

Design & Access Statement

**Proposed Development at
47 Low Lane, Holbeach PE12 7PW**

**Erection of four detached two-storey dwellings,
one detached garage and demolition
of existing bungalow**

Mr DJ Rulewski & Mr A T Rulewski

02 June 2022

Contents

1.0	Introduction & Planning History
2.0	Site Assessment
3.0	Use
4.0	Amount & Scale
5.0	Layout
6.0	Landscaping
7.0	Access
8.0	Sewage and surface water
9.0	Flood Risk
10.0	Conclusion

1.0 Introduction:

This application is a resubmission of H09-1094-21 for the demolition of the existing three-bedroom bungalow and the erection of four detached houses and one detached garage; consisting of two, four-bedroom houses and two five-bedroom houses at the site known as 47 Low Lane Holbeach.

This follows the Planning Committee's decision to vote against the Senior Planning Officer's recommendation for grant of permission during the Planning Committee meeting 9 March 2022. The decision notice was issued thereafter on 25 May 2022 citing the reason for refusal as *"the design, scale and position of the proposed house on plot 1 would, **due to loss of daylight and sunlight**, have an unacceptable impact upon the adjacent residential property to the west and as such would materially harm the amenity of its occupiers"*

The inclusion of application H09-1094-21 within the agenda pertaining 9 March 2022 Planning Committee meeting followed the decision to defer the application decision subject to further information being provided regarding light impact on the neighbouring property during Planning Committee meeting 9 February 2022.

It should be noted that a full Daylight, Sunlight and Overshadowing Study completed in accordance with the BRE 209 national guidance accompanied the application at the date of submission on 21 October 2021. This report was therefore available within the public domain for perusal 111 days prior to the first Planning Committee meeting on 9 February 2022 and 139 days prior to the 9 March meeting.

During the meetings of 9 February 2022 and 9 March 2022, the following questions were raised by the Committee Members as part of the debate:

- *What sort of loss of light exists at present?*
- *What's the difference overall from a light perspective?*
- *What [light] impact will Plot 1 have on the neighbouring property?*
- *How much [light] is actually being removed?*
- *How can a lay Committee Member rationalise how much loss [of light] is too much?*

The answers to all these questions were readily available within the applications supporting information which remained available within the public domain and accessible to all Committee Members prior to the meetings. Similarly, the answers to these questions, in the form of the supporting Daylight, Sunlight and Overshadowing Study, were at the disposal of the Officers sitting on the Panel during the debate. It's unfortunate that the Panel chose not to afford the Committee Members with the answers to these questions; questions that were evidently dictating the debate.

Furthermore, several assertions were made by the Committee that *only 2 hours of sunlight to 50% of the garden is unacceptable*. This may very well be the collective opinion of the Committee, but an opinion that was irrelevant to the application under consideration given the fact that the neighbouring property would receive **7 hours** of sunlight to over 50% of the rear garden on 21 March post-development.

Again, it was unfortunate that the Panel allowed this misconception to go uncorrected several times during the debate. They had at their disposal; the findings of the report clearly demonstrating that the neighbouring property will receive **7 hours** of sunlight to over 50% of the rear garden on 21 March post-development.

The BRE 209 guidance recommends that for a garden to appear adequately sunlit throughout the year it should receive 2 hours of direct sunlight to 50% of the garden on 21 March. South Holland District Council (SHDC) currently has no adopted policy on daylight or sunlight. The BRE 209 provides the only nationally accepted guidance for which a baseline and benchmark comparison can be made. A synopsis was provided within the agenda during the second meeting on 9 March 2022 which made direct comparisons against the recommended BRE 209 values, the existing values of the neighbouring property pre-development, and the values of the neighbouring property post-development. The values were supported with visual aids in the form of bar graphs to allow direct comparisons to be easily identified.

Based on the comments made during both Planning Committee meetings on 9 February 2022 and 9 March 2022 it's evident that the Planning Committee failed to make a decision based on the merits of the application previously under consideration. Nor had the technical reports providing the material information been given the due consideration required to make a sound and objective decision.

Nonetheless, the comments and concerns raised by the Committee have been considered within this re-submission. The proposed house on Plot 1 has therefore been re-designed, reduced in scale and repositioned to alleviate the unsubstantiated concerns relating to the loss of daylight and sunlight. Details of the revised design, scale and position of Plot 1 can be found within Sections 4 & 5 of this report, the accompanying Block & Site Plans and Plot 1 elevation drawings.

Therefore, the only matter to be considered under this re-submission is as follows: **Does the design, scale, and position of the proposed house on Plot 1 ensure acceptable levels of daylight and sunlight are maintained to the adjacent residential property to the west.**

This re-submission is supported by a revised Daylight, Sunlight and Overshadowing Study and Amenity Impact Assessment to accommodate the redesign of the house on Plot 1. It should be noted that applications must be decided against the prevailing Local Plan. SHDC currently has no adopted policy to provide additional guidance on daylight and sunlight to supplement the South East Lincolnshire Local Plan (SELLP).

With the omission of any local policy or supplementary planning guidance on daylight and sunlight the default position is compliance with BRE 209. A position the Planning Inspectorate for Appeal Ref: APP/E5900/W/17/3171437 opined in his decision notice.

"It is agreed that the starting point in the assessment of the effect on residents' living conditions arising from daylight and sunlight should be the Building Research Establishment 2011 publication Site layout planning for daylight and sunlight: A guide to good practice"

The findings of the revised Daylight, Sunlight and Overshadowing Study and Amenity Impact Assessment are demonstrable, the evidence confirms that no material harm will be caused to the residential amenity of the property to the west due to the loss of daylight and sunlight.

The Daylight, Sunlight and Overshadowing Study not only demonstrates compliance with BRE 209, but the results of the assessment far exceed all accepted recommendations. Furthermore, the daylight and sunlight metrics undertaken as part of the Amenity Impact Assessment conclude that the Study/Store room and Family/Games Room to the adjacent residential property to the west which are closest to the proposed development to Plot 1 will each receive 300 lux over 100% of the working plane for a period in excess of 50% of the set working period. The value of 300 lux exceeds the minimum daylight provisions of 150 lux laid out in Table NA.1 of BS EN 17037 2018 +A1:2021 Daylight in buildings by 100%.

It can therefore be concluded the design, scale, and positioning of the proposed house to Plot 1 will have no material impact on the amenity to the adjacent residential property to the west when assessed against the guidance contained in *National Annex NA, Further recommendations and data for daylight provisions in the UK and Channel Islands, of BS EN 17037 2018+A1:2021 Daylight in buildings* and BRE 209.

When the previous application (H09-1094-21) was presented to the Planning Committee on 9 February 2022 and 9 March 2022 the recommendation of the Senior Planning Officer was for grant of permission. Whilst the Planning Committee reached a different decision, the recommendation for grant of permission remains as evidence of officer support for the applications proposals.

The subsequent deliberation of the Committee should not have any bearing on the future recommendation of the Planning Officer. If there has been no material change in planning policy that would justify a different recommendation, then the recommendation of support should remain unchanged. Whilst there has been a change to the design, the positioning, and a reduction in scale of Plot 1, these have collectively strengthened the arguments in support of the development.

The supporting information accompanying this re-submission is clear in its evidence that no material harm will be caused to the amenity of the adjacent residential property to the west due to loss of daylight and sunlight. This re-submission evidently according with Policies 2 & 3 of the SELLP. The only sustainable decision therefore is approval.

Additional Planning History

Planning consent for the existing bungalow on the proposed development site was granted in 1978. Outline planning permission for the erection of an additional bungalow was granted in 1990 (Ref: H09-1066-90) and renewed in 1993 (Ref: H09-1082-93). However, this consent was allowed to expire and was not implemented.

In 2013, planning permission (Ref: H09-0664-13) was granted for the erection of a two storey four-bedroom house and detached double garage to a designated plot of land to the north of the site. The consented development (Ref: H09-0664-13) has since been completed.

In 2021, planning permission (H09-0801-20) was granted for the erection of four detached two-storey dwellings, two detached garages and demolition of existing bungalow.

2.0 Site Assessment:

The site is within the settlement boundary for Holbeach, which is designated as a Main Service Centre as set out in the South East Lincolnshire Local Plan (SELLP) 2019.

The current site consists of the single three-bedroom detached bungalow located centrally to the 0.34-hectare site, of which is predominately made up of turf and soft landscaped areas with a 3.7-metre-wide limestone access drive off Low Lane.

The site is generally level with some raised landscaped areas, a redundant filter pond currently used as a fishpond, a rockery with five *Chamaecyparis Lawsoniana* trees, a storm damaged *Salix* stump, and six medium sized ornamental trees to the west. A *Pyracantha* hedge runs from the south to north boundary to separate the turf garden from a vegetable plot.

The perimeter of the site consists of an open boundary to the north, a post and wire and 1.8m high timber close boarded fence to the west, 4.5m high mature *Leylandii* hedge to the east and 8m high *Leylandii* hedge to the south. A 1.5m high brick wall and 1.8m high close boarded fence bounds part of the access drive to the north east of the site.

The immediate surrounding developments consist of a single detached house and detached double garage to the north (No. 45a), a single detached house to the east of the access drive (No. 45), and single detached house and detached garages to the east (Westfield Lodge), a row of terraced houses and bungalows to the south at Cornfields (No's. 20, 22, 24, 26, 28, 30 & 32), and a single detached house to the west (The Chestnuts). The existing access drive runs parallel to a newer tarmacadam drive to the west serving three properties: The Chestnuts, The Willows and Rosella.

The existing bungalow located centrally to the site is noted to be in a tired and thermally poor condition. The orientation and positioning of the bungalow makes inefficient use of the land and therefore the proposed demolition allows the development to make effective and efficient use of the site.

In March 2021 Torc Ecology Ltd carried a Preliminary Ecological Appraisal (PEA) and Preliminary bat Roost Assessment (PRA) of the existing structures and features of the site in pursual of H09-0801-20. Waterbodies both onsite and within 250m of the site were subject to a Habitat Suitability Index (HSI) assessment and a subsequent environmental DNA (eDNA) test was undertaken in April 2021 to test for the presence of great crested newts.

The bungalow was found to have a limited potential for roosting bats with no bat evidence found. The attached garage and trees on site were all considered to have negligible bat roost suitability with no Potential Roost Features (PRF) noted. Overall, the site was considered to have a low-moderate suitability for community/foraging bats.

The previous ornamental pond, existing redundant fish filter and three smaller ponds located under the canopy of the coniferous trees scored 'Poor' for breeding great crested newts. A drain located just over 100m to the west and within connective habitat to the site scored 'Good' for breeding great crested newts. The eDNA test of the ponds on site were confirmed to be negative i.e. no great crested newt DNA present. The drain located to the west was not subject to an eDNA test as water levels had dropped sufficiently by April 2021 to render the drain unsuitable for breeding great crested newts with no water to test.

The site was not considered to be more favourable for nesting birds than other local habitats. There were no obvious signs of nesting birds at the bungalow and no obvious features that could be used by nesting birds commonly founds to use residential houses. The site was considered to have low botanical interest with no notable or protected plant species upon the site and was generally low in availability of nectar producing plant species.

Garden habitat and piles of brash would provide suitable foraging and shelter opportunities for hedgehogs. No evidence of the species were identified upon the site although anecdotal evidence of hedgehog using the garden was provided by the landowner. Therefore, it should be assumed hedgehogs could use the site on a regular basis. Up to seven common frogs were identified within the pond in addition to a single common toad identified under some boarding. Torc Ecology Ltd did not identify any other ecological constraints relating to this development. Details of ecological enhancements and working methods are detailed in section 6.0 Landscaping.

The site benefits from a dedicated cycleway and footpath to the western extremity of Low Lane which provides cycle and pedestrian access to a range of educational establishments, business facilities, retail outlets, recreation, and services in the town centre of Holbeach, including public transport links. It is likely the occupants of the proposed dwellings would make use of the cycle and pedestrian access to Holbeach town centre and would therefore contribute towards sustaining the role of Holbeach as a Main Service Centre whilst not relying on the use of motor vehicles in accordance with Policy 1 of SELLP.

Given that the site is not subject to any significant access restraints, physical or ecological features and supports Policy 1 of SELLP, the proposals offer a prime development opportunity in a sustainable location.

SELLP Policy 1 states *“Within the settlement boundaries of the Main Service Centres 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”*.

3.0 Use:

The proposed site is currently residential and surplus garden space to the existing bungalow which is noted to be in a tired and thermally poor condition. The use of the site will remain unchanged as residential, but seek to provide low carbon, high-quality housing on what is otherwise an under-utilised site through proposed re-development and maximising the opportunity to improve the character and quality of the area in accordance with Policy 3 of the SELLP.

With the increase of employee's now being offered the opportunity to work from home by their employers, the inequality of the existing housing stock is likely to deepen. The majority of residential properties provide little to no dedicated working space for the occupiers, with existing amenity space often being re-purposed as home offices and therefore migrating into private amenity space creating a confliction between the delicate work life balance.

In contrast, the proposed offers a minimum of four bedrooms and a dedicated study / home office to each of the properties and therefore contributes significantly to the sustainability of the development and addresses the imbalance of home working space. This provides the occupiers the flexibility to work from home if needed and reduce their carbon emissions through reduced commuting, in addition to the added benefit of reduced stress and expense of such daily commutes. Each plot will be equipped with superfast broadband as supplied by the 'Lightspeed Broadband' infrastructure throughout the East of England.

The Office for National Statistics (ONS) shows working from home as a clear growing trend with high-speed internet and a space to work as top priorities for many homeowners. With the ability to charge electric vehicles at each property with a minimum of two charging points per plot, and the provisions to offer flexible working, the development is clearly future proofed for the needs of the prospective occupiers.

Although the council is capable of demonstrating a 5-year housing supply, additional dwellings being delivered by windfall sites would make a social contribution.

4.0 Amount and Scale:

The proposal is for two, four-bedroom two storey houses, one with a detached single and a half garage and one with an integral double garage, one five-bedroom two storey house with integral double garage and one five-bedroom two storey house with integral single garage. All plots will have private parking provision with a minimum of three spaces per dwelling in accordance with Appendix 6 of the SELLP. Provisions for the storage of bicycles will be accommodated within the curtilage of each property.

Each property will be provided with a minimum of two electric vehicle charging points, this will help the sustainability of the development by reducing carbon emissions and future proof the development, ready for the phasing out of all petrol, diesel, and hybrid vehicles.

Paragraph 120 of the National Planning Policy Framework (NPPF), 2021 states that planning policies and decisions should "give substantial weight to the value of using suitable brownfield land within settlements for homes" and "promote and support the development of under-utilised land and buildings". The majority of the site is previously developed land and is currently under-utilised, the NPPF therefore favours this development.

The development is appropriate to the site and achieves a high quality of design and efficient use of the land, continuing the existing development form and patterns of buildings and space adjacent to the site. Plots 1-3 are of a commensurate scale to the immediate properties to the east and west (The Chestnuts & Westfield Lodge) and Plot 4 is of a comparable scale to the immediate property to the north (No. 45a).

SCALE COMPARISON OF EXISTING NEIGHBOURING PROPERTIES AND PROPOSED PROPERTIES			
EXISTING NEIGHBOURING PROPERTIES		PROPOSED PROPERTIES	
PROPERTY	SCALE (GEA m ²)	PROPERTY	SCALE (GEA m ²)
The Chestnuts	156m ²	Plot 1	152m ²
Westfield Lodge	180m ²	Plot 3	172m ²
		Plot 2	149m ²
No. 45a	108m ²	Plot 4	106m ²

Table 1: Scale comparison of existing properties immediately adjacent to the site against proposed properties

As part of this re-submission Plot 1 has been re-designed and reduced in scale through the omission of the gable roof to the west elevation and the incorporation of a hipped roof to mirror the adjoining property to the west. As such, the facing brickwork to the west elevation has been reduced by 12% therefore mitigating the continuous bulk of the brickwork façade with the slope of the roof facing away from The Chestnuts in contrast to the previous gable wall.

The size and layout of the development is in proportion to the adjacent built environment. A density comparison to the recently completed dwellings along Low Lane (Ref. H09-0454-15) gives the proposed development a preferable spatial accord whilst maintaining the recommendations contained within Paragraph 3.3.6 of SELLP which promotes development in or adjacent to existing settlements or development areas for the well-being of the environment. Furthermore, paragraph 3.3.6 recommends:

"The Local Planning Authority will encourage higher-density development in these locations to maximise accessibility".

5.0 Layout:

The layout of the proposed development is complimentary of the existing site and looks to maximise the available space whilst providing dwellings of generous proportions and external amenity space.

The site layout follows the existing form of the three adjacent residential properties to the west and the single dwelling to the north. As evidently confirmed within the accompanying Amenity Impact Assessment and Daylight, Sunlight and Overshadowing Study the proposal has been designed to cause no material harm on existing neighbouring properties and reduce any overlooking and overshadowing concerns.

Despite the initial 45° approach assessment advising daylight and sunlight levels are unlikely to be adversely affected to neighbouring property to the west, by virtue of the fact the proposed dwelling to Plot 1 does not intersect the 45° line from centre of any of the habitable room windows to the rear of The Chestnuts on the elevational plane, a full Daylight, Sunlight and Overshadowing Study has been undertaken for completeness.

The findings of that report conclude that there will be a negligible increase to the Vertical Sky Component (VSC) and Average Daylight Factor (ADF) values post-development, and a negligible decrease to the Annual Probable Sunlight Hours (APSH). Daylight Distribution (DD) or No Sky Line (NSL) values remain neutral with the development having no impact on the established existing site values.

In terms of sun on the ground (overshadowing), there will be a material nett gain in the area of the rear garden of The Chestnuts able to receive **7 hours** direct sunlight (on the 21 March) with the value increasing from 43.11% pre-development to 65.16% post-development.

Notwithstanding the fact that the findings of the previously submitted Daylight, Sunlight and Overshadowing Study pertaining application H09-1094-21 confirmed no material harm would be caused to The Chestnuts by virtue of the development; the proposed house on Plot 1 as part of this re-submission has been re-positioned further away from the western boundary with The Chestnuts and re-positioned northward.

Plots 1-3 remain positioned side by side with south facing gardens with the arrangement of the three plots comparable to the built environment of The Chestnuts and Westfield Lodge immediately to the east and west of the site. Plot 4 also has been positioned side by side with an east facing garden mirroring that of 45a Low Lane immediately to the north of the site.

The layouts allow for private parking to each plot with only one dwelling being immediately visible from the public highway (Plot 1). Each plot benefits from generous living space, external amenity, and gardens. Solar PV panels are to be installed on the south facing roof elevations of Plots 1-3 and to the south facing roof of the detached garage to Plot 4 in support of SELLP Policy 3 Item 9.

It should be noted that concessions have been made with this re-submission via reduced micro-on-site energy generation to Plot 1 through the re-design of the roof. The revision from a gable to gable, to a gable to hip roof has reduced the capacity of the south facing roof area to accommodate solar PV panels by up to 10%. A considerable reduction to what is otherwise a preferred orientation.

6.0 Landscaping:

A detailed landscaping plan is yet to be developed; however, the private access road is to consist of permeable block paving with a gravel parking to the front of three properties. Hard landscaping to the perimeter of the properties will provide level access to the principal entrances and to the public highway. Soft landscaping will consist of native species to provide local habitat's for foraging wildlife and nesting birds with amenity space provided via turf and patio areas.

Boundary treatment is to consist of retained mature hedging to the east and south boundaries and a mix of new timber and metal fencing, brickwork walls and hedged separations.

As per the recommendations made within Torc Ecology Ltd Construction Environmental Management Plan (biodiversity) all retained hedgerows should be protected from accidental damage during the construction phase in accordance with industry standard guidance whereby hedgerow's Root Protection Areas are fenced off from working areas.

Ecological enhancements will be incorporated within the scheme by way of additional native tree planting in newly created residential gardens that will help increase connectivity. Nectar producing shrubs and wildflower will be incorporated within the scheme to increase the availability of nectar of benefit to invertebrates which in turn will benefit species further up the food chain that feed on invertebrates e.g. bats and birds.

Habitat bat boxes will be installed on suitable elevations of the dwellings to provide permanent features that can be used year-round by bats i.e. during both summer and winter. Nest boxes for sparrows will be placed upon the site in locations where disturbance will be minimal and where birds have good access to hedgerow habitat. The boxes will be positioned at eaves height or up to 3m in height and are targeted at house sparrows as well as other small passerine birds including blue tit and great tit.

Swift bricks will be positioned at least 5m in height and directly into brickwork on gables. The bricks will provide permanent nest sites for swifts that are currently unavailable on site.

Any dividing fence restricting the free movement of hedgehog and amphibians will be provided with access holes within the gravel boards and brick walls. Log and rubble piles will be created beneath the Leylandii hedgerow to provide some refuge for any displaced animals and could continue to be used in the longer-term.

7.0 Access:

The existing limestone access drive will be widened to approximately 5.2m and consist of permeable block paving with sufficient turning space for a firefighting appliance. Access to the dwellings is to be hard surfaced with level thresholds to the principal entrances. The proposed development has been designed to comply with all aspects of Building Regulations Part M with step free access available from the principal entrances to the public highway, Low Lane.

Low Lane is a public highway approximately 5m wide providing access to the A17 to the North and King George V Avenue to the east. A cycle track and footpath are located to the west of Low Lane providing easy access into the town of Holbeach where local amenities and public transport links are located.

The proposal would generate some additional minor vehicle activity, however, given the proximity of existing properties to the adjacent A17 and the subsequent ambient noise generated from this busy single carriage road, the amenity of nearby residents would not be materially harmed by reason of noise and disturbance etc.

Access to the completed development will be through a choice of travel modes including public transport, cycle ways and walking in addition to motorised vehicle transport. Future residents and visitors will be able to make maximum use of the 2 No. electric vehicle charging points provided to each of the new dwellings.

8.0 Sewage, surface water and refuse:

Foul water from the development will discharge into the existing 150mm diameter foul water sewer located beneath the access drive which discharges into the public foul water sewer in Low Lane. Surface water will discharge into crate soakaways or crate infiltration trenches. Water butts of at least 120 litres internal capacity shall be installed to the rear of all properties to intercept rainwater discharging from the roofs of the dwellings. The new block paving surface of the access drive will consist of a permeable system built in accordance with SuDS (Sustainable Drainage Systems) to eliminate and intercept surface water runoff.

Refuse collections will be made from the head of the access drive at Low Lane from a designated location.

9.0 Flood Risk:

All ground floor levels would be set at 3.5m AOD Newlyn which is above the anticipated residual flood level for a tidal breach for a 0.1% event, up to the year 2125, allowing for climate change and incorporate mitigation measures. Full details can be found within the supporting site-specific Flood Risk Assessment which has been developed in accordance with Policy 4 of SELLP.

10.0 Conclusion

Whilst it was previously evidenced the proposed house on Plot 1 (H09-1094-21) would not cause a material loss of daylight and sunlight to the adjacent residential property to the west, the Members of the Planning Committee were minded to vote against the Senior Planning Officers recommendation to grant permission and refuse application H09-1094-21 during the Planning Committee Meeting held on 9th March 2022. The revisions made under this re-submission to the design, scale, and position of the proposed house on Plot 1 satisfactorily address the unsubstantiated reasons cited for refusal of H09-1094-21, namely loss of daylight and sunlight, to the adjacent residential property to the west and should therefore be approved.

It is considered that the proposed scheme satisfactorily complies with the relevant policies of the SELLP 2019 and the NPPF July 2021. The proposed development is within the settlement boundary of Holbeach, which is designated a Major Service Centre, where development will be permitted that supports the role as a service centre for the settlement itself, helps sustain existing facilities or helps meet the service needs of other local communities.

The site is considered a sustainable location for new housing with unique access to a dedicated cycleway and footpath providing cycle and pedestrian access to a range of educational establishments, business facilities, recreation, retail outlets and services in the town centre of Holbeach, including public transport links. By making efficient use of an underdeveloped and under-utilised windfall site, the enclosed application presents a scheme that

is appropriate to the setting of the site, and will create a development with an integrated scale, form, and character, using a high-quality blend of materials and construction techniques.

Through the replacement of the existing dilapidated bungalow with four high-quality new dwellings, the development will improve upon the character and quality of the immediate built environment whilst protecting the amenities of the neighbouring and surrounding built environment. The inclusion of micro onsite energy generation, home working facilities, the incorporation of electric vehicle charging points, the adoption of flood mitigation measures and the provision for the storage of roof rainwater runoff help provide a low carbon energy efficient and sustainable design. The proposal is therefore seen to comply with all relevant local and national planning policies.