DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H08-0704-19**	**Applicant:**	**Mr D Scharff**
Proposal:	Proposed residential dwelling - approved under H08-0546-18. Modification of Condition 2 to allow amendments to previously approved plans.		
Location:	59 High Street Gosberton Spalding		
Terminal Date:	12th September 2019		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
11	Distribution of New Housing
17	Providing a Mix of Housing
29	The Historic Environment

National Guidance

National Planning Policy Framework 2019

Section 16 - The Historic Environment.

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	1
WARD MEMBER	0	0	0	0

CASE OFFICER ASSESSMENT

Proposal

This is a Full application (S73) for the erection of a single dwelling on land at 59 High Street, Gosberton.

Proposed residential dwelling - approved under H08-0546-18. Modification of Condition 2 to allow amendments to previously approved plans.

The application has been submitted to make a very minor amendment to the red edge which is now marginally smaller and which keeps an area of the host dwelling's garden, where a shed is sited, within that property's division of the garden area.

No other changes or amendments are proposed.

Site Description

The site is located within the settlement boundary of Gosberton, within the Conservation Area.

The site is within a sustainable location within a close proximity to services/facilities. Residential development is considered acceptable in this location.

The site is part of the front garden of the host dwelling at 59 High Street. There is a large tree on site but it has been consistently considered that there would be no adverse impact upon this tree due to the distance of separation between the proposed house and the tree.

Access would be via an existing private access serving a property to the rear.

History

Most recent/relevant history:

H08-1096-18 59 High Street, Gosberton, Spalding
Proposed residential dwelling - re-submission of H08-0546-18
FULL
Approved Issued : 20-12-18

H08-0546-18 59 HIGH STREET, GOSBERTON, SPALDING
Proposed residential dwelling
Gosberton
Approved Issued : 03-09-18

Consultation Responses

Gosberton Parish Council

Comments
It is felt the area is cramped with too many cars using one drive to a main road.

- No other representations have been received.

Planning Considerations

Issues which were felt material under the previous application, and which were taken into consideration;

- Heritage - Conservation Area
- Residential Amenity
- Highways and parking
- Drainage

As this application relates only to the change to the red-edge area there is no material change to the considerations in the above list and the planning balance remains in favour of the development.

The development has previously been approved under application/permission reference H08-1096-18, H08-0546-18 and H08-0452-15 which was itself a renewal of H08-0472-12.

The previous permission H08-0546-18 was approved with a one year time limit to implement, the

rational being that with that approval being the third grant of planning permission for the same development on the same site, in line with paragraph 76 of the NPPF 2018, it was recommended that if approved the time limit should be 12 months only to bring forward and expedite the delivery of the dwelling.

After discussions with the Agent it is felt that after further consideration a standard 3 year permission would be more reasonable, the NPPF guidance does appear to be more directed at 'Major' developments in any case.

The proposal is to erect a two storey dwelling in the front/side garden of 59 High Street. The proposed design is of a traditional two storey dwelling with architectural detailing that includes sash windows and a portico to the main door which is panelled. The dwelling would sit forward of the building line of the host dwelling and other residential properties to the west. However, the building line in itself is not a strong feature or component in the character of the High Street as the other properties in the area are detached in predominantly large gardens.

The surrounding area does have a mixture of dwelling designs and types and any impacts upon the Conservation Area are mitigated by this and by the sympathetic scale and design of the proposals. It is not considered that the garden setting of number 59 would be unacceptably affected.

The Parish Councils make comments that the area is cramped and that too many cars are using the access.

The design and layout are considered acceptable and have been approved before several times now.

There is no objection received from LCC as Highways Authority and there is no evidence that any traffic or parking issues would be created or exacerbated by this development.

Conclusion

The proposals are considered to be acceptable and subject to appropriate conditions should be approved.

Recommendation: APPROVE.

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.