

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	H09-0801-20	Applicant:	Mr D & A Rulewski
Proposal:	Erection of four detached two-storey dwellings, two detached garages and demolition of existing bungalow		
Location:	47 Low Lane Holbeach Spalding		
Terminal Date:	3rd March 2021		

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
28	The Natural Environment
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	1	0	0	0
WARD MEMBER	0	0	0	0
ENVIRONMENT AGENCY	0	0	0	1
HIGHWAYS & SUDS SUPPORT	0	0	0	1

IAN MARSHMAN, HISTORIC ENVIRONMENT OFFICER	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	1	0
OTHER STATUTORY BODIES	0	0	1	1
RESIDENTS	4	0	0	2

CASE OFFICER ASSESSMENT

Proposal

This is a full planning application that seeks permission for the erection of four detached dwellings, two detached garages and demolition of existing bungalow at 47 Low Lane, Holbeach, Spalding.

The original proposal was for five detached dwellings and one detached garage. After having received objections during the public consultation exercise, and by identifying matters of concern within the application and negotiating with the applicant, the reduction from five to four dwellings and other amendments are considered appropriate to address those concerns.

Site Description

The site is located within the built-up area of Holbeach. It is part of the north-eastern edge of the town. The area is purely residential comprising a range of house types, ages, designs and appearances.

The site currently hosts a large bungalow (No. 47) with a sizeable garden laid to grass. The highway access is a long lane running between No. 45 and 49 which front onto Low Lane. Adjacent to the east of this lane, there is another access which serves three detached dwellings (Wouldows, Rosella and The Chestnuts).

No. 45a is a large two-storey detached house that backs onto No. 45 and obtained full planning permission back to 2013 (application ref. H09-0664-13). It is a few metres to the north of No. 47. There is no means of enclosure between these two properties.

A conifer hedge nearly 2 metres high runs along the rear of plots on Low Lane adjoining No. 45a. A drain borders the southern boundary of the site. The eastern and southern boundaries of the site are enclosed with a mature conifer hedge 4 metres high. There is no means of enclosure or soft landscaping between the site and the three detached dwellings to the west.

History

None.

Consultation responses

South Holland IDB

No objection.

Environment Agency

No comment.

Holbeach Parish Council

No objection.

"Even though this is not keeping with the area and much more could be made of the land I can see no reason why it should not be passed".

SHDC Environmental Protection

No objection.

SHDC Tree & Conservation Officer

Requests a great crested newt survey, bat survey and protection to British Standard BS 5837: 2012 of any trees on or adjacent to site where Root Protection Areas would be affected. Nesting birds need to be taken into account when the site is cleared.

LCC Highways/SUDS Authority

No objection.

County Historic Environment Officer

No objection.

Public

Six different residents submitted objections to the former proposals raising the following issues:

- Overlooking from the proposed houses to the adjoining plots.
- One of the proposed dwellings would cause overshadowing to an existing property.
- Overdevelopment of the site.
- The house on Plot 1 should be set back further from the Chestnuts (the nearest existing property).
- Request about obscuring the glazing of windows that overlook onto adjacent plots.
- Conifers shall be appropriately maintained to avoid encroachment onto adjacent plots.
- Noise and disturbance by the arrival of further residents to the area.
- Concerns about higher flood risk from surface water due to the development.
- The sunlight glare on the proposed solar panels would disturb the amenity of residents.
- The bin storage is not appropriate by reason of location.
- Request about the surface treatment of the site access given the increased vehicular movement.
- Request about conditioning planning permission for the installation of a minimum of 12 swift nest bricks to enhance biodiversity.
- Access of emergency vehicles to the proposed houses is not ensured.
- Insufficient car parking spaces within the plots which would exacerbate on-street parking and therefore highways safety.

All consultees were re-consulted in light of the amended drawings. One resident objected the application in the following terms:

- The relationship between Plot 1 and Chestnuts is not appropriate. The height and bulk of the intended house would be easily perceived from the Chestnuts at the proposed position. There would be overshadowing and overbearing impact onto the Chestnuts.
- It is encouraged to remove the detached garage of Plot 2 to erect only three dwellings onto the southern boundary.
- The application should be accompanied by 3D models and Daylight model. The block plan should be corrected in order to show clearly the footprint of the Chestnuts. The content of the Design and Access Statement should be expanded.

In response to the above, a detailed daylight assessment was provided to overcome concerns about overshadowing and it was considered acceptable. However, concerns about overbearing impact remained. Eventually, Plot 1 and 2 were exchanged and the two-storey bulk of the dwellinghouse would be set back further from the boundary with the Chesnuts. The nearest structure would be single-storey detached garage which is far less harmful.

In light of the amendment plot, re-consultation were re-consulted and the following comments were raised:

- The development would exacerbate flooding events from drains.
- Requests of further details about surface drainage strategy.
- Bungalows should be the preferred housing type for disabled people.
- Trees could be trimmed or removed and loss of privacy would occur.

Planning Considerations

Principle of development

The site is within the settlement boundary of Holbeach as set out in the Policies Map of South East Lincolnshire Local Plan (SELLP), 2019.

Policy 1 of the SELLP sets out the spatial strategy for new development across the district. A settlement hierarchy has been established in order to steer development to the most sustainable locations. Holbeach is classed as Main Service Centre and as such development would 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.

The extent to which the proposed residential scheme is sustainable can be determined by assessing it against each dimension of sustainable development set out in Paragraph 8 of the National Planning Policy Framework (2019) as follows:

1. Economic

The future occupiers of the dwellings may work locally and support local services and make a contribution to the local economy. There may also be employment opportunities associated with the construction, albeit in the short term.

2. Social

According to "South Holland District Council 5-year Housing Land Supply Assessment (as at 31st March 2020)", the Council is capable of delivering housing land supply of 9.1 years under the Liverpool method. Although housing sufficiency has been met, additional dwellings being delivered by the proposal would make a social contribution.

A wide range of regular bus service, services and facilities are located at the historic core of Holbeach. The length of the journey to walk from the site to the town centre is in the region of 20 minutes. Therefore, the future occupiers of the dwelling would be able to meet their day-to-day needs by sustainable travel modes.

3. Environmental

The land of the scheme has been previously developed, thereby no concern about the loss of greenfield which is sequentially less preferred.

The scale of the development and position of houses have been appropriately amended to avoid any uncharacteristic form of development to the urban pattern of the area.

Most of the site has flood risk hazard with 'Danger for Some' as per South East Lincolnshire Strategic Flood Risk Assessment (March 2017). There is no objection to the principle of developing dwellings after successfully passing both Sequential Test and Exception Test. Given the high vulnerability of residential proposals to flood risk, a range of flood mitigation measures is appropriately proposed to be incorporated into the dwellings.

In summary, the principle of development for the proposed scheme is acceptable. On balance, the development would achieve sustainable development in accordance with Policy 1 of SELLP, 2019 and Paragraph 8 of NPPF, 2019.

Design and layout

Paragraph 127 of National Planning Policy Framework (NPPF), 2019 establishes that planning policies and decisions should ensure that developments would 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 SELLP, 2019 goes on to say that considerations shall be met about size, scale, layout, density and impact on the amenity, trees, character and appearance of the area and the relationship to existing development and land uses. In this regard, Policy 3 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, would not be acceptable.

The reduction of the number of proposed dwellings from 5 to 4 has improved the form of development. The resulting density is more appropriate in view of the site area and no overdevelopment would occur. The scheme layout shows three plots onto the southern site boundary facing north and one further near No. 45a facing west. Overall, the backland nature of the proposed scheme is not at odds with the pattern in the vicinity. The three detached dwellings to the rear of No. 46 were also built following the same layout.

The existing site access would remain as vehicular access and would be accordingly improved to enter and egress the backland development to the main highway (Low Lane). The existing cobbles on the surface would be replaced with permeable blocked paving. The improved access would incorporate a nearly 20 metre wide turning facility for emergency vehicles. Lincolnshire Fire and Rescue has not objected nor added further comments in this regard.

The proposed dwellings would be two-storey detached houses. The external facing brickwork would consist of red multistock blend, the roof tiles double pantiles (colour to be confirmed) and external openings UPVC and aluminium (colour to be confirmed).

The main roof of houses in Plots 1 and 3 would be gable pitched whereas a mixture of hip and pitch ends is the roof layout for houses in Plots 2 and 4. Generally, all buildings would have gable pitched elements subservient to the main roof plus front porches. Bricks would be used for detailing in window lintels, soffits and fascias. On balance, the external layout, appearance and in general the design standards of the buildings would not detract from the nearest properties and would be of good quality.

Internally, all houses would have 4 bedrooms excepting the house in Plot 3 which would have up to 5 bedrooms. The common internal layout is such that communal spaces would be on the ground level and bedrooms on the first-floor level. None of the dwellings would have habitable loft space. Albeit not binding, Nationally Described Space Standards have been used to assess the amenity standards of the internal layouts. The amount of floorspace proposed per each room is acceptable to safeguard good living conditions to the future dwelling occupiers.

In summary, the form of development is appropriate given the site features and pattern of development in the vicinity. Awaiting for further details, the design quality standards are in principle acceptable in view of the scale, height and architectural features of the properties nearby.

Residential amenity

In this regard, the main concern of the scheme has been the relationship between the existing property known as the Chestnuts and the nearest plot (Plot 1).

Most of the footprint of the house in Plot 1 would extend beyond the rear wall of the Chestnuts. The apex height was formerly 9.75 metres and some overbearing effect could have been caused onto the residents of the adjoining property when enjoying the rear garden. One of the residents expanded on this issue in their objection statement. It was the case officer's opinion that

amendments should be made to address such conflict between these two buildings.

Firstly, revised plans were requested and subsequently submitted with a reduction of the pitch degree that reduces the apex height from 9.75 to 9 metres with no further depth.

After reviewing the planning history of the Chestnuts, no first-floor rear bedroom is close to Plot 1. The new house was set back roughly 2.30 metres from the boundary fence with the Chestnuts. Therefore, the occupiers of the Chestnuts would have enjoyed daylight from the habitable rooms and no unacceptable overshadowing would have occurred by reason of the development. In any case, daylight assessment was undertaken and subsequently submitted to the Local Planning Authority. It was considered acceptable to demonstrate that no overshadowing effect would have occurred.

However, concerns about overbearing impact remained by the objector and Plot 1 and 2 were exchanged after negotiating with the applicant. In doing so, the two-storey bulk of the dwellinghouse would be set back further from the boundary with the Chestnuts and the nearest structure would be single-storey detached garage which is far less harmful. As a result of that, any probability of overbearing impact would be clearly dissipated.

The separation distances among the footprints of proposed dwellings, and between new dwellings and the site boundaries range approximately between 2 and 3 metres. Given the similar scale and heights of the properties the built form would not create any unduly impact upon the residential amenity of neighbours in the vicinity.

Highway safety and car parking provision

The narrowest section of the private driveway is in the region of 5.25 metres in width which exceeds the minimum requirement of 4.1 metres for up to 5 dwellings as per Lincolnshire County Council. The County Highways Authority has raised no objection in terms of highway safety.

The improved access would have incorporated a nearly 20 metre wide turning facility for emergency vehicles. Lincolnshire Fire and Rescue has not objected neither added further comments in this regard.

In conjunction with Policy 36 of SELLP 2019, Appendix 6 sets out the minimum standards for parking provision upon the use class. Three spaces for dwellings with 4 or more bedrooms should be provided within the curtilage. A garage can count as one parking space provided it has internal dimensions of 2.6m x 5.6m.

All houses would have 4 bedrooms except Plot 5 which has a house with 5 bedrooms. Each plot has sufficient car parking provision in line with the aforementioned standards. Therefore, on-street parking should be accordingly prevented.

Flood risk and drainage

The site is within Flood Zone 3a as per Environment Agency's Flood Map. According to South East Lincolnshire Strategic Flood Risk Assessment (March 2017), the flood depths would mostly range between 0.25m to 0.5m and 0.5m to 1.0m.

Section 14 of NPFF 2019 is aimed to provide the appropriate framework to prevent inappropriate development within the highest flood risk areas and encourage the implementation of SUDS to mitigate the impact of flood risk. Policy 4 of SELLP 2019 transposes the national policies into the Local Plan.

A site-specific flood risk assessment has been submitted with this application. A Sequential Test and Exception Test have been applied and successfully passed. Extensive research on potential sources of flooding has been carried out. Calculations have been made on anticipated flood levels taking into account climate change effects. A range of resilience measures have been consequently proposed to incorporate to the development as follows:

- Finished ground floor levels shall be raised at 3.5m AOD.
- Flood resilient construction shall be incorporated in the buildings to a height 300mm above ground floor level.
- Safe refuge would be provided at first floor level and future occupiers would be provided with an

emergency plan for safe evacuation depending on prevailing conditions.

-Surface water run-off from the roofs of the proposed dwellings and detached garage should be discharged into soakaway crates. The infiltration system together with associated drainage should be designed to BRE Digest 365 and meet the requirements of Part H of Building Regulation.

-Permeable block paving and gravel driveways with a suitable base to allow the surface water to permeate into the ground.

-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.

In light of the flood vulnerability of the development against such flood risk, it is considered that the resilience measures are acceptable.

Concerns were raised during the neighbour consultation about the increasing frequency of flooding events from surface water over the last years. This has been reiterated by members of the public in the context of recent applications for residential development in the area. Furthermore, the Environment Agency anticipates low flood risk from surface water to the front of No. 45a and to the rear of No. 47. In view of the hydrological features of the site, it is feasible to recommend the addition of a condition to submit full details of proposed means of foul and surface water disposal before the commencement of the development.

Habitats and biodiversity

Paragraph 175 of NPFF 2019 states that when determining planning applications, permission should be refused if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for. It goes on to say that opportunities to incorporate biodiversity improvements in and around developments should be encouraged.

The mature high conifers forming hedgerow would remain on the eastern and southern boundaries of the site. Some young trees across the site and standalone conifers on the south-western corner would be removed.

SHDC Tree and Conservation Officer has been consulted about the proposals. No objection has been raised subject to some conditions. A great crested newt survey and a bat survey should be carried out as the ponds would be removed and the bungalow demolished. It has been also requested protection to British Standard BS 5837: 2012 of any trees on or adjacent to site where Root Protection Areas would be affected. It is reminded also of the need to protect nesting birds when the site is cleared.

Native wildflower planting is proposed for the landscaping scheme to improve biodiversity. Further details of such scheme would be required at a later stage prior to the commencement of works.

In principle, the proposals would not be detrimental to the habitats and biodiversity subject to further assessment at a later stage.

Planning balance

The proposals represent infill development within the settlement boundary of Holbeach and has been clearly demonstrated that achieves sustainable development. The proposed site layout provides a form of development which does not conflict with the pattern in the vicinity.

Concerns about residential amenity have been raised during the neighbour consultation. It has been the case officer's view that the relationship between Plot 1 and the Chestnuts was especially conflictive. However, amendments have been subsequently made to mitigate any adverse impact to acceptable levels. The design and layout of the scheme is of good quality and some of the details can be specified and approved at a later stage.

The development has been satisfactorily justified in terms of flood risk and the proposals are deemed adequate to prevent any flood risk exacerbation after the development being built. Considerations on the habitats and biodiversity in principle are acceptable subject to further assessment at a later stage.

On balance, the development proposals comply with the most relevant planning policies. No adverse impacts of granting permission to the scheme would significantly and demonstrably

outweigh the benefits of doing so, when assessed against the planning policies taken as a whole.

Conclusion

Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, states that the determination must be made in accordance with the development plan unless material considerations indicate otherwise.

For the reasons above, this application is in accordance with Policies 1, 2, 3, 4, 10, 11, 28, 36 and Appendix 6 of South East Lincolnshire Local Plan (2019) as well as Section 2, 5, 11, 12 and 14 of National Planning Policy Framework (2019).

Accordingly, it is recommended to approve this 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.