

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H08-0252-19 **Applicant:** Mr A Drakard
Proposal: Residential development - erection of four dwellings approved under H08-0670-16.
Location: Land Rear Of 1 Clough Road Gosberton Risegate Spalding
Terminal Date: 29th April 2019

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02	Development Management
03	Design of New Development
04	Approach to Flood Risk
36	Vehicle and Cycle Parking

National Guidance

National Planning Policy Framework 2019

Section 12 - Achieving well-designed places
 Section 14 - Meeting the challenge of climate change, flooding and coastal change

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
BLACK SLUICE INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	0	1
OTHER STATUTORY BODIES	0	0	0	1
RESIDENTS	2	0	0	0

CASE OFFICER ASSESSMENT

Proposal

This is a reserved matters application relating to outline approval H08-0670-16 for residential development on land to the rear of 1 Clough Road, Gosberton Risegate.

The outline approval granted permission for 6 dwellings however this reserved matters application is for 4 detached frontage properties.

Each property would have its own individual access off Beach Lane.

3 property types are proposed which would comprise of 3 x 4 bed and 1 x 3 bed.

Proposed materials of construction are a red facing cottage mixture brick and brown/red pantile.

1.8m high close boarded fencing would be installed between new and existing properties.

Site Description

The site is greenfield in nature and currently unused. The rear of residential properties which front on to Clough Road adjoin the northern boundary. There are open boundaries on the other 3 sides. There is a combination of hedging and fencing along the northern boundary as well as tall mature trees. There is a mixture of bungalows and two-storey dwellings that front on to Clough Road to the north.

Representations

Gosberton Parish Council - No comments.

SHDC Environmental Protection - Requests further information.

LCC Highways/SUDS - No objections, subject to conditions.

Public -

- Not in keeping with the materials of existing properties in the village
- Loss of light to adjacent properties
- Overlooking
- Additional noise from vehicles and occupants
- Highway safety, with specific regard to junction of Beach Lane and Clough Road
- Buildings do not appear to adhere to minimum separation distances required by Building Regulations

Planning Considerations

- Impact on character and appearance of the area
- Residential amenity
- Highway safety
- Other

Impact on character and appearance of the area

Concern has been raised that the materials of the new dwellings would not be in keeping with the materials of existing properties in the village. Existing dwellings within the village are predominantly constructed of red brick with brown pantiles but there are also dwellings constructed of lighter colour bricks as well. The proposed dwellings would be constructed of multi type bricks which are lighter than the red bricks of existing dwellings but are arguably visually more attractive than those of the existing dwellings. The proposed materials of construction are therefore considered to be

acceptable.

In terms of individual dwelling design, Plot 1 would be the most traditional in nature, with Plot 2-4 being more modern. Plot 4 has been amended to include a porch/canopy on the front elevation to alleviate the bland frontage. This is considered to be acceptable.

Residential amenity

Objections have been received which raise issues of overlooking and loss of light to adjacent properties.

Plot 1 would be the closest dwelling to existing properties but the only first floor windows on the northern facing elevation would belong to bathrooms and would therefore be obscured glazed. Furthermore, there are existing trees along part of the northern boundary which would remain and act as screening and 1.8m high fencing is proposed along this boundary. There is considered to be sufficient separation distance from the proposed dwellings and existing dwellings (approx. 8m at the closest point) for there not to be a material loss of light.

Additional noise from vehicles and occupants is a consideration however it only carries very limited weight in the planning balance and is partly based on assumptions of future occupiers.

Highway safety

Concerns have been raised regarding highway safety - in particular the junction of Beach Lane and Clough Road. However, the Highway Authority have not objected and so it would be unreasonable to refuse the application on highways grounds.

Other

Surface water is to be disposed of via soakaways and foul water via individual package treatment tanks which are to be discharged into the drain at the rear.

The proposed hard and soft landscaping is considered to be acceptable.

In terms of boundary treatments, post and rail fencing would be installed along the rear boundary and along part of the western boundary. 1.8m close board fencing would be installed in between the new dwellings and existing dwellings which front on to Clough Road, reducing to 1m in height at least 2m from the new footpath. There would be 1m closeboard fencing along the frontage of the properties. This is acceptable.

Finished floor levels are to be set at 2.9m OD in accordance with the flood risk assessment submitted as part of outline application ref. H08-0033-16.

One objector highlights that the proposed dwellings do not appear to adhere to minimum separation distances required by Building Regulations. Generally, it is expected that new dwellings are separated by at least 1m, which the proposed dwellings would exceed.

Conclusion

Taking the above into account, the proposal is considered to be in accordance with Policies 2, 3, 4 and 36 of the South East Lincolnshire Local Plan (2019), as well as Sections 12 and 14 of the National Planning Policy Framework (2019).

The recommendation therefore is for a delegated approval.

Additional Considerations

Public Sector Equality Duty

In making your decision you 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 is only one factor that needs to be considered, and may be balance 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 your decision, you 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.

You are referred specifically to Article 8 (right to respect for private and family life), 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 interest and the recommendation to grant permission is considered to be a proportionate response to the submitted application based on the considerations set out in this report.