

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H08-0131-21 **Applicant:** Mr S Benjamin
Proposal: Erection of Garage/Workshop & Irrigation Pond
Location: Neldar North Gate Gosberton
Terminal Date: 22nd May 2021

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

- 01 Spatial Strategy
- 02 Development Management
- 03 Design of New Development

National Guidance

National Planning Policy Framework 2019

Section 12 of the National Planning Policy Framework (2019)

12 - Achieving well-designed places

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	1	0
WARD MEMBER	0	1	0	1
ENVIRONMENT AGENCY	0	0	0	1
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SHDC INTERNAL	0	0	1	0
OTHER STATUTORY BODIES	0	0	1	0
RESIDENTS	0	0	0	1

CASE OFFICER ASSESSMENT

PROPOSAL

This is a full application at Neldar, North Gate, Gosberton for the erection of a garage / workshop and and irrigation pond.

The proposal seeks to provide a garage that measures 6.9 metres in width, 6.6 metres in depth, has an eaves height of 2.4 metres and a maximum height of 3.75 metres. The garage will be constructed from brick with contrasting brick quoins and a tiled roof.

The irrigation pond will measure 10 metres east to west, 8 metres north to south and will be a maximum of 3 metres in depth.

SITE DESCRIPTION

The site is outside of defined settlement limits and the surrounding area is predominately rural, characterised by non-nucleated linear development of varying ages and designs. The site is in Environment Agency Flood Zone 3 and is not subject to increased flood hazard or depth on the 2115 South Holland Strategic Flood Risk Mapping. The site does however suffer from surface water drainage problems and the irrigation pond will seek to address this.

HISTORY

No relevant history.

CONSULTATION RESPONSES

LCC - County Highways & SUDS Officer

No objections - "The proposal is for pond and small garage and it does not have an impact on the Public Highway or Surface Water Flood Risk."

SHDC - Environmental Protection Officer

No comments or objection.

Councillor King

Support - "I cant see any issues with this application and I'm sure that the applicants will take all precautions with the pond."

Councillor Bingham

"The plan doesn't show depth, bunding height or propose fencing around pond. Due to the vicinity to the road and type of liner proposed without fencing this could be a risk of drowning. Also without proper plans the visual impact of the irrigation pond can not be judged. If this was rectified I wouldn't have an objection."

Environment Agency

"The proposal can be classified as 'minor development' in relation to flood risk. It was therefore not necessary to consult us."

Gosberton Parish Council

No comments.

PLANNING CONSIDERATIONS

Principle of development

The proposal is for residential development adjacent to the existing dwelling. The principle of development in this location is considered to be acceptable.

Assessment against SELLP Policy 2 - Development Management

This proposal is assessed against SELLP Policy 2 titled - Development Management. This policy states:

"Proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to:

1. 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;
2. quality of design and orientation;
3. maximising the use of sustainable materials and resources;
4. access and vehicle generation levels;
5. the capacity of existing community services and infrastructure;
6. impact upon neighbouring land uses by reason of noise, odour, disturbance or visual intrusion;
7. sustainable drainage and flood risk;
8. impact or enhancement for areas of natural habitats and historical buildings and heritage assets;
9. impact on the potential loss of sand and gravel mineral resources."

When assessed against the above relevant criteria the following can be observed:

1. The size, scale and layout of the proposal is considered to be appropriate for the site. The garage and pond are a standard size for the site and do not detract from the character and appearance of the surrounding area.
2. The design of the garage / workshop is of a standard construction and will be brick and tile. The garage would be conditioned to have matching brick and tile to that of the dwelling. The siting of the garage is toward the front of the site, but in line with the front elevation of the bungalow. This is considered to be an appropriate location. The pond will be conditioned to have a fence around it to prevent accidental ingress and a ladder to aid egress should anyone be trapped in the pond.
3. Materials of construction for the garage will be to match those of the existing dwelling. This is considered to benefit the overall appearance of the site.
4. No additional access points are desired and there is not considered to be an increase in vehicle generation levels as a result of the proposal.
5. The proposal is not considered to impact existing community services and infrastructure due to the minor level of development.
6. There is not considered to be a noise, odour, disturbance or visual intrusion impact from the proposal. The nearest dwelling is 100 metres from the proposed garage which will be used for domestic purposes only.
7. The site is in Environment Agency Flood Zone 3 and is not subjected to increased flood hazard or depth on the 2115 South Holland Strategic Flood Risk Mapping. The site does however suffer from surface water drainage problems and the irrigation pond will seek to address this.

The proposal accords with SELLP Policy 2.

Assessment against SELLP Policy 3 - Design of New Development

This proposal is assessed against SELLP Policy 3 titled - Design of New Development. This policy states:

All development will create distinctive places through the use of high quality and inclusive design and layout and, where appropriate, make innovative use of local traditional styles and materials. 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.

Development proposals will demonstrate how the following issues, where they are relevant to the proposal, will be secured:

1. creating a sense of place by complementing and enhancing designated and non designated heritage assets; historic street patterns; respecting the density, scale, visual closure, landmarks, views, massing of neighbouring buildings and the surrounding area;
2. distinguishing between private and public space;
3. the landscape character of the location;
4. accessibility by a choice of travel modes including the provision of public transport, public rights of way and cycle ways;
5. the provision of facilities for the storage of refuse/recycling bins, storage and/or parking of bicycles and layout of car parking;
6. the lighting of public places;
7. ensuring public spaces are accessible to all;
8. crime prevention and community safety;
9. the orientation of buildings on the site to enable the best use of decentralised and renewable low-carbon energy technologies for the lifetime of the development;
10. the appropriate treatment of facades to public places, including shop frontages to avoid visual intrusion by advertising, other signage, security shutters, meter boxes and other service and communication infrastructure;
11. residential amenity;
12. the mitigation of flood risk through flood-resistant and flood-resilient design and sustainable drainage systems (SuDS);
13. the use of locally sourced building materials, minimising the use of water and minimising land take, to protect best and most versatile soils;
14. the incorporation of existing hedgerows and trees and the provision of appropriate new landscaping to enhance biodiversity, green infrastructure, flood risk mitigation and urban cooling;
15. the appropriate use or reuse of historic buildings.

When assessed against the above relevant criteria the following can be observed:

1. The proposal is not considered to impact a sense of place. The garage and pond are for domestic usage and will not materially impact the character and amenity of the surrounding area.

5. The proposal allows for plenty of space for the storage of bins, bicycles and the layout of car parking. The site can accommodate in excess of 2 off road parking spaces which is the minimum amount required for dwellings with three bedrooms or fewer under Appendix 6 of the South East Lincolnshire Local Plan, 2019.

11. There is not considered to be a noise, odour, disturbance or visual intrusion impact from the proposal. The nearest dwelling is 100 metres from the proposed garage which will be used for domestic purposes only.

12. The site is in Environment Agency Flood Zone 3 and is not subjected to increased flood hazard or depth on the 2115 South Holland Strategic Flood Risk Mapping. The site does however suffer from surface water drainage problems and the irrigation pond will seek to address this.

The proposal accords with SELLP Policy 3.

PLANNING BALANCE

The proposed garage and irrigation pond can be accommodated without materially impacting the character and amenity of the surrounding area.

CONCLUSION

The proposal is considered to accord with Policies 1, 2 and 3 of the South East Lincolnshire Local Plan, 2019 as well as Section 12 of the National Planning Policy Framework, 2019.

The recommendation is for a delegated approval.

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.