

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H08-0878-19 **Applicant:** Kirk Homes Ltd
Proposal: Erection of 4 dwellings - outline approval H08-0755-18
Location: Land Rear: 33 Lowgate Gosberton Spalding
Terminal Date: 28th October 2019

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02	Development Management
03	Design of New Development
04	Approach to Flood Risk
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2019

Section 12 - Achieving well-designed places
 Section 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
RESIDENTS	1	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This is a reserved matters application relating to outline approval H08-0755-18 for the erection of 4 dwellings on land to the rear of 33 Lowgate, Gosberton.

The proposal is for 4 x 2/3 bed bungalows. 3 bungalow designs are proposed - Plots 2 and 3 would be the same, with variation in Plots 1 and 4. All 4 bungalows are proposed to face into the centre of the site. The same materials would be used throughout, namely: Chelsea Smoked Red Brick, Marley Cedral Cladding in Forest Grey and Sandtoft Calderdale roof tiles in Dark Grey. Bath Stone window surrounds would be incorporated around some window openings.

In terms of hard landscaping, the private drive leading to the dwellings would be tarmacked, transitioning to block paving in the area to the centre of the dwellings. Patio areas to the rear would be constructed of buff paving slabs.

On plot parking, amounting to two spaces (incl. garage), would be provided for each dwelling.

The block plan has been revised to ensure that Plot 2 is a clear 6m from the existing piped dyke on the eastern boundary and an access has been introduced between Plots 2 and 3 for the IDB and maintenance.

Site Description

The site is a large area of residential garden land associated with number 33. The site is adjacent to the Gosberton Conservation Area and there are a number of conservation area trees adjacent to the site in association with 'Lowgate Pond'. To the north of the site are the rear of bungalows on Lowgate and to the east are the rear of houses on Rutland Gardens. There is a variety of existing boundary treatments.

History

H08-0755-18 - Erection of 4 dwellings (approved August 2018)

H08-0479-15 - Proposed residential development (approved August 2015)

Consultation Responses

Gosberton Parish Council - No comments.

LCC Highways/SUDS - Does not wish to restrict the grant of permission.

SHDC Building Control - Ground conditions expected in the area are usually acceptable for rain water soakaways. Building Regulations only ask that they are positioned 5m from any buildings.

Welland and Deepings IDB - I have held discussions with both the developer and the agent expressing our requirement for two things:- (1) All permanent fixtures such as buildings, trees, hedging etc must be a minimum of 6 metres away from the pipeline once fully installed, and (2) the Board must retain a permanent access to all manholes along the pipeline for future maintenance in perpetuity. (The revised plans received address these concerns).

Public -

- Loss of light
- Noise and disturbance
- Overlooking/loss of privacy
- Concern re drainage

Planning Considerations

As the principle of residential development on the site has already been established by way of granting outline permission, the main issues to be taken into account in respect of this application

are whether the proposed scheme is acceptable in terms of the reserved matters. The outline application was approved with all matters reserved so the matters for consideration are: layout, appearance, scale, landscaping and access.

Layout/scale/appearance

Existing residential properties in the area vary in terms of size and design. There are a mixture of bungalows, chalet bungalows and two-storey dwellings in the vicinity. The proposed dwelling type (bungalows) would therefore not be out-of-keeping with existing types of residential property in the locality. Furthermore, bungalows would relate well in terms of height to the existing single storey dwellings fronting on to Lowgate. The proposed bungalows would occupy a larger footprint than the majority of other surrounding properties but an acceptable level of external amenity space would still be provided for each dwelling, with three of the plots having wrap around gardens of varying depths. The remaining plot (no.1), although not having a wrap around garden, would still have a garden depth ranging between 11-15m (approx.). The separation distances between dwellings would be no less than that between existing dwellings in the area meaning they should not appear cramped or be unduly overbearing.

A refuse collection point is shown where the site adjoins Lowgate.

Three dwelling designs are proposed which include a blend of modern and more traditional features. Modern grey cladding and large areas of glass have been incorporated on some elevations as well as more traditional stone cills and brick corbelling. Given the variety of dwelling designs in the locality, this would not be out-of-keeping and the proposed dwellings are arguably more interesting visually and of better quality design than much of the existing surrounding development.

The shortest separation distance between facing front windows of the proposed dwellings would be approx. 15m which is not unusual for residential properties. Due to the considered positioning of other windows and use of boundary treatments (1.8m high fencing) there should be no issues of overlooking between proposed dwellings. In terms of how the proposed dwellings relate to existing properties, there is at least 19m (approx.) to facing windows of properties on Rutland Gardens (which is acceptable rear to rear) and there is 1.8m high fencing proposed around the site. Furthermore, the proposed properties are single storey. Given the above, there should be no material loss of light or privacy and thus it would not be justifiable to refuse the application on the grounds of residential amenity.

Landscaping

The hard landscaped areas comprise of a mixture of block paving and tarmac for contrast with buff slabs within the curtilage. This an acceptable mix of materials.

Details of soft landscaping and post-planting maintenance have not been submitted as part of this application. This can be dealt with by means of a condition, which the NPPG indicates is permissible.

Access

Access would be directly off Lowgate via a tarmac private drive in between no's 31 and 33. The Highways Authority have not objected on highways grounds.

In terms of parking provision, 2 spaces would be provided within the curtilage of each dwelling (including garages) in accordance with the requirement set out in Policy 36: (Vehicle and Cycle Parking) and Appendix 6 for dwellings with up to 3 bedrooms.

Other

Concern has been raised regarding drainage of the site. The majority of the dyke along the site boundary is already piped and the relevant IDB has confirmed that they have agreed in principle that the remaining open section can be piped. A revised plan has been submitted now showing all buildings outside the agreed 6m easement and an access to the IDB manhole (for maintenance) is to be provided between plots 2 and 3. It is proposed that surface water will be disposed of via soakaways. SHDC's Building Control department have advised that ground conditions in the area are usually acceptable for rain water soakaways and that Building Regulations only ask that they

are positioned 5m from any buildings. This distance has been satisfactorily complied with.

Noise and disturbance is a consideration but one which only carries limited weight in the planning balance in this instance and the principle of residential development on the site has already been established.

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 to grant permission 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 to grant permission 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 to grant permission is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

Conclusion

Taking the above into account, the proposal is considered to be in accordance with Policies 2, 3, 4 and 36 of the South East Lincolnshire Local Plan (2019), as well as Sections 12 and 14 of the National Planning Policy Framework (2019).

The recommendation therefore is for a delegated approval.