

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H09-1025-19 **Applicant:** Mr K Vaughan
Proposal: Erection of three bedroom detached house with on-site parking - re-submission of H09-1028-18
Location: Land At Holbeach Drove Gate Holbeach Drove Spalding
Terminal Date: 17th February 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 12. Achieving well-designed places

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	1	0	0
WARD MEMBER	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. H09-1028-18. The previous scheme was also one three bedroom detached house. Planning permission was refused on the following basis:

"The proposal represents a cramped and incongruous form of development in a prominent location within the settlement. In addition, the proximity of the development to TPO trees would adversely impact their ability to thrive without significant works or removal.

The proposal is therefore contrary to Policy SG14 of the South Holland Local Plan, 2006 which seeks good design and to preserve the character of an area and the way it functions"

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

H09-1028-18 - 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. An informative note has been suggested to add to the decision notice.

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.

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

No objection. Two informative notes have been suggested to add to the decision notice.

Cllr Allan Beal

No objection.

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 would 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 H09-1028-18, this is a key material consideration to assess whether the re-submission addresses the conflict of the development with the character of the local area and the presence of the TPO ash tree.

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. In this context, the design and external appearance of the house would not be out of character with the existing houses in the area. The height and scale of the proposed house would not be excessive in relation to the existing detached houses in the area.

The footprint of detached house refused under previous planning ref. H09-1028-18 was rectangular. 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 with the current application would have an L shape and would be positioned onto Drove Road to the south. The principal elevation would face this road and separation distances ranging approximately from 3.35 and 5.30 metres

would be provided with the boundary adjoining this road.

The site is a corner plot adjoining a wide Y-junction. Thus, the views to the proposed house location are significant from Holbeach Drove Gate/B1168 coming from the west and north and from the east (Drove Road). Taking this into account, it is considered that the dwelling would be re-positioned and re-located to such an extent that the prominence of the house in the street scene would be greater than the refused proposal.

It is noted that the site layout has been proposed in order to not conflict with the root protection area or canopy radius of the TPO ash tree on the western boundary. Notwithstanding this improvement, the benefit for further preservation of the protected tree is considered to be at the expense of delivering an appropriate form of development.

Residential amenity

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

The proposed dwelling would 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 would be acceptable after carrying out the proposal.

Landscaping and tree preservation

The proposed landscaping would comprise the planting of two silver birches (*Betula Pendula*) and one Mountain Ash (*Sorbus Aucuparia*) to the front of the house. A Hawthorn hedge would 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 would be placed to the front of the property as well as the western boundary where there would be no hedges. With regards to the surface treatment, gravel would be laid on the floor of parking and turning area whereas turf would be laid on the remainder of the site which would 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 would 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 would 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

Materials 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 but the position of the intended house in close proximity to Drove Road would arguably increase its prominence on the wider street scene, particularly when viewed from Holbeach Drove Gate to the west, than the development previously refused under application ref. H09-1028-18.

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.