

SOUTH HOLLAND DISTRICT COUNCIL

Report of: Development Manager

To: Planning Committee - 22 July 2020

(Author: Joan Isus - Planning Officer)

Purpose: To consider Planning Application H09-1194-19

Application Number: H09-1194-19

Date Received: 10 December 2019

Application Type: FULL

Description: Erection of residential 1 bed annexe at the rear of and attached to the existing garage

Location: WHITE LODGE 54 SPALDING ROAD HOLBEACH

Applicant: Care Management Group (CMG)

Agent: Consult Construct Ltd

Ward: Holbeach Town

Ward Councillors: Cllr F Biggadike
Cllr T Carter
Cllr G T D Rudkin

You can view this application on the Council's web site at

<http://planning.sholland.gov.uk/OcellaWeb/planningDetails?reference=H09-1194-19>

1.0 REASON FOR COMMITTEE CONSIDERATION

1.1 Objections received and policy issues merit Committee consideration.

2.0 PROPOSAL

2.1 This application was previously included on the agenda for 11 March 2020 Planning Committee, however it was withdrawn from the agenda prior to the meeting, in order for the applicant to seek to address a number of concerns with the detail of the proposal.

2.2 Subsequently, revised plans have been submitted demonstrating that the proposed development will be relocated away from the nearest boundary by 500mm and the silver birch and part of rear hedge will be retained.

2.3 The application in question is for the erection of a residential 1 bed annexe at the rear of, and attached to, the existing garage at White Lodge, 54 Spalding Road, Holbeach.

2.4 The purpose of the development is to provide one additional bedroom in the form of self-contained accommodation. The property has been recently converted from a dwelling house to HMO for accommodating up to 5 residents with learning disabilities and very occasionally residents with behavioural change. Should permission be granted for the proposal hereby presented, the total number of residents would be 6. Two carers look after the residents during working hours and do not live within the property.

2.5 The care management is provided by Achieve Together. The company was founded in 2018 on

the legacy of two long-standing and well-respected specialist support providers with over 25 years of expertise, Care Management Group (CMG) and Regard.

- 2.6 Following the Town and Country Planning (Use Classes) Order 1987 (as amended), the use of the house is currently a dwellinghouse (C3) and not residential care home (C2). C3(b) use class covers up to six people living together as a single household and receiving care e.g. supported housing schemes such as those for people with learning disabilities or mental health problems.

3.0 SITE DESCRIPTION

- 3.1 The area is characterised by frontage development on each side of Spalding Road comprising mostly detached individually-designed houses. Hence the wide range of ages, designs and appearances along the street scene.
- 3.2 White Lodge is a large two-storey detached house well set back from the highway. There is a drive area to the front of the property as well as a narrow driveway along the western side elevation of the property. A crossover between the road and the front boundary serves vehicular access between the site and the highway. A gable pitched detached garage is at the end of the narrow driveway. There is a spacious rear garden with patio and the remainder of the land laid in grass. No significantly mature trees have been observed in the garden.
- 3.3 During the site visit, some evidence was observed of a subsequent addition to the existing detached garage where the proposed development will be located. The former structure had a lower gable pitched roof to the rear as marked on the rear elevation of the garage. A concrete base is still evident.
- 3.4 To the west, the curtilage of the residential property No. 56 has an extensive rear garden. There is a large brick outbuilding adjacent to the boundary with the application site. It appears to be used for a purpose such as garaging or storage. It is positioned just behind the existing detached garage of the application site. Therefore, the proposed annexe will be in parallel with the large outbuilding at No.56. No boundary treatment is between both units. Further to the rear of the adjacent large outbuilding, there are a few smaller sheds.

4.0 RELEVANT PLANNING POLICIES

4.1 The Development Plan

South East Lincolnshire Local Plan, March 2019

If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, Section 38 (6) to the Town and Country Planning Act as amended by the 2004 Act states that the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Policy 2 - Development Management
Policy 3 - Design of New Development
Policy 4 - Approach to Flood Risk
Policy 21 - HMOs & the Sub-Division of Dwellings
Policy 36- Vehicle and Cycle Parking
Appendix 6 - Parking Standards

National Guidance

National Planning Policy Framework (NPPF), 2019

Section 12 - Achieving well-designed places

Planning Practice Guidance (PPG)

National Design Guide

5.0 RELEVANT PLANNING HISTORY

5.1 H09-1355-04 - New vehicular access - Approved

6.0 REPRESENTATIONS

6.1 Ward Members

Initially, four District Councillors (Cllr T Carter, Cllr GTD Rudkin, Cllr F Biggadike and Cllr N Worth) made representations raising the following issues:

- The proposed annexe is not for domestic reasons but it relates to the commercial business of care provision for young adults with learning disabilities and behavioural changes. Needs further clarification.
- The development is out of proportion to surrounding outbuildings causing a negative visual impact on the area.
- The HMO use has already exacerbated the over capacity of on-street parking.
- 4 cars have been regularly parked in Spalding Road since the establishment of the HMO.
- The highway safety and parking provision should be considered very strongly in this application.
- The arrangement of parking provision should be conditioned should permission be granted for the proposal.
- Rainwater runoff from the property will appear to be inadequate.
- The self-contained annexe represents an additional dwellinghouse.
- The trees and hedge to be removed are within the curtilage of the adjacent property. Needs further clarification.

District Councillors have been re-consulted about the revised plans. Two of them (Cllr F Biggadike and Cllr T Carter) have still objected the proposals raising the following issues:

- Inadequate parking provision on the driveway
- Concerns on highway safety in light of the high vehicular traffic in Spalding Road.
- Inappropriate location of the proposed use.

6.2 Holbeach Parish Council

Objects echoing the reasons mentioned by members of the public and District Councillors.

6.3 Lincolnshire County Council Highways/SUDS

No objection.

6.4 SHDC Environmental Protection Officer

No objection.

6.5 Public

Seven residents initially made representations objecting to the proposal on the following terms:

- No justification of the development has been given. Alternative proposals such as house extensions could have been considered.
- The proposed annexe will entail an additional dwellinghouse on the site.
- No clarification in the application that the development is related to the recent change of use of the house to HMO for young adults with learning disabilities and behavioural changes.
- The application has been submitted as a householder but the property has a commercial use.
- The proposal will lead to the exacerbation of excessive on-street parking in Spalding Road and poorer highway safety when entering and egressing vehicles in other sites nearby.
- The proposal detracts from the character of the area in terms of scale, height and design.
- No details on means of extraction for the kitchen and bathroom within the annexe.
- The means of drainage be insufficient given the scale of the roof.
- The trees and hedge to be removed are within the curtilage of the adjacent property.
- The erection of the proposed annexe might cause damage to the silver birch tree in the rear garden.
- Request for no unacceptable noise and disturbance cause during the works for the construction of the annexe.

- Permission should be subject to a condition to use the annexe as ancillary to the house with restriction to sell or rent out separately.

Residents have been re-consulted about the revised plans. Responses were received from two local residents objecting to the proposals in the following terms:

- The proposed removal of hedge still involves ownership issues.
- The water butts are insufficient given the scale of the development which will increase flood risk in the immediacy.
- There have been disruptive behaviours of the HMO residents with care staff.
- Concerns on highway safety as vehicles related to the HMO use impede safe and convenient traffic movement or car manoeuvres in Spalding Road.
- The position of the proposed development is not in keeping with the linear development in the area neither is the appearance of the external materials.

6.6 Applicant's Agent

In light of the first objections made against the proposals, the agent submitted a planning statement to address the concerns raised. No further comments have been submitted after submitting the revised plans, thereby the statement is extant. The main points of the document are summarised as follows:

- South Holland District Council stipulates that a Design & Access Statement is not required for conversions/extensions of existing dwellings and/or their outbuildings.
- The Care Management Group is a national care home group that operates on small-scale residential homes that provide supported living for those with physical, behavioural and/or mental health issues. The group works on promoting the independent living of these individuals (where possible) and have carers providing 24/7 support in each of the services. In addition, each of the services have a duty manager on site during working hours, providing additional support and required supervision.
- Self-contained accommodation provides suitable residential space since the challenging behaviour of some individuals has a negative effect on other residents living in the same house.
- The proposed annexe is to be part of the residential care home and, by no means, is it intended to create a second dwellinghouse on site.
- The change of use of the house from dwellinghouse to HMO constitutes permitted development under PD rights.
- The original proposal was the conversion and extension of the existing garage but this was deemed unsuitable for habitation in view of the need for raising finished floor levels by a minimum of 500mm.
- The eaves and ridge height of the proposed extension will be higher in order to incorporate the finished floor levels for flood risk mitigation and provide sufficient headroom for the future occupier of the annexe.
- Red facing brickwork and reconstituted slate roof tiles will match those existing in the garage.
- The development sits back from the street scene and behind the existing garage so that the architectural hierarchy and pattern are respected and maintained.
- No additional pressure on existing on-street parking will take place by virtue of the proposal. The residents of the house do not own cars or even drive. The existing drive is sufficient to park the carers' cars and any occasional visitor and prevent further on-street parking.

7.0 **CONSIDERATIONS**

7.1 **Planning Considerations**

7.2 The key matters to be considered are: the principle of development; design and layout; impact upon residential amenity; highway safety and parking provision and flood risk and drainage.

7.3 Principle of development

7.4 The site is within the settlement boundary of Holbeach as set out in the South East Lincolnshire Local Plan (SELLP), 2019. However, there is no objection to the principle of a garage extension to create an annexe which is by nature ancillary to the main dwelling. . Thus, the key policy issues relate to the material considerations addressed below.

7.5 Design and layout

- 7.6 Policy 2 of SELLP requires development proposals to take into account sustainable development considerations such as size, scale, layout, density, impact on character and appearance of the area and the relationship to existing development.
- 7.7 The proposed extension will protrude nearly 12 metres from the rear wall of the existing detached garage. The width will exceed 1.80 metres and the ridge height 1.10 metre further than those of the garage. The ridge height of the adjacent outbuilding within the neighbouring curtilage will fall approximately 50 centimetres below the highest part of the proposed extension. This is deemed marginal in comparison. The scale and height of the development will be clearly proportionate with the house. For these reasons, the development is not technically subservient to the host structure albeit still commensurate with the adjoining buildings in terms of scale, mass and bulk.
- 7.8 Further to the revised plans, the footprint of the proposed extension is clearly separated 500mm with the western site boundary adjoining the curtilage of No. 56. In doing so, there should be no longer concerns about ownership issues. Neither the footprint of the extension nor roof components will encroach upon the adjacent curtilage. Any element of the development will be in close proximity of the boundary (marked with concrete posts) but they will not trespass the line.
- 7.9 Policy 3 of SELLP establishes that design which is inappropriate to the local area, or which fails to maximise opportunities for improving the character and quality of an area, will not be acceptable. Taking into account the following considerations, the proposals will not be inappropriate in these terms.
- 7.10 A gable pitched roof will be tantamount in design with the existing garage roof. Facing brickwork, white UPVC, reconstituted slate roof tiles and timber door painted green are materials matching with those in the host structure of the extension. Thus, the resulting appearance will not be at odds with the visual amenity of the existing garage and its surroundings.
- 7.11 With regards to the proposed alterations to the boundary treatment and landscaping, the removal of two trees to the rear and shrubs to the front of the development will be acceptable. Likewise, no objection to the partial removal of hedge on the western boundary. In the neighbour consultation process, one of the residents reported that the hedge to remove does not fall within the application site. This is purely a civil matter to be resolved between the parties involved and it does not relate to the policies and regulations of planning development control. In isolation, the partial removal of hedge is considered acceptable to ease the siting of the development. It will not significantly harm the sense of place neither the amenity of the residents beyond purely legal considerations on boundary disputes.
- 7.12 The rear garden is sufficiently sizeable to accommodate the proposal insofar as the form of development will not appear cramped on the site. The extension will be set back approximately 22 metres from Spalding Road. Given its proposed height, it is considered that the development at such distance will not have any significant impact upon the street scene. Moreover the bulk of the two-storey house will greatly obscure the development from the road, especially for views from the east.
- 7.13 The function of the proposed extension is to provide self-contained accommodation as an annexe in connection to the aforementioned HMO for residents with learning disabilities. The gross internal area will amount 49.5 square metres comprising mainly a large combined living/kitchen/dining room, bathroom and bedroom.
- 7.14 The raised internal floors, the usage of flood resilient materials and the installation of two water butts for rainwater storage enhance the design of the development so that the annexe will be resilient to the potential consequences of flooding. For further details see the section below.
- 7.15 Residential amenity

- 7.16 Local residents in objecting to the application have made reference to Policy 21 of SELLP - HMOs & the Sub-Division of Dwellings. HMOs accommodating six or more unrelated individuals are unclassified by the Town and Country Planning (Use Classes) Order 1987, as amended. They are therefore described in planning terms as 'Sui Generis' and require planning permission. Policy 21 provides a framework for determining planning applications for HMOs considered as being 'Sui Generis'. It states the following:
- 7.17 "Proposals for the creation of large Houses in Multiple Occupation and the sub-division of dwellings will be permitted provided that, in each case:
1. it would not result in the loss of family-sized dwellings in high density residential streets of predominantly terraced and/or semi-detached properties;
 2. it would not significantly harm the amenities of the occupiers of adjoining or neighbouring properties by way of noise, overlooking, general disturbance or impact on visual amenity;
 3. it would not have a significant adverse impact on the character and appearance of the area, including the historic and natural environment;
 4. adequate provision is made for the storage and disposal of refuse and recycling;
 5. it would not have a significant adverse impact on the surrounding area by way of increased on-street parking, impaired highway safety or by impeding proper access to the area;
 6. the site has good access - by walking and cycling - to community facilities, services, public transport and local employment;
 7. an adequate standard of residential accommodation and residential amenity is provided for future occupiers; and
 8. adequate provision is made for the communal gardens and amenity areas.
- Where all of the above criteria are satisfied, the Nationally Described Space Standards¹⁰ (or any successor) will be applied to ensure that the occupiers have adequate floor space."
- 7.18 To ascertain the relevance of Policy 21 of SELLP (2019) in this application, it is worth to bear in mind that the HMO will accommodate up to 6 unrelated individuals should permission be granted for the proposals.
- 7.19 As mentioned above in the section of proposal, C3(b) use class covers up to six people living together as a single household and receiving care e.g. supported housing schemes such as those for people with learning disabilities or mental health problems. Policy 21 of SELLP (2019) solely refers to proposed HMO development that involve more than six unrelated individuals which is not hereby the case and therefore such policy does not apply in this application.
- 7.20 Notwithstanding this, concerns about harm upon residential amenity are addressed in this application on the basis of Policies 2 and 3 of SELLP (2019). Material considerations of highway safety and parking provision are also addressed later in this report.
- 7.21 The adjacent outbuilding within the curtilage of No. 56 appears to be used as a garage or storage. The nearest separation of the extension with the adjacent house is approximately 8 metres. Having regard to the fact that the height will not be excessive, the proposed extension at such distance will not create any detrimental impact upon the amenity standards of residents of No. 56. Moreover, the proposed development will also run in parallel with such outbuilding within the curtilage of No. 56. The gable height of this neighbouring unit will be merely 55 centimetres shorter than the height of the extension.
- 7.22 The extension will be approximately 6.90 metres separated from the rear elevation of the application house and it will not overshadow the existing rear conservatory by reason of proximity.
- 7.23 The creation of an annexe detached from the main property as proposed in this application might not be considered a source of unacceptable noise and disturbance to the nearest residents at No. 56. The annexe will be only for one individual and at most one staff member could be occasionally in the premises for assistance. The development is 7.51 metres away from the neighbouring property and such distance might be considered acceptable in light of the use intensity of the proposed living space.
- 7.24 Highway safety and parking provision

- 7.25 Concerns have been raised regarding the exacerbation of on-street parking since the care element has been established in the property. Notwithstanding this, the Highways Authority has raised no objection on the grounds of highways safety. No suggestions have been made in order to alter the vehicular access and provide further details on parking provision. In addition to that, policy considerations of such material issue are positive as shown below.
- 7.26 Appendix 6 of SELLP sets out the minimum standards for parking provision upon the type of development following the Town and Country Planning (Use Classes) Order 1987 (as amended). The existing use of the property does fit neither the meaning of a house nor sheltered housing. As mentioned above, the use is neither a residential care home. Therefore, the proposal is none of these types and "all other residential accommodation will be assessed on a site-by-site basis" applies on this case.
- 7.27 Within the curtilage, two cars could be parked in tandem on the driveway and two further to the front of the property. There will be sufficient room to manoeuvre and reverse the motor vehicles to enter and egress the site on a safe and convenient manner. In view of the conditions of the house occupiers, none of them is able to drive and two carers will use their own cars to come to the property. Two further spaces will be still available for occasional visitors.
- 7.28 The existing garage is not taken into consideration for the car park provision unless the motor vehicles is smaller than any average vehicle. The internal depth is 4.75 metres when it should be at least 5.60 metres according to Appendix 6 of SELLP.
- 7.29 Flood risk and drainage
- 7.30 Policy 4 of the SELLP is titled 'Approach to Flood Risk' and criterion 4 states:
- "The application is supported with a site-specific flood risk assessment, covering risk from all sources of flooding including the impacts of climate change and which:
- a. demonstrate that the vulnerability of the proposed use is compatible with the flood zone;
 - b. identify the relevant predicted flood risk (breach/overtopping) level, and mitigation measures that demonstrate how the development will be made safe and that occupants will be protected from flooding from any source;
 - c. propose appropriate flood resistance and resilience measures (following the guidance outlined in the Strategic Flood Risk Assessment), maximising the use of passive resistance measures (measures that do not require human intervention to be deployed), to ensure the development maintains an appropriate level of safety for its lifetime;
 - d include appropriate flood warning and evacuation procedures where necessary (referring to the County's evacuation routes plan), which have been undertaken in consultation with the authority's emergency planning staff;
 - e. incorporates the use of Sustainable Drainage Systems (SuDS) (unless it is demonstrated that this is not technically feasible) and confirms how these will be maintained/managed for the lifetime of development (surface water connections to the public sewerage network will only be permitted in exceptional circumstances where it is demonstrated that there are no feasible alternatives);
 - f. demonstrates that the proposal will not increase risk elsewhere and that opportunities through layout, form of development and green infrastructure have been considered as a way of providing flood betterment and reducing flood risk overall;
 - g. demonstrates that adequate foul water treatment and disposal already exists or can be provided in time to serve the development;
 - h. ensures suitable access is safeguarded for the maintenance of water resources, drainage and flood risk management infrastructure."
- 7.31 A site-specific Flood Risk Assessment accompanies this planning application based on the requirements listed above.
- 7.32 The development will be sit in land with 'Low Hazard' and predicted flood depths ranging between 0 to 0.25 metres as per South East Lincolnshire Strategic Flood Risk Assessment (March 2017). The risk of flooding from surface water is low (a chance of flooding of between 0.1% and 1% in any given year) in accordance with the Environment Agency's Long Term Flood Risk Data.

7.33 In view of that, and after having regard on balance to the sources of flood risk on the site, the mitigation measures for the proposed annexe are as follows:

- Finished floor levels set at 3.82m AOD or above (500mm above the ground level).
- Flood resilient construction (low permeable materials, airbrick covers and flood doors/barriers) to use up to 800mm above ground level (300mm above the predicted depth of flooding)
- The use of water butts and bioretention planters to manage surface water runoff through the incorporation of SuDS.

7.34 Should the application be approved, the grant of permission will be subject to the implementation of two first measures mentioned above. The use of water butts and bioretention planters is in line with the requirement of incorporating Sustainable Drainage Systems (SuDS) to new development and this is in principle acceptable. Albeit their appropriateness, the surface water strategy will be detailed, assessed and subsequently approved at a later stage in accordance with Building Regulations.

7.35 **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.

7.36 Conclusion

7.37 It is common for developments such as this to be accommodated within established residential areas. Taking all of the above into account, the proposal is considered to comply with South East Lincolnshire Local Plan and national planning policy. The recommendation is therefore for the application to be granted planning permission.

8.0 RECOMMENDATIONS

- 8.1 **Authorised to grant permission subject to those Conditions listed at Section 9.0 of this report.**

9.0 CONDITIONS

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: As required by Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

19.1119-01A
19.1119-02A
19.1119-03A
19.1119-04A
19.1119-05A
19.1119-06A
19.1119-07A
19.1119-08A
19.1119-09A
19.1119-010A

Flood Risk Assessment by Herrington Consulting Ltd. dated December 2019

Reason: For the avoidance of doubt and in the interests of proper planning.

3. The accommodation hereby permitted shall be and shall remain incidental to the use of the property known as White Lodge (54 Spalding Road, Holbeach) shall not be sold or let off separately .

Reason: The Local Planning Authority consider that the proposed annexe would be inappropriate for occupation independent of the main dwelling by virtue of the substandard level of accommodation of the annexe and the physical relationship between the annexe and the main house which would create inadequate levels of residential amenity for the occupiers of both.

This Condition is imposed in accordance with Policy 3 of the South East Lincolnshire Local Plan, 2019.

4. The development hereby permitted shall be carried out in accordance with the measures set out in the Flood Risk Assessment (by Herrington Consulting Ltd. dated December 2019) forming part of this planning application, in particular the following measures shall be fully implemented before the property is first occupied:

- Finished floor levels shall be set at 3.82 metres above Ordnance Datum (AOD).

- Flood resistant and resilient techniques shall be used up to 300mm above the ground floor level of the new building.

Reason: To ensure that the development does not increase the risk of flooding or be at risk of flooding.

This Condition is imposed in accordance with Policies 3 and 4 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 14 of the National Planning Policy Framework, 2019.

5. The Local Planning Authority has acted positively and proactively in determining this application by assessing it against all material considerations, including national guidance, planning policies and representations that have been received during the public consultation exercise, and subsequently determining to grant planning permission.

This decision notice, the relevant accompanying report and the determined plans can be viewed online at <http://planning.sholland.gov.uk/OcellaWeb/planningSearch>

Background papers:- Planning Application Working File

Lead Contact Officer

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Appendices attached to this report:

Appendix A Plan A



S O U T H



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