DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H08-0147-21**	**Applicant:**	**Mr P Thorold**
Proposal:	Proposed replacement dwelling and change of use from agricultural to residential		
Location:	7 Cooks Road Gosberton Spalding		
Terminal Date:	15th April 2021		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019	
02	Development Management
03	Design of New Development
04	Approach to Flood Risk
22	Replacement Dwellings in the Countryside
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2019

Section 12 - Achieving well-designed places

Representations:

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

CASE OFFICER ASSESSMENT

Proposal

This is a full application for a proposed replacement dwelling and change of use from agricultural to residential at 7 Cooks Road, Gosberton.

Permission was previously granted for a replacement dwelling at this address in 2019 under application ref. H08-0002-19. The applicant now wishes to utilise further land (agricultural) to the rear which is beyond the original site boundary, thus a new full application has been submitted. The dwelling would remain almost identical visually to that previously approved and very similar in terms of scale. The reason that applicant wishes to extend the site further south is to so as to enable the dwelling to be sited further away from the dryer building which is adjacent to the existing bungalow, as well as the wider business activities.

Site Description

The existing dwelling is a modest size bungalow constructed of red brick and grey pantiles with a single storey flat roof extension to the side/rear.

It is set within a large plot, with trees surrounding the site and within. The site is adjacent to a farming business and takes its access off Cooks Road which leads to the farm. There is agricultural land to the rear.

History

H08-0002-19 - Full application - Proposed replacement dwelling (approved March 2019)

Consultation Responses

LCC Highways/SUDS - Does not wish to restrict the grant of permission.

Gosberton Parish Council - No comments.

SHDC Environmental Protection - No comments or objections.

Planning Considerations

Principle

Policy 22 of the South East Lincolnshire Local Plan, 2019 indicates that proposals for the erection of replacement dwellings outside defined settlement boundaries will be permitted provided that:
1. the residential use of the building to be replaced (the original building) has not been abandoned;
2. the original building is permanent, has not become derelict and is not the result of a temporary permission;
3. the original building is not of architectural or historic merit and is not capable of repair;
4. the replacement building is of a high standard in terms of architectural detailing and materials of construction;
5. the replacement building is positioned on a similar footprint to the original building unless it can be demonstrated that the re-positioning would have beneficial impacts such as improving the character and appearance of the site and its locality; and
6. the replacement building does not exceed the floor area of the original dwelling by more than 40%, unless the development is of exceptional quality or innovative in nature in terms of its design, use of materials and levels of energy efficiency.

Addressing the above:
1) the residential use has not been abandoned. It is still occupied as a dwelling.
2) the original dwelling is still in situ and is of permanent construction.
3) it is not considered to be of significant architectural or historic merit.
4) the proposal is considered to be high quality in terms of design, etc, incorporating both traditional and contemporary features and using attractive materials of construction.
5) the dwelling is not sited on a similar footprint to the original building, being set approx. 50m

further south. However, re-locating the dwelling further away from the existing business would have a beneficial impact in terms of improving residential amenity, in particular due to moving the dwelling away from the dryer building which is clearly audible.
6) the replacement dwelling is significantly larger than the original dwelling. However, it is considered to be high quality in terms of design, etc, incorporating both traditional and contemporary features. It has previously been permitted under planning permission ref. H08-0002-19 and is considered to be satisfactory in terms of criterion 6.

Impact on character and appearance of the area

The site is located within the countryside but is a long distance from the main public highway (Boston Road) and sits on the edge of a complex of agricultural units. Laurel hedging has very recently been planted on the western, southern and eastern boundaries which will provide some screening and enclose the garden. Taking this into account, it is not considered that the proposal will have a material adverse impact on the character and appearance of the area. It is therefore concluded that the proposal accords with Policies 2 and 3 of the Local Plan. Policy 2 of the Local Plan requires development proposals to take into account sustainable development considerations such as: impact on character and appearance of the area and the relationship to existing development. Policy 3 requires development proposals to respect the density, scale and massing of neighbouring buildings and the landscape character of the location.

The siting of the dwelling further south than previously approved would result in the loss of a small area of agricultural land. The loss of such a small area carries very limited weight in the overall planning balance.

Residential amenity

There are no other residential properties in close proximity to be affected by loss of privacy, loss of light or by the proposal being overbearing in nature.

Re-locating the dwelling further away from the existing business would have a beneficial impact in terms of improving residential amenity, in particular due to moving the dwelling away from the dryer building which is clearly audible.

Taking the above into account, the proposal is considered to be in accordance with Policies 2 and 3 of the Local Plan with regard to residential amenity.

Highways and parking

The Highway Authority have no objection to the proposed new access at the north-western corner of the site. The proposal is therefore considered to be acceptable on highways grounds and in accordance with Policy 2 of the Local Plan which requires it to be demonstrated that access and vehicle generation levels will be acceptable.

Appendix 6 of the Local Plan sets out parking standards for residential dwellings and states that 3 vehicle parking spaces are required for dwellings with 4 or more bedrooms. The proposed vehicle parking arrangements are in accordance with this.

Flood risk

The site is within Environment Agency Flood 3. However, it does not fall within a hazard zone in the South East Lincolnshire Strategic Flood Risk Assessment (2017). A condition was previously imposed requiring that finished floor levels be set at a minimum of 300mm above existing ground level on the site, which can be applied again.

Planning Balance

The proposal is considered to satisfactorily accord with the Local Plan's replacement dwellings policy and there are no concerns in relation to residential amenity, impact upon character and appearance of the area, highway matters or flood risk.

The planning balance is therefore considered to be in favour of the proposal.

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.

Conclusion

The proposal is considered to satisfactorily accord with Policies 2, 3, 4, 22 and 36 (incl. Appendix 6) of the South East Lincolnshire Local Plan (2019)

The recommendation is therefore to approve.