DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H09-0588-20**	**Applicant:**	**Jelson Ltd**
Proposal:	Erection of 35 dwellings and associated works. Modification of Condition 1 of H09-0562-17, H09-0890-18 and H09-0818-18 that forms part of outline planning permission H09-0844-14, in addition to condition 5 of the outline planning permission H09-0844-14, to allow amendments to previously approved plans (substitution of house types on plots 4, 12 and 34; revised landscaping scheme; revised refuse collection arrangements; and 2.4m high boundary fencing on eastern boundary)		
Location:	Land Off Northons Lane Holbeach Spalding		
Terminal Date:	15th April 2021		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02	Development Management
03	Design of New Development
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2019

Section 12 - Achieving well-designed places

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	0	0	1
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
RESIDENTS	0	0	0	2

CASE OFFICER ASSESSMENT

Proposal

This is an application to modify Condition 1 of H09-0562-17, H09-0890-18 and H09-0818-18 that forms part of outline planning permission H09-0844-14, in addition to condition 5 of the outline planning permission H09-0844-14, to allow amendments to previously approved plans (substitution of house types on plots 4, 12 and 34; revised landscaping scheme; revised refuse collection arrangements; and 2.4m high boundary fencing on eastern boundary).

Site Description

Development has commenced on site. The site is surrounded by residential properties. It is noted that those to the east have shorter gardens than those to the north and thus the properties are closer to the site boundary.

History

H09-0241-20 - Details of boundary treatment (Condition 5 of H09-0844-14) (undecided)

H09-0240-20 - Erection of 35 dwellings and associated works - approved under H09-0562-17. Amendments to show re-positioning of Plots 9-14 and 33-35 and delete rear bedroom window and relocate to side elevation on Plot 1 (approved April 2020)

H09-0818-18 - Details of boundary treatment/materials, contamination, management plan, existing and proposed levels and surface water drainage (Conditions 5, 6, 8, 10 and 16 of H09-0844-14), and conditions 5 and 7 of the Reserved Matters approval H09-0562-17 (Drainage) (approved January 2019)

H09-0890-18 - R/M application for residential development - Details of landscaping and tree planting (approved December 2018).

H09-1047-18 - Erection of 35 dwellings and associated works - approved under H09-0562-17 - Amendments to house type for Plots 4, 12 and 34 (approved November 2018).

H09-0562-17 - R/M application for the erection of 35 dwellings and associated works - outline approval H09-0844-14 (approved April 2018)

H09-0844-14 - Outline application for proposed residential development (up to 35 dwellings) (approved November 2016)

Consultation Responses

Cllr Biggadike - Leaves to planning department's knowledge on technical matters.

LCC Highways/SUDS - Does not wish to restrict the grant of permission.

South Holland Internal Drainage Board - I note that consent was granted in 2019 for works within 9 metres of Board-adopted watercourse P37 - Northons Lane, and for the discharge of surface water to the same watercourse at a maximum rate of 3.9l/s from a maximum impermeable area of 320m2 at this site. If the proposed amendments result in any additional works within 9 metres of the Board-adopted watercourse, or changes to the impermeable area and/or surface water discharge rate, the applicant must contact this office to discuss alterations to the consent granted.

Public (2 comments) -
- Queries where tree in plot 12 has gone and what amendments are being proposed

Planning Considerations

Principle

The principle of residential development on the site has already been established through the outline approval and the site also benefits from a subsequent reserved matters approval. The key issue in this case is whether the latest proposal is acceptable in planning terms.

Impact on character and appearance

The applicant is seeking approval for the substitution of Plots 4, 12 and 34. These were approved as detached 4 bed properties via H09-0562-17 (reserved matters) and amended to detached 3 bed properties via H09-1047-18 (non-material amendment). The applicant is now seeking to substitute the house type on these plots for a smaller 3 bed property (still detached).

In design terms, the proposed house type is in keeping with the character of the wider scheme and sits comfortably in the plots concerned.

The proposal therefore accords with Policies 2 and 3 of the Local Plan which indicate that new development should respect the character and appearance of the area.

Residential amenity

With regard to Plots 4, 12 and 34, there would be no material alteration to the positioning of the dwellings within the plots from that previously approved and the properties would be smaller in scale. There would still only be two bedroom windows at the rear at first floor. The only side facing window would be obscure glazed (en-suite). The proposed house type substitution would therefore not materially affect the amenity of existing and proposed adjoining properties/residents in terms of overlooking, loss of light or overbearingness.

In terms of separation distances, there is in excess of 21 metres between Plots 4 - 14 on the eastern side of the site and existing properties on Chestnut Avenue. This is typically considered to be a satisfactory distance in planning terms where the relationship is rear to rear, and should ensure that there would not be a material adverse impact in terms of overlooking, overshadowing or being overbearing. The garages to the dwellings on the eastern side are closer but they are only single storey and a minimum of 2m from the site boundary.

Plot 35 accommodates the closest dwelling to existing properties on Chestnut Avenue at approx. 11.6m to the rear elevation of 54 Chestnut Avenue and approx. 12m to the rear elevation of 56 Chestnut Avenue. However the latter property sits forward of the dwelling sited on Plot 35 and the former is mostly to the rear of it. Given this offsetting, it is not considered that there would be a material overbearing impact that would justify refusing the application. Furthermore, it is the side elevation of the proposed dwelling that faces east and there are no windows on that elevation. There should therefore be no overlooking issues. With regard to loss of light/overshadowing, the proposed dwelling is situated to the south-west and north-west of these properties respectively. Taking into account the path of the sun, at such angles, it is not considered that the proposed dwelling would result in a material loss of light to 56 Chestnut Avenue. Later on in the day, there may be some overshadowing at 54 Chestnut Avenue but not to the extent that would warrant a refusal.

It should be noted that there is a requirement to raise finished floor levels (FFLs) due to flood risk. The engineering layout submitted as part of condition compliance application ref. H09-0818-18 indicates that finished floor levels will generally be around 0.75-1m higher than existing ground levels. In order to reduce the difference in height between FFLs and external levels, it is proposed that the garden levels be raised to around 0.5m below FFLs. The ground level at the eastern boundary would remain the same as existing or be increased marginally (by a matter of centimetres). The finished floor levels of existing properties to the east are around 0.5m lower than the FFLs of the new properties. Given this difference in levels, consideration needs to be given as to an appropriate boundary treatment between existing and proposed dwellings. The proposal is for a 2.4m high close boarded fence to be erected along the eastern boundary. Based on an understanding of the site levels and a site visit that has been conducted in relation to this matter, it has been agreed with the developer that a fence of 2.4m in height would be suitable to prevent the overlooking of adjoining gardens and rooms at ground floor. This will be taken as superseding boundary treatment details previously approved via application ref. H09-0818-18.

Taking the above into account, the proposal is considered to comply with Policy 2 in terms of

ensuring a satisfactory relationship with existing development, as well as Policy 3 with regard to wider considerations of residential amenity.

Refuse collection

The original intention was for the estate road to be adopted by the Highway Authority. However, the applicant subsequently indicated their preference for that road to remain private, and it is not the policy of the Council to collect waste from private drives. Nonetheless, the Council has approved, as an exception to the policy and arising from the exceptional circumstances that apply, that waste collection from this particular estate will be carried out by the Council subject to an appropriate indemnity agreement being entered into. In light of this, the revised refuse collection arrangements are considered acceptable.

Highways and Parking

Parking provision is in accordance with Policy 36 and Appendix 6 of the Local Plan which set out minimum vehicle parking standards. 2 spaces are indicated within the curtilage for Plots 4 and 12, in addition to single detached garages. 1 space and a garage (which does not meet the size specification in the Local Plan to be treated as an individual parking space) is shown for Plot 34. However, these are well set back and, in reality, an additional car can still be accommodated beside the property.

Landscaping

Details of landscaping also form part of this application. Landscaping was previously considered as a separate reserved matter under application ref. H09-0890-18. Two additional trees are now proposed to be planted along the eastern boundary of Plot 1 to provide additional screening of windows for the occupants of 78 Chestnut Avenue. The remainder of the landscaping scheme would be as previously approved and therefore remains acceptable.

The proposal therefore complies with Policies 2 and 3 of the Local Plan in terms of residential amenity and the provision of appropriate new landscaping.

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.

Conclusion

Taking the above into account, the proposal is considered to be in accordance with Policies 2 and 3 of the Local Plan, as well as Policy 36/Appendix 6. It also complies with Section 12 of the National Planning Policy Framework (2019).

The recommendation is therefore for a delegated approval.