DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H08-0325-20**	**Applicant:**	**Mr M Van Lier**
Proposal:	Residential development - Erection of two storey dwelling		
Location:	Adj. 43 Mill Lane Gosberton Spalding		
Terminal Date:	12th October 2020		

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
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
17	Providing a Mix of Housing
30	Pollution
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2019

Sections 5, 12 & 14 of the National Planning Policy Framework (2019)

5 - Delivering a sufficient supply of homes
12 - Achieving well-designed places
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	1	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
WELLAND AND DEEPINGS INTERNAL	0	0	0	1

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

CASE OFFICER ASSESSMENT

PROPOSAL

This is an outline application for the erection of a two storey dwelling on land adjacent 43 Mill Lane, Gosberton. The indicative proposal shows a proposed detached 4/5 bedroom property with a detached 3 bay garage, however, this application is merely to determine the principle of development on this site.

SITE DESCRIPTION

The proposal is within defined settlement limits. Dwellings on Boston Road are sited to the east, undeveloped land is sited to the north and south and 43 Mill Lane is to the west with more dwellings beyond.

The site is within Flood Zone 3 on the Environment Agency floodmaps, and is not subject to increased hazard or flood depth on the 2115 South Holland Strategic Flood Risk Mapping.

Part of the proposal site was granted retrospective for change of use to residential under reference H08-0360-09. The remainder of the proposal land remains classified as agricultural.

This application is solely to address the principle of development. Further detail would have to be finalised under a reserved matters application.

HISTORY

H08-0200-04

Full - Two storey extension and alterations and detached triple garage - Approved - 23 March 2004

H08-0071-09

Full - Change of use of agricultural land to residential - Refused - 27 March 2009

H08-0360-09

Full - Change of use of agricultural land to residential (retrospective) - Approved - 19 August 2009.

CONSULTATION RESPONSES

LCC - County Highways & SUDS Officer

No objections. Requests standard access and utility informatives.

SHDC - Councillor Walsh

No objections.

SHDC - Environmental Protection Officer

The Officer requested details of gas protection measures on site as the land is backfilled. The agent has confirmed that this will be provided to the floor slab.

Gosberton Parish Council

No comments.

Welland & Deepings Internal Drainage Board

Provides guidance on preservation of the privately owned pipeline to the front of the site.

Members of the public - 2 - comments

Condition of highway.
Increase in traffic.
A sign is required for the adjacent path to the east that it is for pedestrian purposes only.

PLANNING CONSIDERATIONS

Principle of development

This application is assessed against SELLP Policy 2 which is 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; and
9. impact on the potential loss of sand and gravel mineral resources."

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

1.The application is outline and solely seeks to establish the proposed access location and the principle of development. The area whilst in an agricultural use has been turfed for a number of years and shows no recent signs of agricultural activity. It is not considered that a residential use on this site would be out of keeping with the character of the surrounding area as it would continue linear development down Mill Lane. No trees are impacted by the proposal. If appropriately designed it is considered that the proposed dwelling would not adversely impact the amenity of neighbouring properties.

2. The application is outline and solely seeks to establish the proposed access location and the principle of development.

3. The application is outline and solely seeks to establish the proposed access location and the principle of development.

4. The proposed access utilises the existing access to 43 Mill Lane. There is not considered to be a material increase in traffic arising from the addition of a single property to this street.

5. Gosberton is a Minor Service with a requirement for 270 new homes under the SELLP by 2036. This dwelling would help to contribute toward that total and would not materially impact services or infrastructure within the settlement and its environs.

6. It is not considered that that the proposed will materially impact the neighbouring area through noise, odour, disturbance or visual impact. This application is for a residential use in a residential area.

7. An appropriate drainage strategy at the reserved matters stage should adequately address drainage matters. The site is within Flood Zone 3 on the Environment Agency flood maps, and is not subject to increased hazard or flood depth on the 2115 South Holland Strategic Flood Risk Mapping.

8. This proposal would not affect natural habitats, historical buildings or heritage assets.

9. This proposal would not affect sand or gravel mineral resources.

Loss of agricultural land

Whilst the loss of agricultural land is regrettable, the area whilst in an agricultural use has been turfed for a number of years and shows no recent signs of agricultural activity. It is not considered that a residential use on this site would be out of keeping with the character of the surrounding area as it would continue linear development down Mill Lane. The amenity of the occupant would benefit from a larger plot, with scope to allow for a executive dwelling that has the potential to raise the standard of design in the vicinity.

Gas protection measures

The Officer requested details of gas protection measures on site as the land is backfilled. The agent has confirmed that this will be provided to the floor slab.

Condition of the highway

The County Highways & SUDS Officer has no objections to the proposal and therefore highway improvements will not be undertaken as part of this proposal.

Flood Risk

The site is within Flood Zone 3 on the Environment Agency floodmaps, and is not subject to increased hazard or flood depth on the 2115 South Holland Strategic Flood Risk Mapping.

Increase in traffic

There is not considered to be a material increase in traffic arising from this proposal from the additional of a single dwelling on this established street.

Parking provision

If the proposal as shown on the indicative plans has four bedrooms or more, then a minimum of three parking spaces must be provided in accordance with guidance in Policy 36 and Appendix 6 of the SELLP. The submitted plans show in excess of three parking spaces available on site and thereby accord with the above policies.

Pedestrian footpath sign

The lack of signage for pedestrian footpath close to this proposal is not considered to carry material weight when determining this application.

CONCLUSION

This outline proposal is considered to be in compliance with Policies 1, 2, 3, 4, 10, 11, 17, 30, 36 and Appendix 6 of the South East Lincolnshire Local Plan, 2019, as well as Sections 5, 12 and 14 of the National Planning Policy Framework, 2019. The recommendation is therefore one of 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.