

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H09-0192-20 **Applicant:** Mr K Vaughan
Proposal: Erection of 3 bed detached house with on site parking
Location: Land At Holbeach Drove Gate (Site On Corner Of Holbeach Drove & B1166) Holbeach Drove
Terminal Date: 23rd April 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
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
17	Providing a Mix of Housing
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2019

Section 2. Achieving sustainable development
 Section 5. Delivering a sufficient supply of homes
 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	1	0
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SHDC INTERNAL	0	0	0	1

OTHER STATUTORY BODIES	0	0	0	1
RESIDENTS	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This is a planning application that seeks full planning permission for the erection of a three bedroom detached house with on-site parking at land on Holbeach Drove Gate, Holbeach Drove, Spalding.

The proposed development is a re-submission of a previously refused application, ref. H09-1025-19. Planning permission was refused on the following basis:

"Although the design and appearance of the proposed dwelling is not out of character with existing built development in the surrounding area, the proposed layout is such that the house will be positioned in such close proximity to Drove Road that it will increase its prominence on the wider street scene, particularly when viewed from Holbeach Drove Gate to the west, to the extent it will adversely impact upon the character of the area.

The proposal is therefore contrary to Policies 2 and 3 of the South East Lincolnshire Local Plan (SELLP), 2019. Policy 2 indicates that sustainable development considerations should be met, including with regard to the impact upon the character and appearance of the area. Policy 3 indicates that design which is inappropriate to the local area or which fails to maximise character and quality of the area will not be acceptable. These policies are in accordance with Section 12 of the National Planning Policy Framework (2019), in particular the principle that new development should be "sympathetic to local character, including the surrounding built environment" and that "permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions". It also considered to be contrary to Section B2 of the National Design Guide which requires a site's context to be taken into consideration."

Site Description

The site lies at the core of the hamlet of Holbeach Drove. The site is a corner plot facing the junction between Holbeach Drove Gate/B1168 and Drove Road/B1166. It is relatively long and narrow and the longest road frontage is along Holbeach Drove Gate. There is currently no boundary treatment adjoining the highways. Overground planting and nearly 2 metre timber closeboard fencing are on the boundaries with adjacent properties.

The site is currently vacant with overgrown scrub and plants. Unkempt mature trees have been observed on the land. There is a prominent ash tree and a stump of one further ash tree, both subject to a TPO, on the edge of Holbeach Drove Gate/B1168 off the bend. There is also a beech on the eastern boundary and a poplar tree on the north-eastern corner.

The two-storey old cottage Bowerdale is adjacent to the east facing on to Drove Road. To the north, there is the modern bungalow L'Abbi and further bungalows up the road. A petrol station is opposite on Holbeach Drove Gate and further detached houses, mostly bungalows, are on the opposite side of Drove Road.

History

H09-1025-19 - Erection of three bedroom detached house with on-site parking - re-submission of H09-1028-18 - Refused.

H09-1028-18 - Erection of three-bed detached house - Refused

H09-0496-03 - Erection of detached 3 bed house with detached double garage - Refused & Appeal Dismissed

H09-1132-01 - Erect 2 bed bungalow and garage (Renewal of full application H09/0821/96) - Withdrawn

H09-0821-96 (23 Oct) - Erect two bedroom bungalow and garage - Approved

H09-0556-96 (31 Jul) - Erection of one dwelling, including siting and means of access - Refused

H09-0106-96 (8 May) - Two residential building plots including siting and means of access - Refused

Consultation Responses

SHDC Environmental Protection Officer

No objection. It is requested that permission should be subject to the following conditions:

*"1. a) Investigate the site for landfill gas to the satisfaction of the LPA, to ascertain whether gas protection measures are required. Where measures are required the details shall be submitted to, and approved by, the LPA; or,
b) The applicant shall install gas protection measures as a precautionary measure without first investigating the site. The details of these measures shall be submitted to, and approved by, the LPA.
c) For a) and b) all required measures shall be installed and validated before the development is first occupied.*

2. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported immediately to Environmental Health. An investigation and risk assessment must be undertaken in accordance with details to be agreed with Environmental Health. Where remediation is necessary, a remediation scheme must be submitted to and approved in writing by Environmental Health. Following completion of measures identified in the approved remediation scheme a verification report shall be submitted to and approved by Environmental Health."

Lincolnshire County Council as Local Highways Authority and Lead Local Flood Authority

No objection. Two informative notes have been requested to add to the decision notice if application to be approved

Members of public

No objection.

Only one representation has been made to remind of the need to ensure preservation of the remaining Ash Tree T2 according to the Tree Survey (Arboricultural Impact Assessment) that accompanies the planning application.

Holbeach Parish Council

No objection.

Planning Considerations

Principle of development

The site is located within the settlement boundary for Holbeach Drove as set out in the South East Lincolnshire Local Plan (SELLP), 2019. Holbeach Drove is identified within the "Other Service Centres and Settlements" tier in Policy 1 of the SELLP, which sets out the spatial strategy for new development across the district.

This policy sets out that, "within the settlement boundaries of the Other Service Centres and Settlements (as shown on the Inset Maps) development will be permitted that supports their role as a service centre for the settlement itself, helps sustain existing facilities or helps meet the service needs of other local communities. Development will normally be limited to committed sites and infill".

It should be noted that the council is capable of demonstrating a 5-year housing land supply (6.07 years as at 31st March 2019). Even though sufficiency of housing land supply has been achieved, the residential scheme will still make a positive contribution to the housing delivery albeit little in light of its small scale.

The scheme is an infill development as the site is a gap between two existing properties. Furthermore, the application site has been vacant for years. Paragraph 118 of the National Planning Policy Framework (NPPF), 2019 states that planning decisions should "promote and support the development of under-utilised land and buildings".

For these reasons, the principle of development for the proposal on the application site is deemed acceptable.

Design and layout

In light of the refusal grounds of the previous proposal under H09-1025-19, this is a key material consideration to assess whether the re-submission addresses or not the conflict of the development with the wider street scene and, by extension, the character of the local area.

It has been observed that the bungalow is the most common housing type nearby but there is a certain variety of ages, colours and roof pitches across the wider street scene. Details on external materials and openings have been provided and demonstrated that the resulting appearance will be rustic and in keeping with the overall character of the area. Further details on landscaping and boundary treatment reveal that the proposal will be well-designed as the site features and site context have been taken into account.

With regards to the site layout and form of development, the footprint of the detached house was rectangular under refused application ref. H09-1028-18. The building was positioned at the centre of the site with its principal elevation facing Holbeach Drove Gate/B1168 to the west. In contrast, the proposed house under H09-1025-19 had an L shape and was positioned onto Drove Road to the south. The dwellinghouse with this current application is of a similar shape (albeit the footprint has been reduced) and is in a similar position within the site.

Whilst the heights remain across the elevations of the house, the width has been reduced 2 metres up to 8 metres. As a result of that, the region of separation distances between the development and Drove Road to the west has been increased from 1.19-2.26 metres to 3.99-4.26 metres.

The site is a corner plot adjoining a wide Y-junction. Thus, the views to the proposed house are significant from Holbeach Drove Gate/B1168 coming from the west and north and from the east (Drove Road). Taking this into account, the width reduction will certainly lessen the impact of the proposed dwelling from Holbeach Drove Gate/B1168 whichever the direction is on this road. However, given no alterations have been proposed for the separation distances with the southern boundary, the development will still appear prominent from Drove Road (east).

Residential amenity

The proposed house will be aligned with the adjacent two-storey cottage Bowerdale to the east onto Drove Road. The first-floor openings on the eastern side elevation will not be for habitable spaces but bathrooms and landings. There will therefore be no potential overlooking through them to the residential property adjacent to the east.

The proposed dwelling will be far enough from neighbouring properties to prevent any harm upon residential amenity by reason of overshadowing.

For these reasons, the amenity standards of residents will be acceptable after carrying out the proposal.

Landscaping and tree preservation

The proposed landscaping will comprise the planting of two silver birches (*Betula Pendula*) and one Mountain Ash (*Sorbus Aucuparia*) to the front of the house. A Hawthorn hedge will be planted along most of the eastern boundary. On the eastern and northern boundaries, 2 metre high close boarded fencing supported on concrete posts at maximum 3m centres with 3 horizontal rails. This fencing will be a means of enclosure for the drive and turning area at the northern part of the site. Wrought iron railings will be placed to the front of the property as well as the western boundary where there will be no hedges. With regards to the surface treatment, gravel will be laid on the floor of parking and turning area whereas turf will be laid on the remainder of the site which will be used as a domestic garden.

SHDC Conservation Officer has no objection to the details of the landscaping scheme nor the tree works proposed including the TPO ash trees in the Tree Survey (Arboricultural Impact Assessment) - reference: FHVaughan- Holbeach-Drove-Gate prepared by Dr Frank Hope and dated 8th August 2018. No conflict between the ash tree canopies and any part of the proposed house has been mentioned.

Highway safety and car parking

Access will be provided on Holbeach Drove Gate off the north-western corner of the site. The area and layout of the parking and turning area is appropriate to accommodate at least 2 no. car parking spaces as required by the Appendix 6 of SELLP. Besides, it is considered that the layout of this area will ensure the motor vehicle drivers to enter and egress the site in a safe and convenient manner.

The County Highways Authority has raised no objection to the proposal on the grounds of safety for road users.

Flood risk and drainage

The site falls within Flood Zone 1 as per both Environment Agency's Flood Map and South East Lincolnshire Strategic Flood Risk Assessment (March 2017). The land therefore is having the lowest probability of flooding from fluvial and tidal sources.

In any case, the surface water management strategy is based on the implementation of SUDS and a soakaway will be installed subject to the outcome of percolation test. Foul drainage will be carried out by a packaged treatment plant.

It is unknown any evidence of low soil permeability in the area. Therefore, the proposed drainage scheme is acceptable and eventually its feasibility will be approved at a later stage by SHDC Building Regulations team should planning permission be granted.

Conclusion

Material considerations such as the principle of residential development on the proposed site, residential amenity, highway safety and car parking, and flood risk and drainage are positively reviewed in the context of planning policy framework.

However, the proposal fails to prevent any significant harm upon the local character of the area. The design and appearance of the house itself is not out of character. Albeit the width reduction, the position of the intended house remains in close proximity to Drove Road which will arguably increase its prominence on the wider street scene, particularly when viewed from Drove Road to the east.

On balance, taking into account the material considerations above, the adverse impact on the local character of the area by virtue of prominence on the wider street scene is considered to demonstrably and significantly outweigh any benefits. The proposed development is contrary to Policies 2 and 3 of the South East Lincolnshire Local Plan (SELLP), 2019 and Section 12 of National Planning Policy Framework (NPPF), 2019.

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.