that PERMISSION HAS BEEN REFUSED for the development for the following reason(s):

1 In the opinion of the Local Planning Authority the proposal would, by virtue of its position and scale, constitute an overdevelopment of the site, with inadequate external amenity and spatial separation from nearby buildings. Its design is also considered to be incongruous to that of Holbeach House, which is a Grade II Listed Building. The proposal is therefore contrary to South Holland District Local Plan Policies E1 and E2A. These state that new development should be sympathetic in terms of scale and design, particularly when located in proximity to listed buildings.

2 Because of its close proximity to residential properties (including Holbeach House) the site is considered unsuitable to accommodate a development of the size and nature proposed, which would adversely affect the amenity of local residents. This would be by reason of noise and disturbance generated by occupiers of the building and general activity such as additional vehicles entering and leaving the site, plus the perception that there would be harm to residential amenity caused by anti-social behaviour by future occupiers. The proposal is therefore contrary to Policy E1 of the South Holland District Local Plan. This indicates that new development should maintain the amenity of adjacent residents, both existing and future.

Note(s):

Beacon Council 2003-2004 Supporting the Rural Economy

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The determined plans are:
Dwg nos 4205, 4207 and 4208 received on 5 June 03.
Amended dwg nos. 4001B, 4002B, 4201A, 4202B, 4203A, 4204A and 4206A received on 23 October 03.
Flood Risk Assessment received on 27 October 03.

A copy of the Environment Agency letter dated 24 November 2003 is attached for your information.

Head of Planning & Development
02 DEC 2003 H05/0719/03

This decision refers only to that required for the purposes of the Town and Country Planning Acts and not for Building Regulations or any other legislation. See enclosed notes relating to rights of appeal.

Town and Country Planning Act etc

DRAFT REFUSAL

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Note(s):

The determined plans are: (please complete a stamp document)
+ Amended plans

Director of Customer Services
13 NOV 2003

H05/0719/03