

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H08-0512-20 **Applicant:** John Grant (Donington)
Proposal: Residential Development - erection of dwelling (Re-submission of H08-0592-17)
Location: Adj. 12 Bowgate Gosberton Spalding
Terminal Date: 2nd September 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
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	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
RESIDENTS	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This is an outline application for the erection of a dwelling on land adjacent 12 Bowgate, Gosberton and is a resubmission of H08-0592-17. The indicative proposal seeks to provide a detached dwelling on a similar line of frontage to that of 12 Bowgate to the west.

Site Description

The proposal is currently in use as an arable access track and is entirely within defined settlement limits. The surrounding area is characterised by dwellings of varying ages and design. The rear half of the site is within Environment Agency Flood Zone 3 and is not subject to increased hazard or flood depth on the 2115 South Holland Strategic Flood Risk Mapping.

History

H08-0124-95

Full - Erect 37 dwellings with roads and sewers - Refusal - 20 July 1995

H08-0684-11

Outline - Proposed residential development - Approved - 01 November 2011

H08-0654-14

Outline - Residential development - erection of dwelling - Approved - 17 September 2014

H08-0592-17

Outline - Residential development - erection of dwelling (Re-submission of H08-0654-14) - Approved - 07 August 2017.

Consultation Responses

SHDC - County Highways & SUDS Officer

No objections. Requests standard access and utility informatives.

Gosberton Parish Council

No comments.

Member of the public - 1 - Comments

This is the third time this application has been submitted. This plot is a field entrance in fairly constant use so I am unclear why the application is being made. I would be happy to see the plot developed.

Planning Considerations

Principle of development

The proposal site is within defined settlement limits so the principle of development in this location is considered acceptable.

Policy 2 of the South East Lincolnshire Local Plan (SELLP) is title Development Management and

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."

Criterion (1) of the policy cannot be materially assessed as the proposal is outline with all matters reserved. However a dwelling in this location will not be out of character with built development in the surrounding area. (2) Design and orientation would be assessed at reserved matters stage, as would (3) sustainable material and resources. (4) Vehicle generation levels cannot be accurately assessed at this level. Whilst an agricultural access would be the lost, the adjacent arable field can be accessed elsewhere.(5) The proposal is within defined settlement limits so it has already been considered that there will not be a material impact on community services and infrastructure.

(6) A residential use in this location should reduce the levels of noise, odour, disturbance and visual intrusion as the current usage accommodates large agricultural vehicles. (7) The rear half of the site is within Environment Agency Flood Zone 3 and is not subject to increased hazard or flood depth on the 2115 South Holland Strategic Flood Risk Mapping. It is expected that finished floor levels would be set around 300mm above ground level. (8) Save for a small area of arable land the proposal is not considered to impact natural habitats and does not affect the setting of any historical buildings.(9) The proposal will not affect sand or gravel mineral resources.

The proposal in its current form is not considered to be in in conflict with any of the above criteria within Policy 2.

Flood risk

The rear half of the site is within Environment Agency Flood Zone 3 and is not subject to increased hazard or flood depth on the 2115 South Holland Strategic Flood Risk Mapping. It is expected that finished floor levels would be set around 300mm above ground level.

Parking provision

There is no indication on the proposal as to the number of bedrooms. If there is no more than 3 bedrooms then a minimum of two spaces are requested under Appendix 6 of the SELLP. 4 or more bedrooms then a minimum of three spaces are requested.

Impact of development

There is not considered to be a material impact in this location. If sensibly designed it should be in keeping with the character of the surrounding area and not materially impact neighbour amenity.

Conclusion

In light of the above considerations the proposal is considered to be in accordance with Policies 1, 2, 3, 4, 10, 11, 17, 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.

A delegated approval is considered to be appropriate.

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.