Amenity Impact Assessment

Proposed Development at
Low Lane, Holbeach

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

Mr D J Rulewski BSc (Hons) MCIOB
Mr A T Rulewski LLB

24 November 2021

This report has been prepared in response to the amenity impact comments as raised during the consultation stage of Planning Application H09-1094-21. The following text applies measurable and tangible rationale to the notion of 'overbearing' and loss of outlook. Quantifiable examples have been highlighted to demonstrate that the proposed development has a negligible impact upon the amenity and living conditions to the occupiers of the property known as The Chestnuts and these conditions are maintained to an acceptable standard.

Due consideration has been given to the design and layout of the proposed dwellings during the pre-application stage with regard to the impact on privacy and amenity of adjoining properties. The term 'overbearing' is used to describe the impact of a development or building on its surroundings, particularly a neighbouring property, in terms of its scale, massing and general dominating effect.

Residential amenity is not defined in law, but in planning terms, 'amenity' is often used to refer to the quality or character of an area and elements that contribute to the overall enjoyment of an area. Residential amenity considers elements that are particularly relevant to the living conditions of a dwelling.

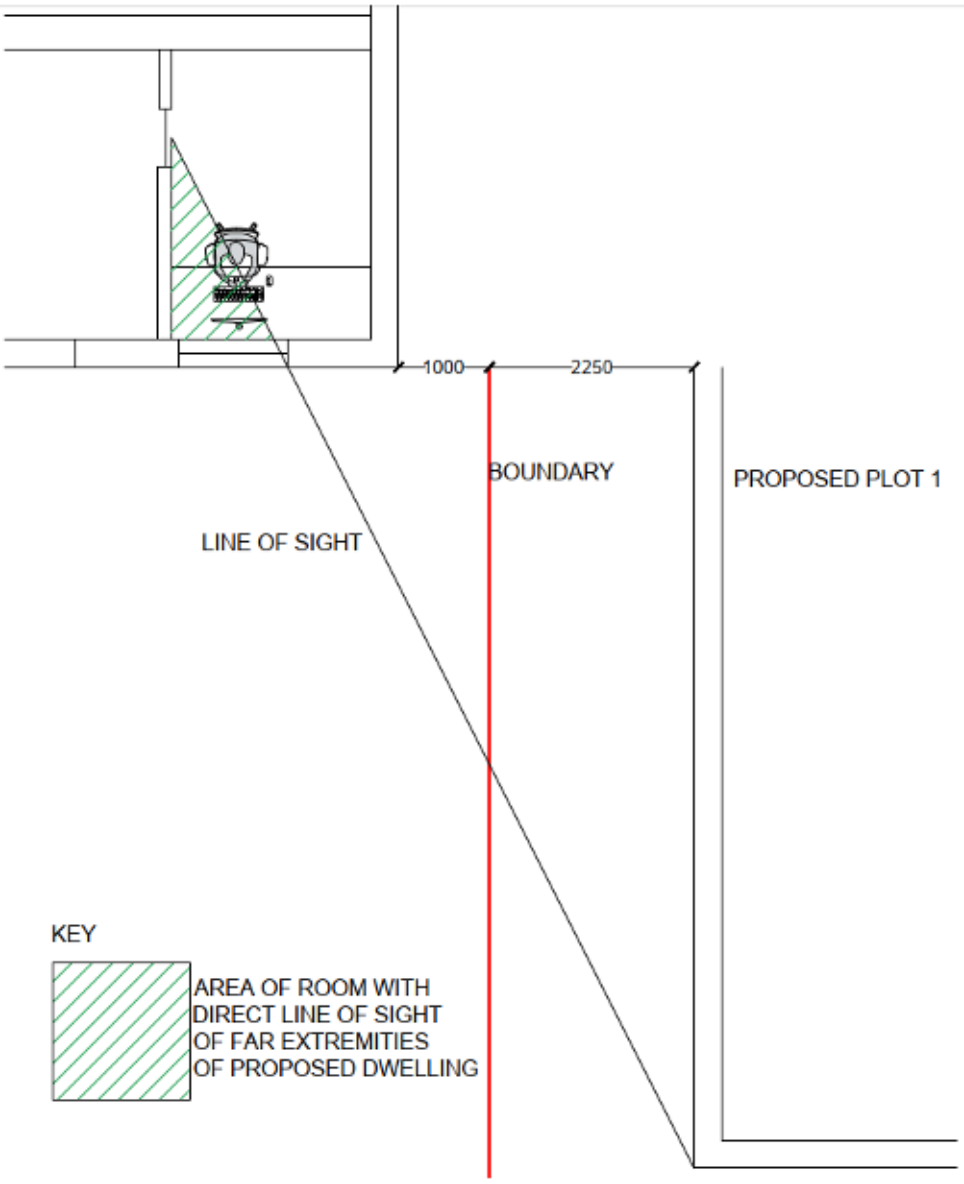
For the purposes of assessing the impacts of development on residential amenity 'outlook' is taken to mean what you look out on to, such as the prospect from a window serving primary living accommodation.

BRE 209 Site Layout Planning For Daylight and Sunlight A Guide To Good Practice makes no reference to overbearing in its entire text and deals purely with daylight and sunlight issues. However, it does refer to sun on the ground to amenity areas. The Daylight and Sunlight Assessment as submitted as part of the application clearly demonstrates that the proposed development will have no adverse material impact upon the property known as The Chestnuts in terms of daylight and sunlight.

In terms of 'overbearing' and 'outlook' in relation to occupiers of rooms within The Chestnuts, the proposed dwelling on Plot 1 would clearly have to be visible by the occupants of said rooms going about their normal daily activities for this to be an issue.

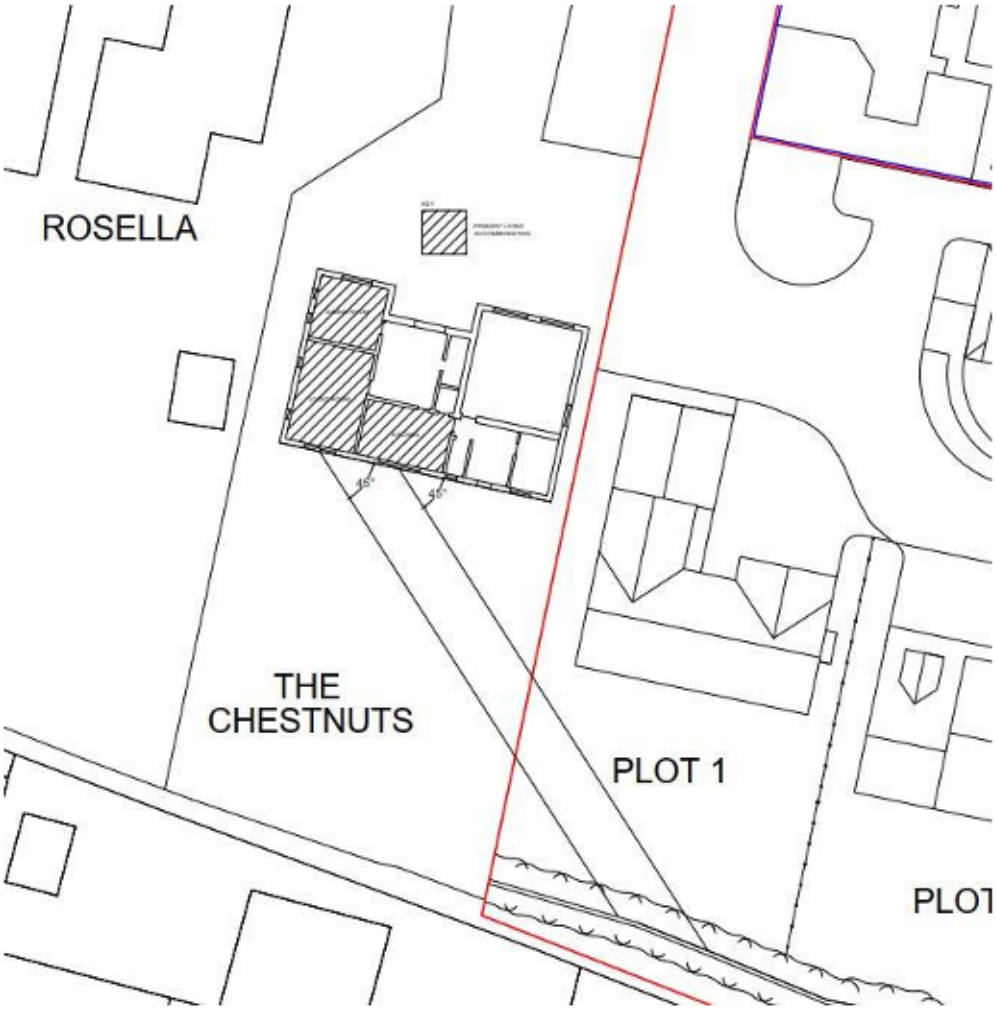
The nearest affected room is the one, according to information obtained through public records, was designated as a 'study' in the original planning application, the current use is unknown but previous owners have used this as a store room since having a floor area of only 7.04m^2 this is less than the minimum recommended for a single bedroom (7.5m^2) according to the *Department for Communities and Local Government Technical Housing Standards Nationally Described Space Standard March 2015*. It could therefore be attested that this room could be discounted for the purpose of being of a size suitable for use as a habitable room, it certainly cannot be defined as primary living accommodation, but for the objectives of this analysis will nevertheless be included.

A person sat at a desk positioned under the window in the 'study' (Figure 1) will not have a direct line of sight of the west facing wall of the proposed dwelling to Plot 1. In fact, only users of 17.7% of the room (which equates to 0.46% of the Gross Internal Floor Area of The Chestnuts) designated 'study' will have a direct line of sight of the far extremity of the western wall to Plot 1 and this area of the room is extremely unlikely to be used during normal day to day activities.



(Figure 1)

Using the nationally recognised 45-degree test to assess the impact on outlook to existing neighbouring dwellings a line is drawn on plan at an angle of 45-degrees extending in a south easterly direction from the centre of the window serving the Kitchen and from the centre of the patio doors to the Living Room (designated primary living accommodation in terms of outlook when looking out from within the dwelling). Under this test, no part of a building should break an angle of 45-degrees. Referring to Figure 2 below, this test places the proposed development on the acceptable side of the 45-degree lines therefore the proposed dwelling to Plot 1 will have no adverse impact on the users of these rooms in terms of outlook applying nationally recognised planning guidance.



(Figure 2)

Further weight is added to the above by the fact that the Vertical Sky Component (as detailed within the submitted Daylight & Sunlight Assessment) for the 'study' (32.634654%) is 0.99 of the former value once the proposed development has been implemented with an increase in VSC to the kitchen (36.888155%) 1.03 of the former value and lounge (36.504258%) 1.02 of the former value after the development is completed.

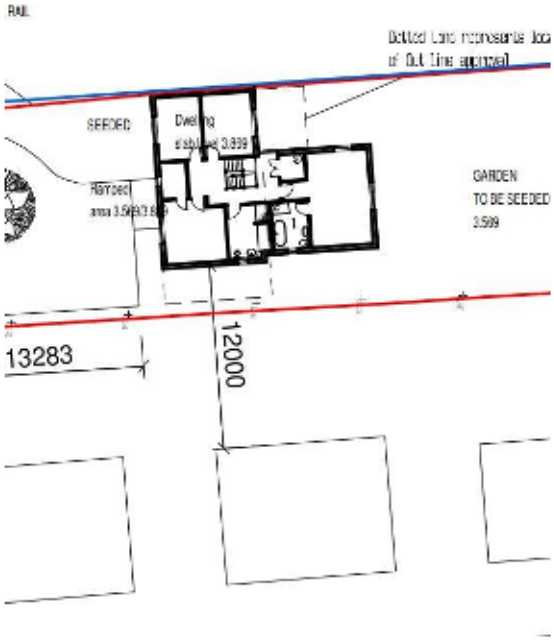
Similarly, the Daylight Distribution (No Skyline) analysis carried out as part of the Daylight & Sunlight Assessment which takes into account the floor area of the rooms together with depth to width ratios, reveals that there is no reduction in the DD values to all of the rooms analysed with the proposed development completed. For the proposed development to have an adverse material impact on the outlook from any of the rooms analysed served by windows on the rear elevation of The Chestnuts one would expect to witness a reduction in these values.

It is therefore concluded that the proposed development of Plot 1 cannot be considered to have a significant adverse material impact upon the occupants of habitable rooms from within The Chestnuts in terms of outlook and overbearing with no significant visual intrusion occurring. Acceptable levels of outlook are evidently maintained, and thus internal living conditions are unaffected.

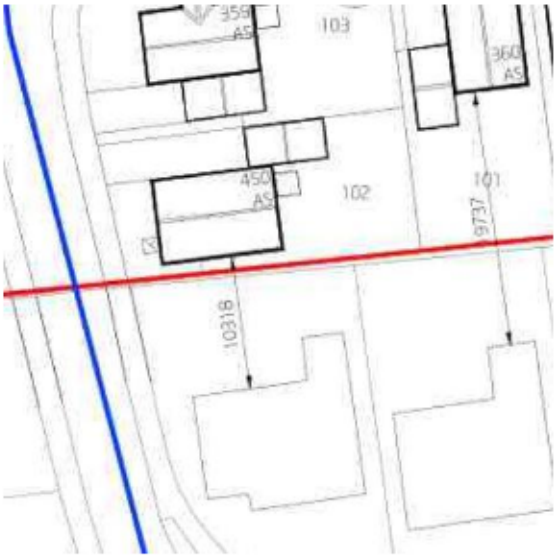
With regard to the rear garden of The Chestnuts no recognised publication is known to exist which clearly defines overbearing in relation to a side development adjoining an existing garden. However, nationally accepted guidance is published as to what is deemed overbearing in relation to a side wall of a new two storey building facing a rear elevation of an existing two storey building, this is known as the 12-metre rule. This is referenced in various applications, nationally and locally.

Referencing the Case Officers report pertaining to application H05-0668-20 the 12-metre rule is seen as a material consideration with the Case Officer stating "*acceptable in terms of overbearing effect provided that the separation distance is 12 metres. Should the distance be shorter, the harm upon the amenity of residents nearby might turn out excessively detrimental*" (Figure 3).

Furthermore, referencing application H09-0602-20, the separation distance between the rear elevation of an existing single storey bungalow (with a garden depth of only 9 metres) and the proposed side elevation of a two storey dwelling is deemed to be adequate by the Case Officer at a reduced distance of only 10.3 metres (Figure 4).



(Figure 3)

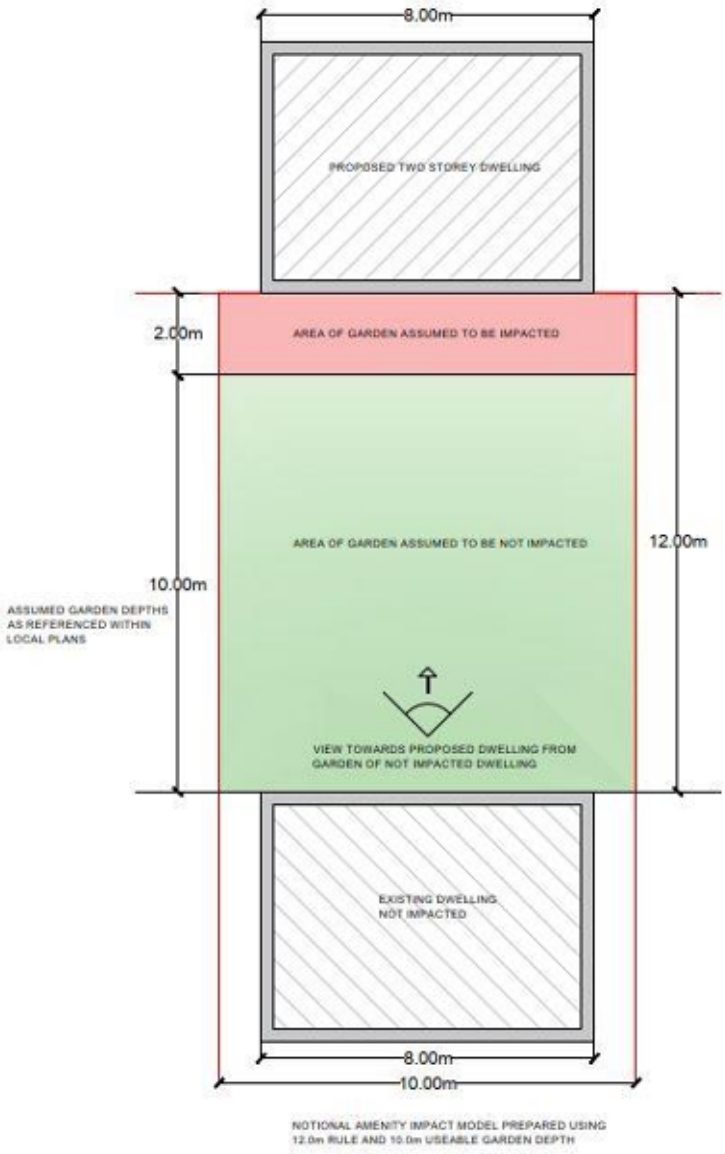


(Figure 4)

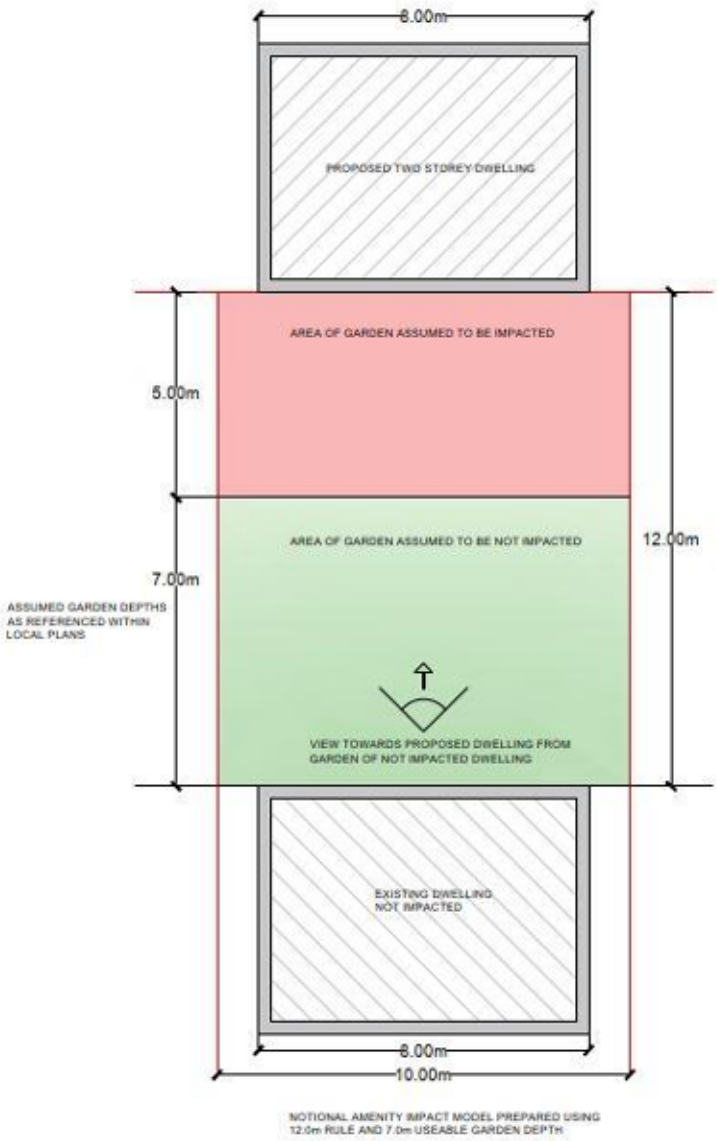
It can be deduced from this rule that the occupiers of the existing dwellings greater than 12 metres from any proposed two storey building positioned directly opposite the windows of the habitable rooms will not find the new two storey development overbearing. This demonstrates that SHDC consider the 12-metre rule in determination of applications in which there is a rear elevation exposure.

The 12-metre rule can therefore be used as a baseline to assess scenarios of varying layouts and orientation. In the scenarios below, the 12-metre rule has been used within a notional model to extrapolate the impacted area of a property which would be deemed to have an overbearing effect to residential amenity areas. Generally, Local Plans contain advice on the suggested minimum garden depths and areas. This ranges from between 7.00 metres to 10.00 metres deep with the higher percentage recommending and minimum garden depth of 10.00 metres.

Two notional models have therefore been built with required garden depths of 10.00 metres and 7.00 metres using the 12-metre separation rule.



(Figure 5)



(Figure 6)

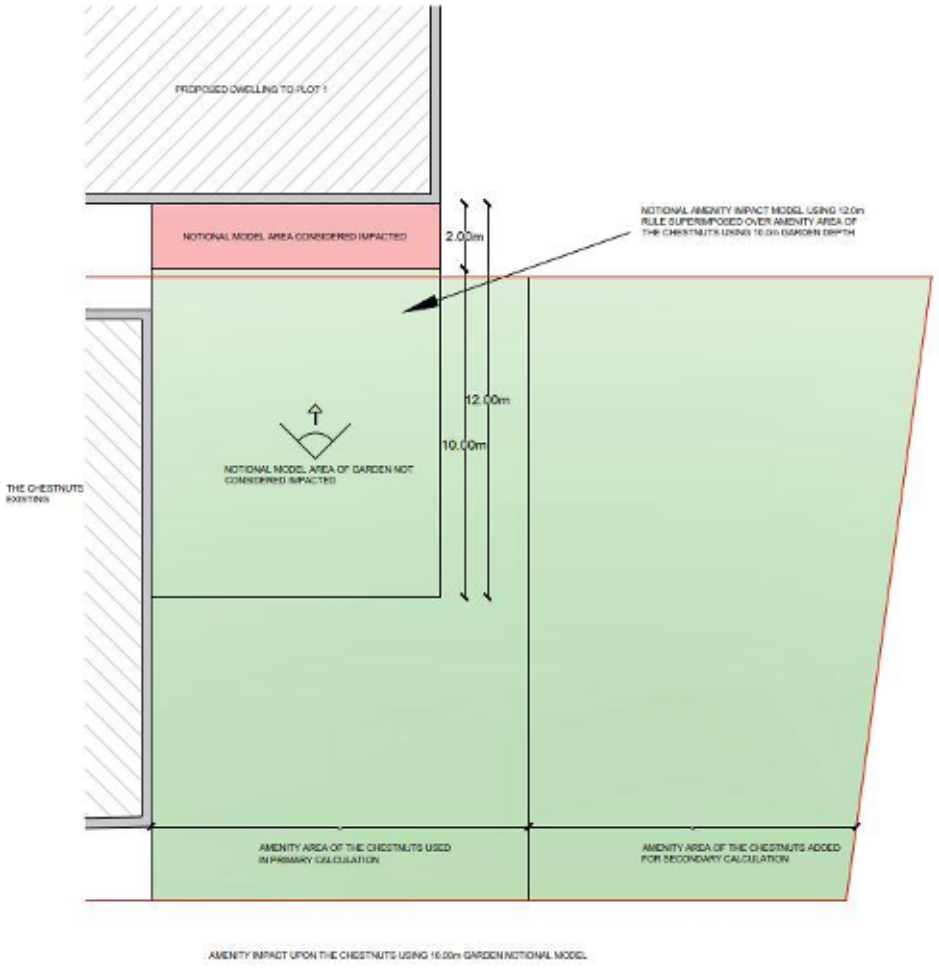
Applying a minimum garden depth of 10.00 metres, using the 12.00-metre separation rule, this would equate to 100% of the garden being greater than 2.00 metres away from the proposed dwelling. Therefore, by deduction, users of this 10.00 metre section of garden would not find the proposed dwelling overbearing (see figure 5).

Applying a minimum garden depth of 7.00 metres, using the 12.00-metre separation rule, this would equate to 100% of the garden being greater than 5.00 metres away from the proposed dwelling. Therefore, by deduction, users of this 7.00 metre section of garden would not find the proposed dwelling overbearing (see figure 6).

This criteria for 12-metre separation has therefore been applied to the current application referencing the notional models as a tangible and quantifiable baseline.

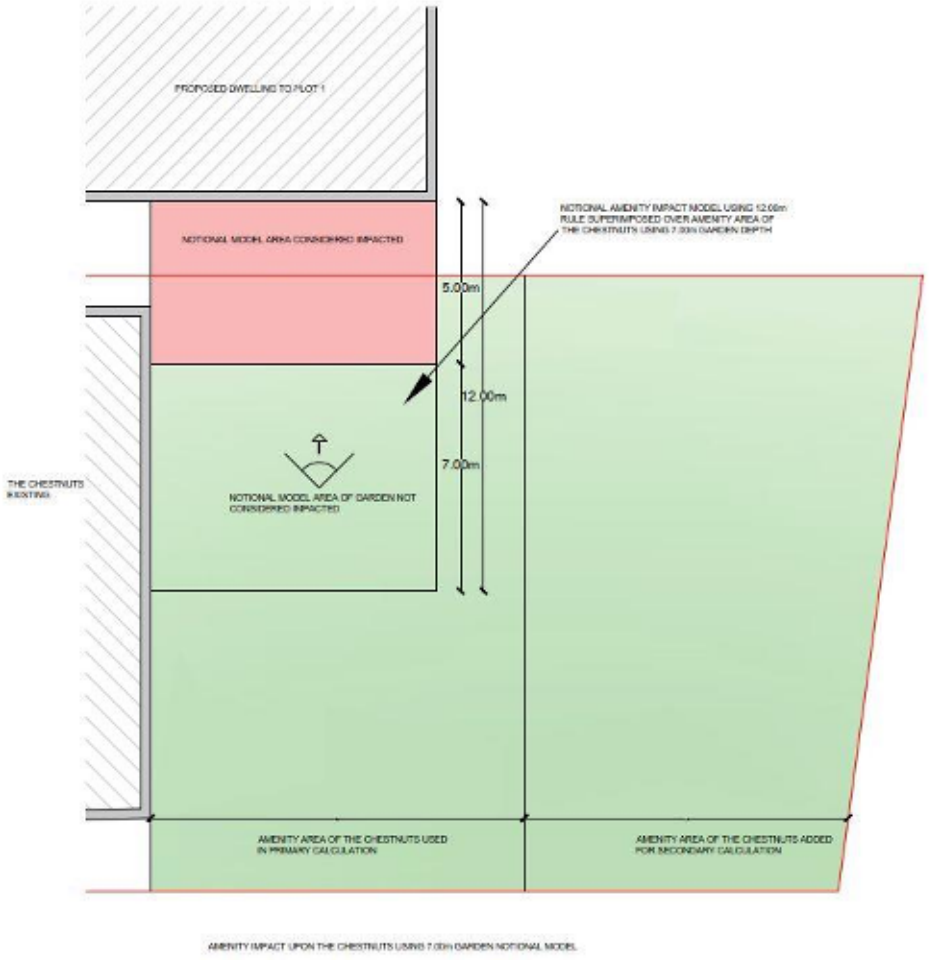
For a person standing in the garden to The Chestnuts and facing east, that is directly towards the western elevation of the proposed dwelling to Plot 1, the garden depth of The Chestnuts would be approximately 19.00 metres. The distance from the western elevation of the proposed dwelling to Plot 1 to the farthest boundary directly behind the observer would therefore be 21.250 metres.

Applying the 12.00-metre rule using the notional model with a required garden depth of 10.00 metres and 100% of the garden being a minimum of 2.00 metres from the proposed dwelling, interpolating this to The Chestnuts the proposed layout equates to an improvement of 190% in relation to amenity impact when compared to the notional model. See Figure 7 below.



(Figure 7)

Applying the 12-metre rule using the notional model with a required garden depth of 7.00 metres and 100% of the garden being a minimum of 5.00 metres from the proposed dwelling, interpolating this to The Chestnuts the proposed layout equates to an improvement of 232% in relation to amenity impact when compared to the notional model. See Figure 8.



(Figure 8)

It should be noted that in the preparation of these calculations the distance to the boundary running parallel to the southern elevation of The Chestnuts is assumed to extend out from the southern elevation by approximately 11.5 metres which reflects the amenity area most in use. If one factors in the remaining approximately 200m^2 of amenity area available to The Chestnuts, then the improvements in amenity impact when related to the notional models increase to 390% and 432% respectively. This is indicated as on Figures 7 & 8 as secondary calculations. This applies a degree of quantitative objectivity to that which is subjective by demonstrating in mathematical terms using a notional model how the magnitude of perceived overbearing by an observer of a two storey building is relative not only to the observer's distance from that building but also to the confines and dimensional constraints of the space from which the observation occurs.

Using national recognised recommended building separation distances it can clearly be seen that the impact of the proposed dwelling to Plot 1 upon users of the amenity area to The Chestnuts will be significantly less than that experienced by users of the residential amenity area when applying the nationally recognised 12-metre separation rule.

Therefore, applying a degree of consistency, it is reasonable to deduce that the proposed development to Plot 1 will not be overbearing to the users of the rear garden to The Chestnuts, also taking into account this is a side to side relationship and not a rear elevation to side elevation relationship which is far more harmful.

The above can also be corroborated by referring to previous Planning Applications deposited with South Holland District Council. The following applications were not deemed to be overbearing in relation to existing properties and are seen to be far more harmful in terms of overbearing and outlook than that which is currently under consideration.

Planning Reference	**Description**	**Decision**
H16-0935-21	Rear of 175 Hawthorn Bank Spalding PE11 2UN	Approved
H05-0668-20	37 Fleet Road Fleet Spalding PE12 8LA	Approved
H05-0326-20	37 Fleet Road Fleet Spalding Lincs PE12 8LA	Appealed Allowed
H01-0576-20	6A Backgate Cowbit Spalding PE12 6AP	Approved
H23-0111-21	Off Broadgate Whaplode Drove Spalding PE12 0TN	Approved
H23-0714-20	Adj. Corner House Churchgate Whaplode Spalding PE12 6TA	Approved
H21-0674-20	1 Station Road Tydd Gote Wisbech PE13 5QA	Approved
H09-0045-20	34 Fen Road Holbeach Spalding PE12 8QA	Approved
H09-0602-20	Land north of Northons Lane and Oakwood Glade Holbeach Spalding	Approved
H09-0562-17 & H09-0240-20	Land off Northons Lane Holbeach Spalding Lincs PE12 7PZ	Approved

Referencing Planning Application H16-0935-21 as a particularly comparable application for the erection of a two-storey detached dwelling and detached garage (Figure 8). An examination of this application gives rise to the fact that it is very similar to the one under consideration in terms of scale, mass, and potential dominating effect. The nearest distance of the two-storey dwelling to the boundary of the impacted, house number 177 Hawthorn Bank, is 1.3 metres compared with 2.25 metres to the boundary of the proposed development to that of Plot 1. Ridge height and gable mass are similar, but the major difference being that the whole of the development extends back beyond the rear elevation of 177 Hawthorn Bank.

Drawing 45-degree lines on plan, extending in a north westerly direction from the centre of the all the windows on the rear elevation of 177 Hawthorn Bank places the proposed two storey development on the impacted dwelling side of the 45-degree line which is clearly far worse than the application under consideration.

When applying a degree of professional judgement, using the same recognised planning guidance relating to outlook and overbearing, it is impossible to arrive at a different conclusion other than the impact of the proposed development to Plot 1 upon the amenity of the property known as The Chestnuts is far less than the impact of the two storey development to the rear of 175 Hawthorn Bank on the property known as 177 Hawthorn Bank which was approved on the 10 November 2021.



(Figure 8)

When applying accepted criteria defined as a material consideration it can be deduced using professional integrity, honesty, and consistency that the proposed development to Plot 1 will not have an adverse material impact upon the amenity to The Chestnuts.

Furthermore, evidence gleaned from a Freedom of Information request pertaining to Planning Application H09-0801-20 (Erection of four detached two-storey dwellings, two detached garages and demolition of existing bungalow at 47 Low Lane Holbeach) confirms that this previous application on the same site was not deemed to be overbearing when assessed in a previous form (Appendix A).

This application (Appendix A) was recommended for delegated approval to The Chairman's Panel by the Case Officer which met on the 22 January 2021. A copy of the Chairman's Panel Report presented to the Attendees is included within Appendix B. The Case Officer within his report, under residential amenity states:

"the occupiers of The Chestnuts would enjoy daylight from the habitable rooms and no unacceptable overshadowing would occur by reason of the development. The separation distances among the new houses as well at the houses and the site boundaries range approximately between 2 and 3 metres. Given the scale and height of the new houses would be similar to the existing properties, the development would appear overbearing to none of the residents. The gable pitch of the house in Plot 1 has been reduced to approximately replicate the ridge height of The Chestnuts and mitigate any unacceptable overbearing impact."

Those attending the Chairman's panel, in addition to Senior Planning Officers and Senior members of the Planning Department were Councillor Avery, Councillor Gamba-Jones and Councillor Alcock. All Councillors present were *''happy with a delegated approval''* (Appendix C) after giving due consideration to the objections submitted by residents during the consultation stage (including that of overbearing, overshadowing, loss of outlook and the proximity of Plot 1), statutory consultations and material considerations.

Subsequently, following the Chairman's Panel and the unanimous decision to proceed with the Case Officers delegated authority for Approval, the Case Officer emailed the Applicant (Appendix D) on 25 January 2021 confirming the outcome of the Chairman's Panel and that two conditions should be agreed prior to the issue of the Decision Notice.

The Notice of intention to impose pre-commencement conditions at 47 Low Lane Holbeach (application ref. H09-0801-20) can be found within Appendix E of this document. Issued to the Applicant from the Case Officer on 25 January 2021 the notice explicitly states that:

"Section 100ZA of the Town and Country Planning Act 1990 (the 1990 Act) provides that planning permission for the development of land may not be granted subject to a pre-commencement condition without the written agreement of the applicant to the terms of the condition."

Paragraph 8 of section 100ZA of the Town and Country Planning Act defines a pre-commencement condition.

"Pre-commencement condition" means a condition imposed on a grant of planning permission (other than a grant of outline planning permission within the meaning of section 92) which must be complied''

A pre-commencement condition is imposed on a grant of planning permission. This adds considerable weight to the premise that this previous application on the same site was not deemed to be overbearing when assessed in a previous form. (Appendix A). On the 26 January 2021 the Applicant formally responded to the Notice agreeing to the terms of the conditions.

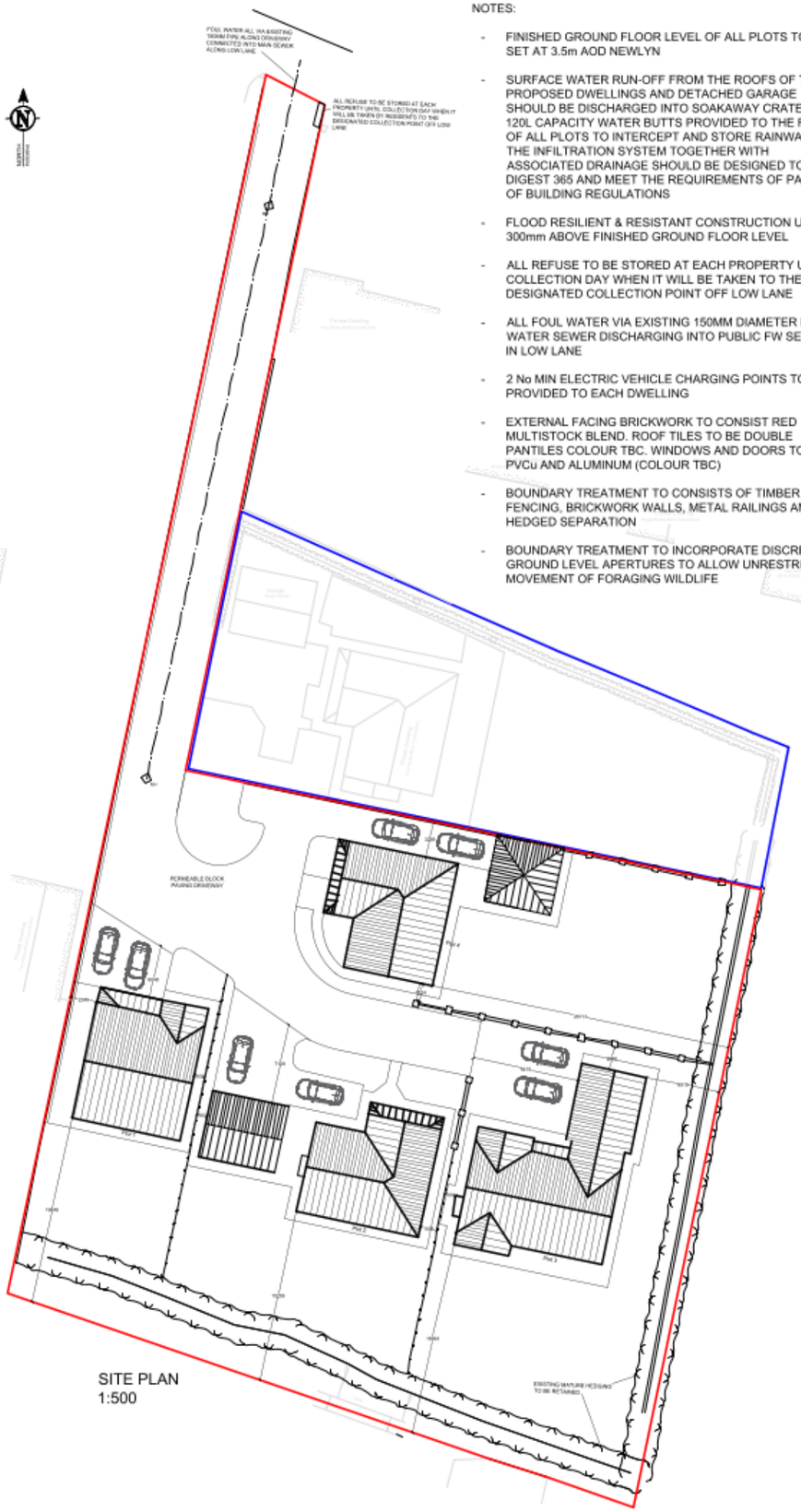
The proposed dwelling to Plot 1, as detailed in the current application (H09-1094-21), has a reduced wall plate to wall plate depth and reduced ridge height, when compared to the one presented to the Chairman's Panel on 22 January 2021 (H09-0801-20). Senior members of the Planning Department and the Chairman's Panel agreed with the Case Officers report and conclusion that the proposed dwelling on Plot 1 was not considered to be overbearing to the property known as The Chestnuts in its previous form which is considered to have a higher impact than that which is currently under consideration.

Applying a degree of planning consistency and considering the present application has a lesser impact than the application previously agreed for delegated approval by the Chairman's Panel, the only conclusion must be that the dwelling to Plot 1 presented in the current application will not have a significant adverse material impact on the property known as The Chestnuts in terms of outlook and overbearing and certainly not to the extent that it disturbs the presumption in favour of approval.

Conclusion

An objective assessment of the development, and supporting material, with reference to measurable evidence and nationally and locally accepted criteria, leads to the inevitable conclusion that there is no significant adverse material impact on the adjoining property known as The Chestnuts in terms of scale, mass, dominating effect and outlook.

APPENDIX A



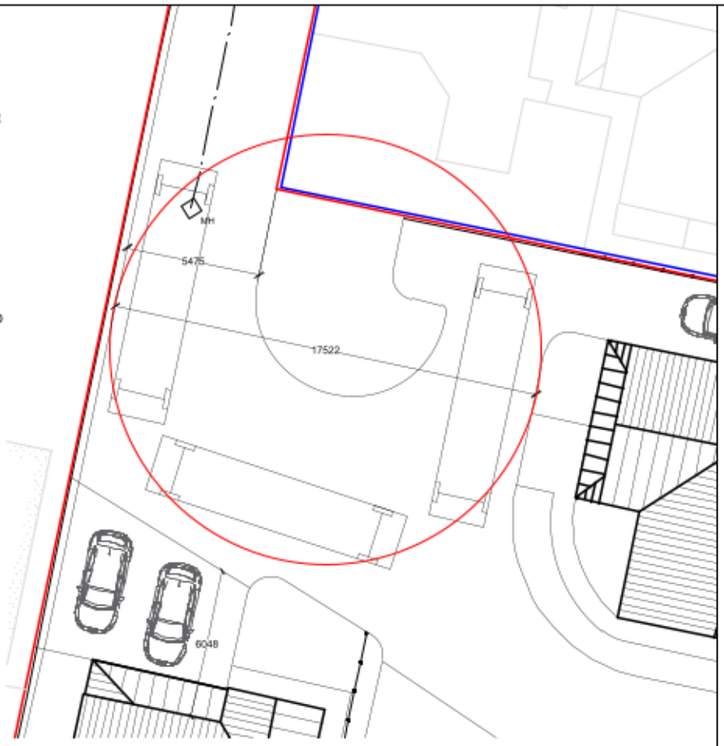
SITE PLAN
1:500

NOTES:

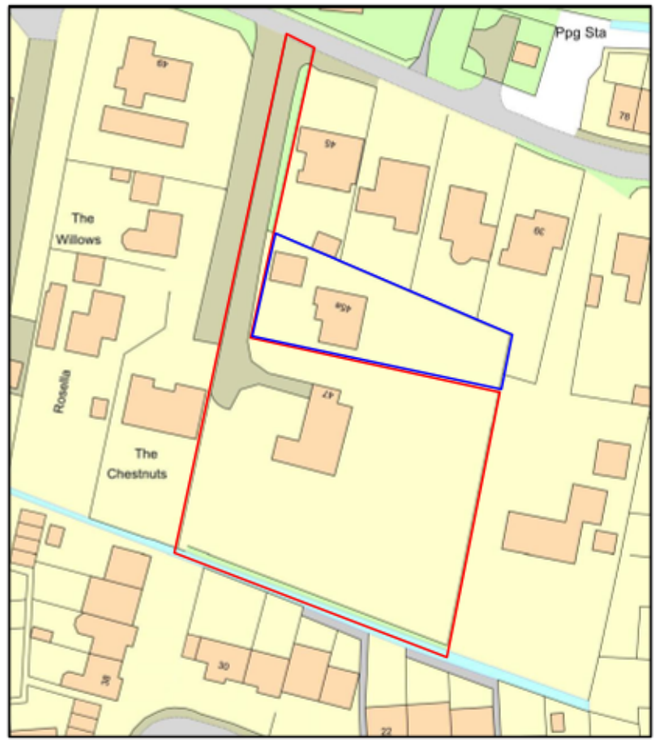
- FINISHED GROUND FLOOR LEVEL OF ALL PLOTS TO BE SET AT 3.5m AOD NEWLYN
- SURFACE WATER RUN-OFF FROM THE ROOFS OF THE PROPOSED DWELLINGS AND DETACHED GARAGE SHOULD BE DISCHARGED INTO SOAKAWAY CRATES. 120L CAPACITY WATER BUTTS PROVIDED TO THE REAR OF ALL PLOTS TO INTERCEPT AND STORE RAINWATER. THE INFILTRATION SYSTEM TOGETHER WITH ASSOCIATED DRAINAGE SHOULD BE DESIGNED TO BRE DIGEST 365 AND MEET THE REQUIREMENTS OF PART H OF BUILDING REGULATIONS
- FLOOD RESILIENT & RESISTANT CONSTRUCTION UP TO 300mm ABOVE FINISHED GROUND FLOOR LEVEL
- ALL REFUSE TO BE STORED AT EACH PROPERTY UNTIL COLLECTION DAY WHEN IT WILL BE TAKEN TO THE DESIGNATED COLLECTION POINT OFF LOW LANE
- ALL FOUL WATER VIA EXISTING 150MM DIAMETER FOUL WATER SEWER DISCHARGING INTO PUBLIC FW SEWER IN LOW LANE
- 2 No MIN ELECTRIC VEHICLE CHARGING POINTS TO BE PROVIDED TO EACH DWELLING
- EXTERNAL FACING BRICKWORK TO CONSIST RED MULTISTOCK BLEND. ROOF TILES TO BE DOUBLE PANTILES COLOUR TBC. WINDOWS AND DOORS TO BE PVCu AND ALUMINUM (COLOUR TBC)
- BOUNDARY TREATMENT TO CONSISTS OF TIMBER FENCING, BRICKWORK WALLS, METAL RAILINGS AND HEDGED SEPARATION
- BOUNDARY TREATMENT TO INCORPORATE DISCREET GROUND LEVEL APERTURES TO ALLOW UNRESTRICTED MOVEMENT OF FORAGING WILDLIFE

NOTES:

- ACCESS TO BUILDING FOR FIRE FIGHTING APPLIANCES AND FIRE FIGHTERS TO SATISFY BUILDING REGULATIONS 2010 PART B5
- MINIMUM WIDTH OF 3.7m BETWEEN KERBS FOR VEHICLE ACCESS ROADS
- MINIMUM TURNING CIRCLE BETWEEN KERBS FOR PUMPS TO BE 16.8m. ACTUAL TURNING CIRCLE BETWEEN KERBS 17.52m
- MINIMUM TURNING CIRCLE BETWEEN WALLS FOR PUMPS TO BE 19.2m
- TURNING FACILITY TO BE PROVIDED WHERE DEAD-END ACCESS ROUTE EXCEEDS 20m
- ACCESS ROAD SURFACE TO BE CONSTRUCTED WITH MINIMUM CARRYING CAPACITY OF 18 TONNES FOR PUMPING APPLIANCES
- EXISTING ACCESS WITHIN THE EXTENTS OF THE PUBLIC HIGHWAY TO BE UPGRADED TO A BOUND MATERIAL CONSTRUCTED IN ACCORDANCE WITH LINCOLNSHIRE COUNTY COUNCIL SPECIFICATION
- MINIMUM OF 12 SWIFT BRICKS TO BE INCORPORATED INTO GABLE ELEVATIONS OF SUITABLE PLOTS
- NATIVE WILDFLOWER PLANTING TO BE INCORPORATED INTO THE LANDSCAPING SCHEME TO IMPROVE BIO-DIVERSITY



FIRE FIGHTING APPLIANCE TURNING FACILITY 1:250



Plan Produced for: 47 LOW LANE

Date Produced: 04 May 2020

Plan Reference Number: TQRQM20125083645952

Scale: 1:1250

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Notes as Applicable

GENERAL

1. THIS DRAWING IS TO BE READ IN CONJUNCTION WITH ANY/ALL OTHER DOCUMENTS ISSUED FOR THIS PROJECT. THESE INCLUDE CONTRACT DRAWINGS, SPECIFICATIONS & SCHEDULE OF WORKS.

2. ALL BUILDING MATERIALS SPECIFIED SHALL COMPLY WITH THE REQUIREMENTS OF THE CURRENT BUILDING REGULATIONS, BRITISH STANDARDS, BRITISH STANDARD CODES OF PRACTICE AND SHALL BE TO THE SATISFACTION OF THE LOCAL AUTHORITY & CONTRACT ADMINISTRATOR.

3. ALL STRUCTURAL WORKS ARE TO BE CARRIED OUT IN FULL ACCORDANCE WITH STRUCTURAL ENGINEERS APPROVED CALCULATIONS AND DETAILS AND TO THE SATISFACTION OF THE LOCAL AUTHORITY BUILDING CONTROL OFFICER.

4. ALL WORKS ON SITE TO BE CARRIED OUT IN FULL ACCORDANCE WITH THE CONSTRUCTION (DESIGN AND MANAGEMENT) REGULATIONS 2015 AND CURRENT HEALTH & SAFETY LEGISLATION.

5. THE CONTRACTOR MUST SITE CHECK ALL DIMENSIONS PRIOR TO ORDERING MATERIALS. FIGURED DIMENSIONS ARE TO BE USED FOR TENDER PURPOSES ONLY. DISCREPANCIES MUST BE REPORTED IMMEDIATELY TO THE CONTRACT ADMINISTRATOR BEFORE PROCEEDING.

Project:
DEMOLITION OF EXISTING BUNGALOW AND ERECTION OF 4NO. DETACHED DWELLINGS AND LAND KNOWN AS 47 LOW LANE HOLBEACH LINCOLNSHIRE PE12 7PW

Applicant:
MR D J PULLEYBANK & MR A T PULLEYBANK

Drawing:
SITE & LOCATION PLANS

Sheet Size: A3	Project No: -
Drawing No: 081	Revision: Rev D
Date: November 2020	Drawn: DR
Scale: As shown	Checked: RR / Approved: DR

APPENDIX B

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: 29th January 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

Route for determination of application	**Delegated**		**Committee**	

CASE OFFICER ASSESSMENT

REASON FOR PANEL CONSIDERATION

Issues raised and objections received.

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.

RELEVANT 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 effect from the proposed houses to the adjoining plots.
- One of the proposed dwellings would cause overshadowing to one of the existing properties.
- 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 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.

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

The main concern in this regard was the relationship between the house in Plot 1 and the existing property known as the Chestnuts.

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 has expanded on this issue in their objection. It was the case officer's opinion that amendments should be made to address such conflict between these two buildings. 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 is set back roughly 2.30 metres from the boundary fence with the Chestnuts. Therefore, the occupiers of the Chestnuts would enjoy daylight from the habitable rooms and no unacceptable overshadowing would occur by reason of the development.

The separation distances among the new houses as well as the houses and the site boundaries range approximately between 2 and 3 metres. Given that the scale and height of the new houses would be similar to the existing properties, the development would appear overbearing to none of the residents. The gable pitch of the house in Plot 1 has been reduced to approximately replicate the ridge height of the Chestnuts and mitigate any unacceptable overbearing impact.

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.

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

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.

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. Any 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

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).

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.

RECOMMENDATION

Delegated approval subject to conditions.

APPENDIX C

CHAIRMAN'S PANEL 22 JANUARY 2021

MEMBERS COMMENTS

	Application Number	Cllr Avery Comments	Cllr Gambba-Jones Comments	Cllr Alcock Comments
1	H08-1133-20	Ok with principle, clarify use of proposed day room and why need one for each plot	Ok with principle, clarify use of proposed day room and why need one for each plot	Ok with principle, clarify use of proposed day room and why need one for each plot
2	H09-0801-20	Happy with delegated approval	Happy with delegated approval	Happy with delegated approval
3	H09-1026-20	No issues – agrees with comments regarding litter and waste management	Condition waste management arrangements	Only issue litter control
4	H14-0981-20	Happy with delegated approval	Happy with delegated approval	Happy with delegated approval
5	H16-1012-20	No objection – content with delegated approval	No objection – content with delegated approval	No objection, subject to appropriate design at reserved matters stage – content with delegated approval
6	H18-0774-20	Ok with delegated – subject to temporary period and condition requiring re-siting of caravans with 6m spacing	Ok with delegated – subject to temporary period and condition requiring re-siting of caravans with 6m spacing. Need to clarify with Private Sector Housing responsibilities for enforcing these sites	Ok with delegated – subject to temporary period and condition requiring re-siting of caravans with 6m spacing

Next meeting: Friday 5 February 2021 9:30am

APPENDIX D

Gmail **Daniel Rulewski <drulewski40@googlemail.com>**

H09-0801-20

1 message

Isus, Joan <JIsus@sholland.gov.uk> 25 January 2021 at 15:19
To: Daniel Rulewski <drulewski40@googlemail.com>

Hi Daniel,

As scheduled, your application was discussed in the Chairman's Panel on Friday and the panel members agreed with my recommendation for approval.

There are two conditions that should be agreed with your prior the issue of the Decision Notice. I have just sent a separate email with proposed wording. The second one is aimed to cover the issues raised by SHDC Tree and Conservation Officer (see consultation response attached).

Do not hesitate to contact me for any question.

Kind regards,

Joan Isus | Senior Planning Officer | **South Holland District Council**
Direct Dial: 01775 764803
www.sholland.gov.uk



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APPENDIX E

Gmail **Daniel Rulewski <drulewski40@googlemail.com>**

Re: H09-0801-20 ¦ Pre-commencement conditions

1 message

Daniel Rulewski <drulewski40@googlemail.com> 26 January 2021 at 13:39
To: "Isus, Joan" <JIsus@sholland.gov.uk>

Hi Joan,

Not too worry. Yes I accept the condition relating to obscure glazing to bathroom and en-suite windows to Plots 1 & 4 as shown on Dwrg No. 001 Site & Location Plan Rev D.

Kind Regards

Daniel Rulewski BSc (Hons) MCIOB
Building Surveyor

M 07900861705

On Tue, 26 Jan 2021 at 12:31, Isus, Joan <JIsus@sholland.gov.uk> wrote:

> Hi Daniel,
>
> I forgot to seek your approval for one further pre-commencement condition.
>
> *"Notwithstanding the details submitted, bathroom and ensuite windows of dwellings in Plots 1 and 4 as shown in Drwg. No. 001 Rev D shall be obscure glazed using at least Grade 3 glass and thereafter so maintained.*
>
> *Reason: To prevent overlooking in the interests of the amenity of nearby residents.*
>
> *This Condition is imposed in accordance with Policy 3 of the South East Lincolnshire Local Plan, 2019 and with national guidance contained in Section 12 of the National Planning Policy Framework 2019"*
>
> Please confirm in writing whether you are happy with it or not.
>
> Kind regards,
>
> **Joan Isus** | Senior Planning Officer | **South Holland District Council**
> Direct Dial: 01775 764803
> www.sholland.gov.uk



> **From:** Daniel Rulewski <drulewski40@googlemail.com>
> **Sent:** 26 January 2021 10:13
> **To:** Isus, Joan <JIsus@sholland.gov.uk>
> **Subject:** Re: H09-0801-20 ¦ Pre-commencement conditions

This message originated from outside your organization

Hi Joan,

Thank you for the update on the above application. I am in agreement to the proposed pre-commencement conditions. However, I would propose the following re-wording of the first pre-commencement condition in the interest of clarity and to remove any ambiguity to ensure the wording aligns with the plans submitted.

1. The existing hedge along the eastern and southern site boundaries as shown on drawing No.001 Site & Location Plans Rev D shall be retained and details of any proposed maintenance measures shall be agreed in writing by the Local Planning Authority before the commencement of the development hereby granted.

All other boundary treatment will be dealt with via the second pre-commencement condition and to be agreed with the LPA prior to commencement.

Kind Regards

Daniel Rulewski BSc (Hons) MCIOB

Building Surveyor

M 07900861705

On Mon, 25 Jan 2021 at 15:11, Isus, Joan <JIsus@sholland.gov.uk> wrote:

> Hi
>
> Notice of intention to impose pre-commencement conditions at 47 Low Lane Holbeach (application ref. H09-0801-20)
>
> Section 100ZA of the Town and Country Planning Act 1990 (the 1990 Act) provides that planning permission for the development of land may not be granted subject to a pre-commencement condition without the written agreement of the applicant to the terms of the condition.
>
> I am writing to advise of the Local Planning Authority's intention to impose the following pre-commencement conditions in relation to the above mentioned development
>
> 1. *The existing hedge along all site boundaries shall not be removed and details of any proposed maintenance measures shall be agreed in writing by the Local Planning Authority before the commencement of the development hereby granted.*
>
> *Reason: To ensure the protection of the existing hedge, in the interests of the visual amenity of the locality. This issue is integral to the development and therefore full details need to be finalised prior to the commencement of works.*
>
> *This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 15 of the National Planning Policy Framework, 2019.*
>
> 2. *Prior to work commencing on site a detailed landscape, habitat and site management plan, including long term design objectives, management responsibilities, maintenance schedules for all landscape areas and details for habitat enhancement and protection (and including a monitoring programme) shall be submitted to and approved in writing by the Local Planning Authority. The landscape and site management plan shall*

thereafter be carried out in full accordance with the approved details in accordance with timings to be approved before work commences on site.

Reason: To ensure that site maintenance is not detrimental to use of the land by protected species/other wildlife and to ensure effective long term landscape and site management to assimilate the proposal into its countryside context.

This condition is imposed in accordance with advice within Section 11 of the National Planning Policy Framework, 2012.

If you wish to provide a substantive response to the proposed conditions, by way of making comments to them or express your disagreement to the imposition of them, you must do so in writing no later than 9 February 2021.

We are unable to issue a decision in relation to this application until such a time that:

- Written agreement to the terms of the proposed pre-commencement condition(s) have been received from you;
- A substantive response has been received from you; or
- The expiration of the deadline stated above where no response is received.

If you wish to discuss the content of this notice, please contact me on the telephone number below.

Kind regards,

Joan Isus | Senior Planning Officer | **South Holland District Council**
Direct Dial: 01775 764803
www.sholland.gov.uk



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