DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H08-0855-22**	**Applicant:**	**Mr M Van Lier**
Proposal:	Proposed residential dwelling		
Location:	Adj 43 Mill Lane Gosberton Spalding		
Terminal Date:	26th October 2022		

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	0	0
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
WELLAND AND DEEPINGS INTERNAL DRAINAGE BOARD	0	0	0	1

CASE OFFICER ASSESSMENT

PROPOSAL

This is a full planning application for a proposed residential dwelling on garden land adjacent 43 Mill Lane, Gosberton. This proposal seeks to provide a two storey dwelling with additional rooms in the roofspace. At ground floor level a double garage, garden store, plantroom, two water closets, lobby, lounge, entrance hall, study, utility and open plan kitchen / dining and living space. At first floor level a games room, three bedrooms, three en-suites, a landing and a dressing room will be provided. In the attic space a landing, bathroom and two further bedrooms are to be provided. This brings the total number of bedrooms in the property to five. Proposed materials of construction are Teversham Blend by TBS Ltd brick with Britslate Countess Graphite for the roof. Finished floor levels are to be set at a minimum of 300mm above the existing ground level on site.

SITE DESCRIPTION

The site is on the edge of the defined settlement limits of Gosberton and the surrounding area is characterised by dwellings of varying ages and designs. The approved dwellings under reference H08-0744-21 to the south and south-east of the site are 65 metres away at the nearest point and separated by boundary hedging that is over 4 metres in height. The site is in Environment Agency Flood Zone 3 and is not subject to increased flood hazard or flood depth on the 2115 South Holland Strategic Flood Risk Mapping. Surface water will be dealt with by soakaway with foul water dealt with by mains sewer.

RELEVANT HISTORY

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

H08-0325-20

Outline - Residential development - Erection of two storey dwelling - Approved - 08 October 2020.

H08-0517-21

Full - First Floor Rear Bedroom Extension - Approved - 05 July 2021.

CONSULTATION RESPONSES

Lincolnshire County Council - Highways & SUDS Officer

No objections. Requests standard access and utility informatives.

Welland & Deepings Internal Drainage Board

"It should be noted that along the front of the proposed site lays an existing privately owned pipeline which connects open watercourses that serve the surrounding area. The integrity of this pipeline should be preserved and not become degraded in any way as a result of the development... Additionally, I note surface water is to discharge to soakaways; if this should change for any reason I would wish to be reconsulted at the time."

PLANNING CONSIDERATIONS

Assessment against SELLP Policy 1 - Spatial Strategy - Minor Service Centres

The proposed dwelling will the support the role of Gosberton as a minor service centre, and help to sustain existing facilities.

This application accords with SELLP Policy 1.

Assessment against SELLP Policy 2 - Development Management

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

1. The whilst the size, scale and layout of the proposed dwelling is large it can be comfortably accommodated with the large grassed garden area of the site. No trees will be removed to facilitate this proposal. Due to the location at the end and away from Mill Lane there is not considered to be a material impact on the character and amenity of the surrounding area.

2. The design is in keeping with that of the host dwelling at 43 Mill Lane and the orientation matches those of the frontage properties along Mill Lane.

3. Proposed materials of construction are Teversham Blend by TBS Ltd brick with Britslate Countess Graphite for the roof. These materials are considered to be appropriate for the dwelling and in keeping with those of the surrounding area.

4. The existing access will be amended with ample space on site for well in excess of three off road parking spaces, which is the minimum amount required for dwellings with four bedrooms or greater under Appendix 6 of the SELLP.

5. The capacity of existing community services and infrastructure is not materially impacted by this proposal.

6. There is not considered to be a material noise, odour or disturbance impact from the dwelling. With regard to visual intrusion the following can be observed:

Overdevelopment - The proposal does not constitute overdevelopment. The dwelling size is large but can be comfortably accommodated on site with ample amenity space to the front and rear.

Overlooking - There is not considered to be a material overlooking aspect. The approved dwellings under reference H08-0744-21 to the south and south-east of the site are 65 metres away at the nearest point and separated by boundary hedging that is over 4 metres in height. The dwelling to the north at 40 Mill Lane is over 35 metres and separated by 2 metre high fencing and established leylandii trees. Save for an obscure glazed rooflight serving the attic bathroom there is no fenestration directly facing 43 Mill Lane.

Overshadowing - Due to the siting and separation distances, when right to light lines are drawn there is not considered to be a material overshadowing impact to any neighbouring properties.

7. The site is in Environment Agency Flood Zone 3 and is not subject to increased flood hazard or flood depth on the 2115 South Holland Strategic Flood Risk Mapping. Surface water will be dealt with by soakaway with foul water dealt with by mains sewer. Finished floor levels are to be set at a minimum of 300mm above the existing ground level on site.

This application accords with SELLP Policy 2.

Assessment against SELLP Policy 3 - Design of New Development

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

1. The whilst the size, scale and layout of the proposed dwelling is large it can be comfortably accommodated with the large grassed garden area of the site. No trees will be removed to facilitate this proposal. Due to the location at the end and away from Mill Lane there is not considered to be a material impact on the character and amenity of the surrounding area. A sense of place is not impacted by the proposal.

5. There is ample space on site for cycle and bin storage. The existing access will be amended with

ample space on site for well in excess of three off road parking spaces, which is the minimum amount required for dwellings with four bedrooms or greater under Appendix 6 of the SELLP.

11. There is not considered to be a material noise, odour or disturbance impact from the dwelling. With regard to visual intrusion the following can be observed:

Overdevelopment - The proposal does not constitute overdevelopment. The dwelling size is large but can be comfortably accommodated on site with ample amenity space to the front and rear.

Overlooking - There is not considered to be a material overlooking aspect. The approved dwellings under reference H08-0744-21 to the south and south-east of the site are 65 metres away at the nearest point and separated by boundary hedging that is over 4 metres in height. The dwelling to the north at 40 Mill Lane is over 35 metres and separated by 2 metre high fencing and established leylandii trees. Save for an obscure glazed rooflight serving the attic bathroom there is no fenestration directly facing 43 Mill Lane.

Overshadowing - Due to the siting and separation distances, when right to light lines are drawn there is not considered to be a material overshadowing impact to any neighbouring properties.

12. The site is in Environment Agency Flood Zone 3 and is not subject to increased flood hazard or flood depth on the 2115 South Holland Strategic Flood Risk Mapping. Surface water will be dealt with by soakaway with foul water dealt with by mains sewer. Finished floor levels are to be set at a minimum of 300mm above the existing ground level on site.

This application accords with SELLP Policy 3.

Flood Risk

The NPPF requires the application of the Sequential Test to steer new development to areas with the lowest probability of flooding. If, following the application of the Sequential Test, it is not possible, consistent with wider sustainability objectives, for the development to be located in area with a lower probability of flooding, the Exceptions Test can be applied if appropriate.

The South East Lincolnshire Strategic Flood Risk Assessment (March 2017) is the basis for applying the Sequential Test. This concludes that the vast majority of South Holland District is in Flood Zones 2 and 3. Therefore, consistent with wider sustainability objectives, it is not realistically possible to direct all development to zones with a lower probability of flooding. As such, the document outlines a methodology whereby the SFRA hazard and depth maps (in that order) are to be utilised when determining flood risk and applying the sequential test. Using this methodology it is possible to use the information to steer development towards the areas of lower flood risks as advised within Section 14 of the NPPF.

The site is located within Environment Agency Flood Zone 3 and the South East Lincolnshire Strategic Flood Risk Assessment (March 2017) (SFRA) shows that the site is not subject to increased hazard or depth.

The Local Plan has allocated sequentially preferable sites in terms of flood risk that are capable of meeting the identified housing targets for individual settlements. Although the application site is not a housing allocation within the Local Plan the site does lie within the settlement boundary for Gosberton. In general, there is a presumption in favour of sustainable development within settlement boundaries and windfall sites are expected to have a contribution towards housing supply (and maintaining the 5-year supply of deliverable sites) in the district. As such, one could argue that, should the site be acceptable in all regards, and if the Exceptions Test is successfully passed, that the site is acceptable in flood risk terms, notwithstanding the fact that there are sequentially preferable allocated sites in the adopted Local Plan.

In order for the Exceptions Test to be passed, it must be demonstrated that the proposed development will provide wider sustainability benefits to the community that outweigh flood risk, and that it will be safe for its lifetime, without increasing flood risk elsewhere and where possible reduce flood risk overall.

With regard to the above, the development would provide some wider sustainability benefits to the community through a contribution (albeit small) towards housing supply, and other benefits including generating employment during the construction period and its proximity to a range of services and

facilities.

The submitted flood risk assessment proposes a finished floor level of 300mm above ground level. Taking into account the predicted flood depths previously identified, this should ensure that the development is safe for its lifetime.

In terms of drainage, the proposal is for surface water to be disposed of via soakaways and for connection to the made to the existing mains sewer.

Given the above, the proposal is considered to be in accordance with Policies 2, 3 and 4 of the Local Plan with regard to their provisions on flood risk and drainage.

PLANNING BALANCE

By virtue of the siting and location, and the finished floor level of 300mm, there is not considered to be a material impact on the character and amenity of the surrounding area. This application accords 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.