DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H08-0607-21**	**Applicant:**	**Mr T Webster**
Proposal:	Proposed Residential Development		
Location:	Rear Of Winton Green Boston Road Gosberton		
Terminal Date:	10th August 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
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2021

Sections 5,12 and 14 of the 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	1	0

CASE OFFICER ASSESSMENT

PROPOSAL

This is an outline application for residential development on land to the rear of Winton Green, Boston Road, Gosberton. The proposal seeks to provide a dwelling on residential garden land to the rear of the existing dwelling. This application is all matters reserved and solely seeks to establish the principle of residential development on this site.

SITE DESCRIPTION

The proposal site is within defined settlement limits and there is arable land to the south, with commercial land to the west and north, with dwellings to the north and east. The site is in Environment Agency Flood Zone 3 and is not subject to increased flood hazard or depth on the 2115 1% South Holland Strategic Flood Risk Mapping.

HISTORY

None relevant.

CONSULTATION RESPONSES

LCC - County Highways & SUDS Officer

No objections.

SHDC - Environmental Protection Officer

No objections.

Welland & Deepings Internal Drainage Board

"I note from the submitted drawings that surface water is proposed to discharge to soakaways. If this should change for any reason in the future then I would wish to be consulted again at that time. I also note that foul water is to be treated via a package treatment plant with the effluent proposed to be discharged into an adjacent private dyke. Should planning permission be granted, an application for consent to discharge surface water will need to be made in advance of any works and is currently subject to the agreement of technical details and payment of a £50 application fee."

Gosberton Parish Council

No objections.

PLANNING CONSULTATIONS

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 proposed development would help support Gosberton in its role as a minor service centre. Whilst the development does not constitute a committed site or infill there are a number of developments to the rear of existing properties to the north of the site and the land to the south/south-west benefits from outline planning permission for residential development (H08-0678-16). It is therefore considered that that a precedent would not be set in the area from residential development on this site.

This application broadly accords with SELLP Policy 1.

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."

1. This application is solely to establish the principle of development, therefore the size, scale, layout cannot be accurately assessed at this stage. If appropriately designed the character and appearance of the area should not be materially impacted.

2. This application is solely to establish the principle of development, therefore design and orientation cannot be assessed at this stage.

3. This application is solely to establish the principle of development, therefore proposed materials cannot be assessed at this stage.

4. The proposal will utilise the existing access. Off road parking can be assessed at the reserved matters stage but it is expected that sufficient parking provision can be provided.

5. It is not considered that existing community services and infrastructure will be impacted by this application.

6. If designed appropriately there should not be a material noise, odour, disturbance or visual intrusion impact from this application.

7. The site is in Environment Agency Flood Zone 3 and is not subject to increased flood hazard or depth on the 2115 1% South Holland Strategic Flood Risk Mapping. Welland & Deepings IDB have no objections to the proposal and request a surface water discharge application.

This application satisfactorily accords with SELLP Policy 2.

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

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. This application is solely to establish the principle of development, therefore an impact on a sense of place cannot be accurately assessed at this stage. Any design that is brought forward at the reserved matters stage would have to ensure that a sense of place is retained.

5. This application is solely to establish the principle of development, however any final design would be expected to address bin, bicycle and car storage within the proposed layout. The distance from the proposed dwelling to the highways is more than the 30m carrying distance advised in the building regulations, however as this is solely for a single plot, this is not considered sufficient reason to not grant permission. Details of refuse/recycling storage etc will be required by the imposition of a condition.

11. If designed appropriately there should not be a material noise, odour, disturbance or visual intrusion impact from this application.

12. The site is in Environment Agency Flood Zone 3 and is not subject to increased flood hazard or depth on the 2115 1% South Holland Strategic Flood Risk Mapping. Welland & Deepings IDB have no objections to the proposal and request a surface water discharge application.

This application accords with SELLP Policy 3.

Flood Risk

In terms of flood risk, the site is located within Flood Zone 3 of the Environment Agency's Flood Maps. A sequential test therefore needs to be undertaken. The Sequential Test is a decision making tool designed to ensure that areas at little or no risk of flooding are developed in preference to areas of higher risk. Paragraph 158 of the National Planning Policy Framework advises that: "The aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding." For development to pass the sequential test it has to be demonstrated that there are no reasonably available alternative sites appropriate for the proposed development located in areas with a lower risk of flooding.

The site, as situated, is located within Flood Zone 3 of the Environment Agency's Flood Map for

Planning. The latest Agency Flood Maps 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 Holland Strategic Flood Risk Assessment (2017) is therefore used as a basis to apply the sequential test. In this respect, the site is located within an area not identified as being subject to increase flood hazard or depth. It is not possible, consistent with wider sustainability objectives, for all new housing within the district to be delivered within an area of no risk and this is the least severe category. It is considered that there are no reasonably available alternative sites appropriate for the proposed development located in areas with a lower risk of flooding. In this respect, the Authority views reasonably available sites as those that are deliverable and developable (as defined by the NPPF) for the use proposed within the area, can accommodate the general requirements of the development and are, in principle, in conformity with the objectives and advice within the National Planning Policy Framework and its associated National Planning Practice Guidance relating to sustainable development and flood risk.

If it is not possible to locate the development within an area of lower flood risk, the exceptions test should be applied. The NPPF and the PPG set out two elements to the Exceptions Test. First, proposed development is required to show that it will provide wider sustainability benefits to the community that outweigh flood risk, and second, that it will be safe for its lifetime without increasing flood risk elsewhere and, where possible, will reduce flood risk overall. This is aimed at allowing necessary development to go ahead in situations where suitable sites at lower risk of flooding are not available whilst helping ensure that flood risk to people and property will be managed satisfactorily.

In terms of the first element, the proposal will provide wider sustainability benefits to the community that outweigh flood risk; that is, the provision of additional housing a sustainable location within the district. In terms of the latter, the Environment Agency usually recommends floor level is 0.3m above ground level with a further 0.3m
of flood resilient construction above finished floor level.

PLANNING BALANCE

The principle of development on this site is considered to be appropriate. If an appropriate design is brought forward at the reserved matters stage then there would not be a material impact on the character and amenity of the surrounding area. This application is considered to accord 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, 2021.

CONCLUSION

This application is recommended for 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.