

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H08-0514-20 **Applicant:** Mrs C Davidson

Proposal: Residential Development - Erection of detached dwelling with detached garage

Location: 98 High Street Gosberton Spalding

Terminal Date: 1st November 2021

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
28	The Natural Environment
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2021

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
WELLAND AND DEEPINGS INTERNAL DRAINAGE BOARD	0	0	0	1

SHDC INTERNAL	0	0	0	1
RESIDENTS	0	0	0	1

CASE OFFICER ASSESSMENT

PROPOSAL

This a full application for the erection of a detached dwelling with a detached garage at 98 High Street, Gosberton. The proposal seeks to provide a garage to the front of the site and a chalet style dwelling. At ground floor level a utility, hall, water closet, kitchen / breakfast area, family room, a second hall, dining room and a living room are to be provided. At first floor level, four bedrooms, an en-suite and a bathroom are sought. The sole side elevation first floor window serves an en-suite and will be obscure glazed. Exact details of materials would be secured by condition.

SITE DESCRIPTION

The proposal site is garden land within the defined settlement limits of Gosberton. The boundary to the south marks the end of Gosberton Conservation Area. The site is in Environment Agency Flood Zone 1, and not subject to increased hazard or depth on the 2115 South Holland Strategic Flood Risk Mapping. The root protection area of a sycamore tree subject to Tree Preservation Order is within the boundaries of the site to the rear. Two previously protected trees to the frontage of the 98 High Street have been removed under application H08-0131-20. The garage to the front of the site is not within the root protection area of the protected frontage horse chestnut tree on the supplied information from the Trees and Conservation Officer.

HISTORY

H08-0872-84

Outline - Proposed erection of bungalow with garage and new vehicular access - Approved - 20 November 1984.

H08-0361-88

Outline - New dwelling - Approved - 14 April 1988

H08-1372-03

Outline - Proposed three-bedroom bungalow - Refusal - 28 January 2004

H08-1471-07

Full - Proposed detached house - Withdrawn - 10 January 2008

H08-0450-08

Full - Erection of detached dwelling - Withdrawn - 11 June 2008

H08-0697-08

Full - Erect one four-bed dwelling - Approved - 11 August 2008

H08-1289-08

Full - Proposed detached garage - Approved - 17 February 2009

H08-0379-11

Full - Erection of 4 bedroom dwelling - renewal of H08-0697-08 - Approved - 13 July 2011

H08-0077-12

Full - Detached garage (renewal of H08-1289-08) - Approved - 04 April 2012

H08-0352-14

Full - Residential development - erection of detached dwelling - Approved - 01 September 2014.

H08-0635-17

Full - Residential development - erection of detached dwelling with detached garage - Approved - 01 September 2017

CONSULTATION RESPONSES

LCC - County Highways & SUDS Officer

No objection - "The permitted development requires the formation of a new/amended vehicular access. These works will require approval from the Highway Authority in accordance with Section 184 of the Highways Act. The works should be constructed in accordance with the Authority's specification that is current at the time of construction. Due to the proximity of the telegraph please make the applicant aware that should this require to be moved any relocation of existing apparatus, underground services or street furniture will be the responsibility of the applicant, prior to application. For approval and specification details, please contact vehiclecrossings@lincolnshire.gov.uk"

SHDC - Trees & Conservation Officer

"Very little of the site is not outside the influence of protected trees; which will be affected should the proposed development go ahead. It is not just damage in construction works which is an issue: It is the in-direct changes which development brings to a site, such as an alteration in the soil water availability, changes in soil structure due to compaction and movement, which affect water availability to the roots and gaseous exchange by them. Changes to the surrounding environment can so easily have a detrimental effect to trees which have been established for years."

They have further advice:

"Advice should be sought from a fully qualified arboriculturalist on how to construct the driveway, dwelling and garage; and store materials used in construction, so as to cause minimum effect on tree roots."

"All trees on and directly adjacent to the site must be protected to British Standard 5837:2012, before site clearance takes place. Root Protection Areas should be calculated using the formula within the British Standard."

"The driveway should be of 'a no-dig construction,' if the development goes ahead. It will have to be constructed prior to other works taking place."

"Roots may need to be bridged both where they coincide with foundations in the proposed dwelling and the garage."

"If encroachment in the Root Protection Area is essential during development, Ground protection should be used to prevent soil compaction which would be detrimental to tree roots."

Gosberton Parish Council

No comments.

Welland & Deepings IDB

No comment.

Member of the public

When consulted on the originally submitted plans an objection was made. The objector was then consulted on the amended plans and no comments have been received. It is considered that their objection no longer stands.

PLANNING CONSIDERATIONS

Assessment against SELLP Policy 1 - Spatial Strategy

This proposal is assessed against SELLP Policy 1 titled - Spatial Strategy. The relevant section in this policy is titled Minor Service Centres. This section of the policy states:

"Within the settlement boundaries of the Minor Service Centres (as shown on the Inset Maps) 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. Development will normally be limited to Allocated and Committed sites and infill."

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

The proposal is within the defined settlement limits of Gosberton and is for residential development on residential land. There are a number of previous approvals for residential development on this site. The dwelling would help sustain existing facilities which are located nearby. The dwelling constitutes infill so meets the criteria for the location of development in a minor service centre.

Assessment against SELLP Policy 2 - Development Management

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

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

1. The size, scale and layout is considered to be appropriate for the site and is commensurate with other dwelling and plot sizes in the vicinity. Conditions will be added to prevent damage to the protected sycamore tree during construction as requested by the Trees & Conservation Officer.
2. The design is in keeping with the built character of the surrounding area. The orientation is that of a standard frontage residential development.
3. Proposed materials of construction would be addressed by condition.
4. The proposed access would be sited to the front of the property and would connect to High Street. The County Highways & SUDS Officer has no objections but makes a note that the applicant should inform the Highways Department if the proposal will impact the nearby telegraph pole.
5. The capacity of existing community services and infrastructure will not be impacted by this proposal.

6. There is not considered to be a noise, odour or disturbance impact from this proposal. With regard to visual intrusion there are no first floor windows in the south east facing side elevation, and the sole window in the north west facing side elevation is obscure glazed and serves an en-suite. A condition would be added to ensure that this window is obscure glazed to prevent potential overlooking. The site is on a similar line of frontage to 98 High Street and this is considered to benefit both dwellings, as well as the character of the surrounding area. With regard to the frontage garage it has a 5 metre ridge height. The first floor window of 96 High Street facing the roof slope of the garage is 17.5 metres away at the nearest point. There is not considered to be an overlooking or overshadowing impact on either neighbouring property from the proposal.

7. The site is in Environment Agency Flood Zone 1, and not subject to increased hazard or depth on the 2115 South Holland Strategic Flood Risk Mapping. A condition will be added with regard to finished floor levels.

8. There is not considered to be a material impact on the adjacent Gosberton Conservation Area and there are no listed buildings, article 4 directions or non-designated heritage assets in the vicinity.

This application accords with SELLP Policy 2.

Assessment against SELLP Policy 3 - Design of New Development

This proposal is assessed against SELLP Policy 3 titled - Design of New Development. This policy states:

All development will create distinctive places through the use of high quality and inclusive design and layout and, where appropriate, make innovative use of local traditional styles and materials. 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.

Development proposals will demonstrate how the following issues, where they are relevant to the proposal, will be secured:

1. creating a sense of place by complementing and enhancing designated and non designated heritage assets; historic street patterns; respecting the density, scale, visual closure, landmarks, views, massing of neighbouring buildings and the surrounding area;
2. distinguishing between private and public space;
3. the landscape character of the location;
4. accessibility by a choice of travel modes including the provision of public transport, public rights of way and cycle ways;
5. the provision of facilities for the storage of refuse/recycling bins, storage and/or parking of bicycles and layout of car parking;
6. the lighting of public places;
7. ensuring public spaces are accessible to all;
8. crime prevention and community safety;
9. the orientation of buildings on the site to enable the best use of decentralised and renewable low-carbon energy technologies for the lifetime of the development;
10. the appropriate treatment of facades to public places, including shop frontages to avoid visual intrusion by advertising, other signage, security shutters, meter boxes and other service and communication infrastructure;
11. residential amenity;
12. the mitigation of flood risk through flood-resistant and flood-resilient design and sustainable drainage systems (SuDS);
13. the use of locally sourced building materials, minimising the use of water and minimising land take, to protect best and most versatile soils;
14. the incorporation of existing hedgerows and trees and the provision of appropriate new landscaping to enhance biodiversity, green infrastructure, flood risk mitigation and urban cooling;
15. the appropriate use or reuse of historic buildings.

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

1. The size, scale and layout is considered to be appropriate for the site and is commensurate with other dwelling and plot sizes in the vicinity. Conditions will added to prevent damage to the protected sycamore tree during construction as requested by the Trees & Conservation Officer. A sense of place is not considered to be impacted by this proposal.

4. The proposal site is close to Gosberton centre where good and services are located. Bus services run along the High Street to the front of the site.

5. There is adequate room on site for bin and cycle storage. The site can accommodate two vehicles in the garage, with a further two vehicles to the front of the garage. This proposal accords with Appendix 6 of the SELLP.

11. There is not considered to be a noise, odour or disturbance impact from this proposal. With regard to visual intrusion there are no first floor windows in the south east facing side elevation, and the sole window in the north west facing side elevation is obscure glazed and serves an en-suite. A condition would be added to ensure that this window is obscure glazed to prevent potential overlooking. The site is on a similar line of frontage to 98 High Street and this is considered to benefit both dwellings, as well as the character of the surrounding area. With regard to the frontage garage it has a 5 metre ridge height. The first floor window of 96 High Street facing the roof slope of the garage is 17.5 metres away at the nearest point. There is not considered to be an overlooking or overshadowing impact on either neighbouring property from the proposal.

12. The site is in Environment Agency Flood Zone 1, and not subject to increased hazard or depth on the 2115 South Holland Strategic Flood Risk Mapping. A condition will be added with regard to finished floor levels.

PLANNING BALANCE

The dwelling is not considered to materially impact the character or amenity of the surrounding area. The proposed dwelling and garage can be successfully built without impacting protected trees and there is not a requirement to materially raised finished floor levels to address flood risk. No parking places are lost at 98 High Street, and the new dwelling can provide 4 off road parking spaces. Highways have no objection to the submitted details.

CONCLUSION

The recommendation is 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.