DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H08-0069-23**	**Applicant:**	**Mr A Murfet**
Proposal:	Proposed Dwelling		
Location:	Land Adj. 3-4 Bowgate Gosberton Spalding		
Terminal Date:	29th March 2023		

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
11	Distribution of New Housing
17	Providing a Mix of Housing
28	The Natural Environment
29	The Historic Environment
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2021

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
Section 15. Conserving and enhancing the natural environment
Section 16. Conserving and enhancing the historic environment

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1

WELLAND AND DEEPINGS INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	1	0
RESIDENTS	4	0	0	0

CASE OFFICER ASSESSMENT

Proposal

Outline planning permission is sought for the proposed dwelling, with all matters except means of access reserved for subsequent approval on land adjacent 3-4 Bowgate, Gosberton.

The application is accompanied by an indicative layout plan which shows a new access along Quadring Road/High Street.

Site Description

The site is located within the settlement boundary of Gosberton, according to Policy 1 in the South East Lincolnshire Local Plan, 2019. The current dwellings of no.3-4 Bowgate are situated on a corner plot, and faces along Bowgate. The plot is fairly spacious, with a large garden situated to the east of the existing dwelling. The site in question is currently the rear grassed garden serving no.3-4 Bowgate.

There is several mature trees lining the boundary along Bowgate and Quadring Road/High Street.

History

No planning history.

Consultation Responses

Welland & Deepings IDB

No comments.

Local Highway and Lead Local Flood Authority

This is an Outline Planning Application for the erection of 1 no. dwelling with all matters reserved for later approval, with the exception of means of access and scale to be considered at this time, as shown on the proposed site layout drawing number: AM/BP/01 dated 3rd March 2023, albeit indicative only.

Public comments (4)

- Concerns over access and visibility onto Quadring Road/High Street and the closeness to Bowgate junction.
- Concerns over residential amenity impacts- Overlooking, privacy from a proposed 2 storey dwelling.
- Flooding issues- Quadring Road is historically had and still has flooding on this section of the road during rainfall.
- Detrimental impact upon loss of habitats
- Noise and disturbance whilst the dwelling is being built.

Environmental Protection Officer SHDC

No comments.

Planning Considerations

The main issues in this case are:
- Principle
- Character and Appearance
- Residential Amenity
- Highway Safety and Parking Provision
- Private Drives
- Flood Risk and Drainage

Principle

The site lies within Gosberton's Settlement Boundary as defined in the South East Lincolnshire Local Plan (SELLP), 2019.

Policy 1 (Spatial Strategy) of the SELLP indicates that within Minor Service Centres, 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 Allocated and Committed sites and infill.

Character and Appearance

Policies 2 and 3 of the SELLP 2019 amongst other matters seek to ensure that development respects the character and appearance of the area and the relationship to existing development and land uses. They are consistent with advice within the National Planning Policy Framework (NPPF), 2021. Paragraph 130 establishes that planning policies and decisions should ensure that developments will 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.

The proposal is for infill development, however there are already a number of other residential properties served by the private drive therefore it would not be introducing an alien form of the development to the area.

The full appearance, scale and layout of the dwellings would be considered at Reserved Matters stage, but on the basis of the indicative block plan and the site visit undertaken, it is considered that the site could accommodate a 2-storey dwelling satisfactorily.

In light of the above, the proposal is considered to comply with Policies 2 and 3 in the SELLP, 2019 in terms of character and appearance (as far as it can be assessed at outline stage).

Residential Amenity

Paragraph 127 of the National Planning Policy Framework (2021) amongst other matters seeks places with a high standard of amenity for existing and future users. Policies 2 and 3 of the South East Lincolnshire Local Plan (2019) set out residential amenity and relationship to existing development and land uses as main considerations when making planning decisions.

Taking into account the indicative details of the proposals, it is considered that one dwelling could be accommodated on the site whilst maintaining a satisfactory relationship between the proposed plot and the existing immediate dwellings at no.3-4 Bowgate and no.2 Quadring Road.

The dwelling could be sufficiently spaced out and would benefit from a reasonable sized garden to the rear of the dwelling. Public comments have raised concerns over overlooking aspects. However, the proposals are in its outline form and further details should be considered at reserved matters stage to conclude the extent to which the scheme would ensure good levels of amenity.

Flood Risk and Drainage

The NPPF requires the application of the Sequential Test to steer new development to areas with the lowest probability of flooding. If, following the application of the Sequential Test, it is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding, the Exceptions Test can be applied if appropriate.

The South East Lincolnshire Strategic Flood Risk Assessment (March 2017) is the basis for applying the Sequential Test. This concludes that the vast majority of South Holland District is in Flood Zones 2 and 3. Therefore, consistent with wider sustainability objectives, it is not realistically possible to direct all development to zones with a lower probability of flooding. As such, the document outlines a methodology whereby the SFRA hazard and depth maps (in that order) are to be utilised when determining flood risk and applying the sequential test. Using this methodology it is possible to use the information to steer development towards the areas of lower flood risks as advised within Section 14 of the NPPF.

The majority of the site is located within Environment Agency Flood Zone 3 and a small part near the road is within Flood Zone 1 and therefore, a sequential test should be undertaken.

The South East Lincolnshire Strategic Flood Risk Assessment (March 2017) (SFRA) indicates that the site is not situated in a hazard area.

The Local Plan has allocated sequentially preferable sites in terms of flood risk that are capable of meeting the identified housing targets for individual settlements. Although the application site is not a housing allocation within the Local Plan (only suitable sites capable of accommodating 10+ dwellings have been allocated), the site does lie within the settlement boundary for Pinchbeck. In general, there is a presumption in favour of sustainable development within settlement boundaries and windfall sites are expected to have a contribution towards housing supply (and maintaining the 5-year supply of deliverable sites) in the district. As such, one could argue that, should the site be acceptable in all regards, and if the Exceptions Test is successfully passed, that the site is acceptable in flood risk terms, notwithstanding the fact that there are sequentially preferable allocated sites in the adopted Local Plan.

In order for the Exceptions Test to be passed, it must be demonstrated that the proposed development will provide wider sustainability benefits to the community that outweigh flood risk, and that it will be safe for its lifetime, without increasing flood risk elsewhere and where possible reduce flood risk overall.

With regard to the above, the development would provide some wider sustainability benefits to the community through a contribution (albeit small) towards housing supply, and other benefits including generating employment during the construction period and its proximity to a range of services and facilities.

Setting finished floor levels at 150mm above existing ground level would mitigate against the risk identified and should ensure that the development is safe for its lifetime. Raising floor levels by this extent would not have a detrimental impact on the appearance of the property or adversely affect residential amenity.

In terms of drainage, the proposal is for surface water to be disposed of via soakaways. There are no known permeability issues in this area that would preclude the use of soakaways. Foul drainage will be disposed of via mains sewer.

Given the above, the proposal (at this stage) is considered to be in accordance with Policies 2, 3 and 4 of the Local Plan with regard to their provisions on flood risk and drainage.

Highway Safety and Parking Provision

The County Highway Authority has been consulted and no objection has been raised to the principle of developing a single dwelling at such a location. However, the proposal is in its outline form with all matters reserved, therefore specific access details are not available at this stage.

The means of access at this stage shows that it will be accessed via the main road of High Street. It is not considered to raise any objection in terms of highway safety from the Local Highway Authority at this stage and is therefore, considered acceptable.

In terms of parking provision, the proposal should comply with the minimum parking standards set

out in Appendix 6 of the SELLP, 2019. No details have been submitted in this regard considering the outline form of the development. In principle, good design standards would be able to accommodate sufficient cars without encouraging on-street parking on the public highway. The size of the plot is acceptable and there is room to make appropriate car parking provision.

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 application site lies within the settlement boundary for Gosberton and the principle of residential development in this location is acceptable. Whilst this is an outline application with all matters reserved, it is considered that a scheme could be developed that would not materially harm the character or appearance of the locality or amenity of residents. There are no material highway issues and an acceptable level of parking provision would appear capable of being achieved. Flood risk and drainage matters are considered to have been appropriately addressed at this stage.

Taking the above into account, the planning balance is considered to be in favour of the proposal.

Conclusion

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

For the reasons above, this application is considered to accord with Policies 1, 2, 3, 4, 10, 36 and Appendix 6 of the South East Lincolnshire Local Plan (2019) as well as Sections 2, 5, 11, 12, 14, 15 and 16 of National Planning Policy Framework (2021).

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.