DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H08-0183-24**	**Applicant:**	**Mr A Murfet**
Proposal:	Erection of two dwellings, associated garaging and formation of new access		
Location:	Land Adjacent To 3-4 Bowgate Gosberton Spalding		
Terminal Date:	28th June 2024		

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
05	Meeting Physical Infrastructure and Service Needs
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
17	Providing a Mix of Housing
28	The Natural Environment
29	The Historic Environment
30	Pollution
31	Climate Change and Renewable and Low Carbon Energy
32	Community, Health and Well-being
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2023

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 and beautiful 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	1
RUBEN LOPEZ, HISTORIC ENVIRONMENT OFFICER	0	0	0	1
WELLAND AND DEEPINGS INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	1	0
RESIDENTS	3	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This proposal seeks full planning permission for the erection of two dwellings, and a proposed new access.

The proposed dwellings would consist of a detached form and would be two-storey in scale.

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

H08-0069-23 - Outline - Proposed Dwelling - Approved 22.03.2023

Consultation Responses

Initial Responses Received (Consultation period between 11th March 2024 - 03rd April 2024)

The responses received from consultees during the initial consultation exercises, which can be viewed in their entirety through the South Holland website, can be summarised as follows:

Welland & Deepings Internal Drainage Board

Further to receipt of the above, I confirm that Welland & Deepings IDB have no comment to make with regard to this application.

Historic Environment Officer

Thank you for consulting us on this. Having reviewed the application documents and the available Historic Environment information for this application, the proposal is unlikely to have an impact on significant archaeological remains. Consequently, no further archaeological input is necessary for

this application

SHDC Environmental Protection Officer

No comments

LCC Highway and Lead Local Flood Authority

A shared drive should be 4.1m for the first 10m therefore it shall be 3.7m, visibility is to be demonstrated in accordance with Manual for Streets for a 30mph and x distance of 2.4m. Please can the block plan be updated to include this information.

We would like to note concerns with the layout of the on-plot car parking arrangements, namely the tandem spaces. In accordance with LCC guidance on car parking, we only consider tandem car parking spaces to count as one car parking space. We advise that on-plot car parking spaces be delivered side-by-side rather than in tandem. I note that this is a private site however, I wanted to make you aware.

Responses Received within Re-consultation (Consultation period between 08th May 2024 - 22nd May 2024)

Ward Councillor Cllr H J W Bingham

I have no objection to the amended plans which are a vast improvement and provide more variety to the site and street scene which is already a selection of house types.

LCC Highways and Lead Local Flood Authority

I have received the amended consultation, and I am happy with the changes they have made to the layout. I note that they have not revised the visibility in line with Manual for Streets. The 'x' distance should be 2.4m.

SHDC Environmental Protection Officer

No comment regarding amendment 1.

Historic Environment Officer

Thank you for consulting us on this. Having reviewed the application documents and the available Historic Environment information for this application, I reiterate my previous comments: the proposal is unlikely to have an impact on significant archaeological remains. Consequently, no further archaeological input is necessary for this application.

Welland & Deepings Internal Drainage Board

Further to receipt of the above, I confirm that Welland & Deepings IDB have no comment to make with regard to
this application.

Public Representation

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance, two letters of representation have been received.
These can be summarised as follows:

-Some works have already gone on, meaning some birds have been lost
-Wildlife is very important
-It will reduce the desirability of the area
-This is a very busing road
-Concerns regarding loss of privacy
-This is a lovely area
-We are going to loose a lovely view
-There is no housing need in Gosberton

-Ruin the character of the area
-Out of keeping
-Concerns regarding vehicle safety
-Loss of trees and hedgerows will impact the area
-Concerns regarding flooding
-The water pumps will not cope with a further two dwellings
-The biodiversity of the area will be impacted
-Concerns with loss of light and privacy

Planning Considerations

The main issues and considerations in this case are (but are not limited to):

- Principle of Development and Sustainability
- Layout, Design and Impact on the Character of the Area
- Impact on Neighbouring Residents/Land Users/Land Uses
- Highway Safety and Parking
- Flooding Risk Considerations
- Foul and Surface Water Drainage
- Biodiversity

Evaluation

Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

In this case, the adopted South East Lincolnshire Local Plan 2011-2036, adopted March 2019, forms the development plan for the District, and is the basis for decision making in South Holland. The relevant development plan policies are detailed within the report above.

The policies and provisions set out in the National Planning Policy Framework (December 2023) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

Furthermore, where a Neighbourhood Plan has been adopted, this alongside the adopted Local Plan, forms part of the Development Plan for the District, and must be considered when assessing development proposals. In this instance, no relevant neighbourhood plans have been adopted.

The Authority is able to demonstrate a supply of deliverable sites equivalent to in excess of 5 years through the latest Housing Land Supply Assessment.

Principle of Development and Sustainability

The South East Lincolnshire Local Plan sets out the settlement hierarchy in respect of delivering sustainable development that meets the social and economic needs of the area whilst protecting and enhancing the environment; in order to provide enough choice of land for housing to satisfy local housing need, whilst making more sustainable use of land and to minimise the loss of high-quality agricultural land by developing in sustainable locations and at appropriate densities.

Policy 1 of the South East Lincolnshire Local Plan sets out a spatial strategy for delivering sustainable development across South East Lincolnshire to 2036. Policy 1 (Spatial Strategy) expresses this sustainable framework of settlements, ranking the settlements deemed to be most sustainable in descending order.

The most sustainable locations for development are situated within the 'Sub-Regional Centres', followed by 'Main Service Centres'. Lower down the hierarchy in respect of sustainable development are areas of limited development opportunity including Minor Service Centres, with areas of development constraint comprising 'Other Service Centres and Settlements'. The countryside is at the bottom of the settlement hierarchy and represents the least sustainable location.

Policy 1 (Spatial Strategy) of the South East Lincolnshire Local Plan 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. This policy goes on to detail that development within Minor Service Centres will normally be limited to Allocated and Committed sites and infill.

The National Planning Policy Framework, (NPPF) (December 2023) outlines, within para 60, that "to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay and that land with permission is developed without unnecessary delay".

Para 70 of the NPPF (December 2023) also emphasises the importance that the contribution of small to medium sized sites can make in meeting the housing requirements. ("Small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built-out relatively quickly"). This policy seeks to ensure that there is a sufficient supply of homes and advises that sites of all sizes make a contribution to the housing requirement of an area.

The application site in this instance is within Gosberton, a Minor Service Centre, and lies within the defined settlement boundaries as detailed by Policy 1. In context of this, the principle of residential development within this location is considered to be appropriate, comprising an appropriate form of development for the location and would be in accordance with the overall principles of the spatial strategy.

As such, the proposal is considered to be in accordance with the requirements of Policy 1 of the South East Lincolnshire Local Plan when viewed in principle. This is subject to the assessment against site specific criteria; including (but are not limited to) the impact of the proposal on the character or appearance of the area, impact on the residential amenities of neighbouring occupiers, impact on highway safety and flood risk, which are discussed in turn as follows.

Layout, Design and Consideration of the Character and Appearance of the Area

Section 12 of the National Planning Policy Framework (December 2023) specifically relates to 'Achieving well-designed and beautiful places' and details that the "creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve" and as such, it is generally accepted that good design plays a key role towards sustainable development.

Paragraph 135, contained within Section 12 of the National Planning Policy Framework (December 2023), states that new development should function well and add to the overall quality of the area (including beyond the short term) and should be visually attractive as a result of good architecture and appropriate landscaping. This goes on to establish that it is important that new development should be of the highest quality to enhance and reinforce good design characteristics, and that decisions must have regard towards the impact that the proposed development would have on local character and history, including the surrounding built environment and landscape setting such as topography, street patterns, building lines, boundary treatment and through scale and massing.

Development proposals should also ensure that developments 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 the South East Lincolnshire Local Plan outlines sustainable development considerations for development proposals, providing a framework for an operational policy to be used in assessing the sustainable development attributes of all development proposals. Furthermore, Policy 3 accords with the provisions of Section 12 of the National Planning Policy Framework, in that it requires development to comprise good design; identifying issues that should be considered when preparing schemes so that development sits comfortably with, and adds positively to, its historically-designated or undesignated townscape or landscape surroundings.

These policies accord with the provisions of the National Planning Policy Framework and require 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.

Proposals for new development would therefore require the aforementioned considerations to be adequately assessed and designed, including the siting, design and scale to be respectful of

surrounding development and ensure that the character of the area is not compromised.

The proposed layout comprises an arrangement that would utilise the existing land, with an appropriately detailed scheme for the area. The scale of the proposal is for two storey dwellings. The layout incorporates a new proposed access point.

The proposed development seeks to provide rear garden spaces to each of the proposed plots, to slightly differing degrees. Whilst these garden spaces would slightly vary, the amenity space is considered to be appropriate and adequate to serve the proposed dwellings. Further, the resultant development would be of an appropriate density as to ensure that the character of the area, and the scales of amenity space, are appropriate as to not cause an unacceptable adverse impact.

The northern plot is of a symmetric design to the front elevation and is of a larger size than the proposed dwelling to the southern plot. No details of material have been submitted; therefore, an external materials condition is included to ensure the Local Planning Authority is able to consider the full complement of materials for the dwellings.

Overall, the siting of the development, coupled with the scale, design and external appearance, is considered to be acceptable and whilst comprising an addition to the streetscene that would be readily visible, is not considered to comprise an oppressive or dominant addition to the streetscene or context. The siting of the dwellings is set back from the highway, to further lessen the extent of visual impact along the streetscene.

Taking account of the design, scale and nature of the development, as detailed above, the proposal is considered to be acceptable. The proposal would not cause an adverse impact to the character or appearance of the area and would therefore be in accordance with policies 2 and 3 of the South East Lincolnshire Local Plan and Section 12 of the National Planning Policy Framework (December 2023).

Impact on Residential Amenity/Land Users

Paragraph 135 of the National Planning Policy Framework (December 2023) states that development should 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; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Policies 2 and 3 of South East Lincolnshire Local Plan (2019) sets out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

Northen Plot

The northern plot would have a separation distance of approximately 13m (in excess of) from the side elevation of No.2 Quadring Road. The proposed northern elevation of plot one does not propose any first floor windows. As such, the proposed development will not have a material adverse impact on residential amenity, in terms of creating overlooking or loss of privacy to No.2 Quadring Road.

The neighbouring property to the rear of the northern plot would have a separation distance of approximately 14m (in excess of) from the closest elevation. There are three proposed first floor windows to the rear of the proposed dwelling that would serve two bedrooms and a bathroom. The bathroom window would be obscure glazed, and therefore does not comprise a primary living room. There are however, two proposed bedroom windows facing the dwelling to the west. Whilst there is potential of being impacted to a minimal degree of overlooking, it is considered that sufficient private amenity space will be retained by adjoining occupiers, and the development would not result in overlooking or loss of privacy or amenity that would otherwise warrant refusal of planning permission.

The proposed dwelling to the south would have a separation distance of approximately 1.8m. The northern plot does not have any first floor windows facing the proposed plot to the south. As such, the proposed development will not have a material adverse impact on residential amenity, in terms of creating overlooking or loss of privacy.

Southern Plot

The southern plot would have a separation distance to the shared boundary of No.2 Quadring Road of approximately 7m (in excess of), with a separation distance of 14m to the closest elevation. The proposed western elevation (rear) proposes two first floor windows, that would serve bedrooms. These windows would look onto the front garden of the neighbouring dwelling to the west. Whilst there is potential of being impacted to a minimal degree of overlooking, it is considered that sufficient private amenity space will be retained by adjoining occupiers, and the development would not result in overlooking or loss of privacy or amenity that would otherwise warrant refusal of planning permission.

The proposed dwelling to the north would have a separation distance of approximately 1.8m. The southern plot does not have any first floor windows facing the proposed plot to the north. As such, the proposed development will not have a material adverse impact on residential amenity, in terms of creating overlooking or loss of privacy.

As detailed above, the scale and design of the proposal is considered to be such that there would be no significant or unacceptable impact on the residential amenities of the occupiers of adjacent properties or land users, when also taking account of the conditions recommended. As such, the proposal is considered to accord with the provisions of the Section 12 of the National Planning Policy Framework (December 2023), and Policies 2 and 3 of the Local Plan.

Highway Safety and Parking

Section 9 of the National Planning Policy Framework (December 2023) specifically relates to 'Promoting sustainable transport'. Paragraph 115 of the National Planning Policy Framework (December 2023) advises that "development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe".

In respect of highway matters, Policy 2 details that proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to access and vehicle generation. Policy 3 details that development proposals will demonstrate how accessibility by a choice of travel modes including the provision of public transport, public rights of way and cycle ways will be secured, where they are relevant to the proposal.

Further, policy 36, to be read in conjunction with Appendix 6 of the South East Lincolnshire Local Plan, sets out minimum vehicle parking standards and requires at least two spaces for dwellings of up to three bedrooms and three spaces for dwellings with four or more bedrooms.

The application proposes the erection of two, 4bed houses and a new access. Given that the access would be utilised by the occupants of the dwelling and their visitors, the volume of traffic is not considered to be significant. Likewise, the resultant development is not considered to result in a significant mark rise in vehicular traffic, albeit this would introduce additional traffic. LCC highways have raised a concern that the applicant "has not revised the visibility in line with Manual for Streets. The 'x' distance should be 2.4m." This is noted; however, the proposed access has extant permission having been granted under application H08-0069-23.

Policy 36, to be read in conjunction with Appendix 6 of the Local Plan, sets out minimum vehicle parking standards and requires at least two spaces for dwellings of up to three bedrooms and three spaces for dwellings with four or more bedrooms. The dwellings have adequate provision for parking and LCC highways have raised no objections to the parking provision. It is considered that, overall, the development has more than adequate parking is shown within the curtilage of the dwelling.

The proposal would therefore be acceptable and would not have an unacceptable adverse impact on highway safety in accordance with Local Plan Policies 2, 3 and 36, and Section 9 of the National Planning Policy Framework (December 2023).

Flooding Considerations

Section 14 of the National Planning policy Framework (December 2023) requires development plans to "apply a sequential, risk-based approach to the location of development - taking into

account all sources of flood risk and the current and future impacts of climate change - so as to avoid, where possible, flood risk to people and property. They should do this, and manage any residual risk, by: a) applying the sequential test and then, if necessary, the exception test as set out below".

Paragraph 168 details "The aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding", with the sequential approach being required in areas known to be at risk now or in the future from any form of flooding, with the flood risk assessment being the tool to demonstrate this.

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 site lies within Flood Zones 3 of the Environment Agency's Flood Maps. These have been created as a tool to raise awareness of flood risk with the public and partner organisations, such as Local Authorities, Emergency Services and Drainage Authorities. The Maps do not take into account any flood defences.

The South East Lincolnshire Strategic Flood Risk Assessment (SFRA) provides an overview of how flood risk has been considered in shaping the proposals of the Local Plan; including the spatial strategy and the assessment of housing and employment sites. Policy 4 of the South East Lincolnshire Local Plan is clear in that "Development proposed within an area at risk of flooding (Flood Zones 2 and 3 of the Environment Agency's flood map or at risk during a breach or overtopping scenario as shown on the flood hazard and depths maps in the Strategic Flood Risk Assessment) will be permitted" in instances where specific criteria is met.

It is worth noting that large parts of the district of South Holland lie within Flood Zone 3. It is therefore necessary to use the refined flood risk information (Hazard and Depth maps) within the South East Lincolnshire Strategic Flood Risk Assessment (2017) as a basis to apply the sequential test.

The South East Lincolnshire Strategic Flood Risk Assessment (March 2017) (SFRA) indicates no hazard and no depth for the site. In this instance, finished floor levels of 150mm above existing ground level would be sufficient as a precautionary flooding mitigation measure. Raising floor levels by this extent would not have a detrimental impact on the appearance of the property or adversely affect residential amenity.

The submitted flood risk assessment advises that there would not be an unacceptable risk of flooding, within the FRA the application assessed that the ground floor level of proposed dwellings should be at a minimum level of 3.65 metres AOD, which is an average of 150mm above existing ground levels. These mitigation measures will be subject to a condition.

Overall, when considering the development on balance, it is considered that given the mitigation measures detailed and recommended by condition, it is considered that the proposal accords with Policies 2, 3 and 4 of the South East Lincolnshire Local Plan and the intentions of the National Planning policy Framework in this regard.

Trees and Hedgerow

The existing site currently has a number of trees and a large hedgerow bounding the site. An internal discussion was had between the Planning Officer and the Tree Officer with regards to the potential loss of the trees. The Tree Officer confirmed that none of the trees on the site are worthy of a TPO and therefore, had no objections to the proposal. The existing hedgerow is to remain, however, this will be cut back and reduced in height to allow for improved visibility splay on exit of the site.

Biodiversity

The application was submitted prior to mandatory requirements for Biodiversity Net gain as introduced by Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021) which requires developers to deliver a minimum of 10% Biodiversity Net Gain using standardized biodiversity units measured by statutory biodiversity metrics. For

applications such as the current scheme, submitted prior to the introduction of this requirement, a standard biodiversity condition is appropriate together with the installation of swift bricks on the two storey properties. This is considered sufficient at this time to conform with policy 28 of the SELLP.

Planning Balance

As detailed above, Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

The proposal represents appropriate development within the defined settlement boundary. The development hereby proposed does not materially harm the character or appearance of the locality, or amenity of nearby residents, and provides adequate parking, whilst conforming with the South East Lincolnshire Local Plan and the provisions of the National Planning policy Framework when viewed as a whole.

In this instance, there are no material considerations that weigh against the proposal and as such, the planning balance is in favour of the development.

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

Taking the above considerations into account, the proposal is considered to be in accordance with

policies 1, 2, 3, 4, 28, 29 and 36 (including Appendix 6) of the South East Lincolnshire Local Plan (SELLP) (2019), along with the identified sections contained within the National Planning Policy Framework (NPFF) (December 2023). The are no significant factors in this case that indicate against the proposal and outweigh the consideration in favour of the proposal and the policies referred to above.

Recommendation

Based on the assessment detailed above, it is recommended that the proposal should be approved under Delegated Authority.