DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H08-0945-21**	**Applicant:**	**Mr H Green**
Proposal:	Proposed dwelling and detached garage including vehicular access		
Location:	Adj. 78 Risegate Road Gosberton Risegate Spalding		
Terminal Date:	3rd 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
11	Distribution of New Housing
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2021

Section 5 - Delivering a sufficient supply of homes
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	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This is a full planning application for a proposed dwelling and detached garage including vehicular access on land adjacent to 78 Risegate Road, Gosberton Risegate.

Site Description

The site is situated within the settlement boundary of Gosberton Risegate, according to inset map no. 42 in the South East Lincolnshire Local Plan (2019).

The site is a frontage plot between an existing bungalow (number 78) and a two-storey dwelling (number 76). The site itself is the side garden of number 78. The former Methodist Church and Risegate Eau drain is opposite and there are open fields to the rear. The surrounding residential development is characterised by frontage development along this part of Risegate Road, but existing dwellings vary in terms of size and design and brick type.

Access would be directly off Risegate Road.

History

H08-0679-18 - Approved 21-09-18 - Proposed detached dwelling.

H08-0099-21- Approved 14-04-21- Proposed dwelling and triple garage including vehicular access.

Consultation Responses

Welland and Deeping IDB-
If the use of soakaways for either surface or foul water disposal are not used at any point in the future, they would wish to be consulted again at that time.

Local Highway and Lead Local Flood Authority-
No objection subject to standard informatives.

Member of the public (1 comment) - Recommendation for a planning condition requiring the installation of a minimum of 3 swift nest bricks to provide enhancement for biodiversity.

Gosberton Parish Council-
No comments.

Planning Considerations

Principle

The site is located within the settlement boundary for Gosberton Risegate, as set out in the South East Lincolnshire Local Plan (2019). Gosberton Risegate sits in the Other Service Centres and Settlements tier of the settlement hierarchy (Policy 1: Spatial Strategy) in the Local Plan. This policy states that: "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 Committed sites and infill". The proposed development can be considered to be infill development.

Furthermore, there is an extant planning permission for a similar dwelling on the site (H08-0099-21). The proposal is therefore considered acceptable in principle.

Layout, Design, Size and Scale

The proposal is for a 3 bedroom detached dwelling and a detached garage to the rear. The existing

dwellings in the vicinity are fairly varied in terms of design, and the proposed finished materials include Winerberger Cienna facing brickwork, Wienerberger Calderdale Edge roof tiles, Cream UPVC windows and fascias. The external materials of the dwelling would not be unduly at odds with existing development in the vicinity.

The dwelling is proposed to be approx. 10.6m away from the road, approx. 3.5m from the eastern boundary and a maximum of approx. 1.5m away from the western boundary. These are acceptable separation distances and will allow suitable access to the rear.

The proposed dwelling would be approx. 7.4m in width by 11.2m in depth. The detached garage to the rear of the dwelling will be approx. 9.8m in width by 6m in depth. The garage would be approx. 8.8m away from the eastern boundary, which should be sufficient for reasonable manoeuvrability. The Highway Authority have no objections.

Taking into account the size of the plot and scale of the proposed development, it is considered acceptable in terms of mass, scale and bulk.

In light of the above, the proposed detached dwelling and detached garage is deemed to comply with Policies 2 and 3 in the SELLP, 2019 and Section 12 in the NPPF, 2019 in terms of layout, design, size and scale.

Flood Risk

The site is located within Environment Agency Flood Zone's 1 and 3 and the South East Lincolnshire Strategic Flood Risk Assessment (March 2017) identifies the site as not being affected by flood hazard or flood depth. However, a condition will be added that finished floor levels are to be set at 300mm above existing ground level, as recommended in the submitted Flood Risk Assessment.

Impact upon Residential Amenity

There have been no neighbour objections and it is not considered that there would be a material adverse impact on residential amenity in terms of overlooking, loss or light or an overbearing effect.

Although there is a window proposed on the first floor of the side elevation facing the neighbouring property to the east (which also has a facing window), it would not be the window of a habitable room (being only the landing) and so overlooking is unlikely to be an issue. The property to the west has no side facing windows and therefore, the proposed window of the west elevation will not cause a detrimental impact upon overlooking. The rooflights to the first floor of the garage would be for a storage space and will only overlook agricultural land.

Finished floor levels are only required to be raised by 300mm and ground levels will remain as existing. Therefore the raising of levels should not create an overbearing and overlooking effect.

The proposed dwelling would be approx. 10.5m from no. 78 to the east/north-east, therefore there should be no material overshadowing/loss of light impact.

Taking the above into account, the proposal is deemed to comply with Policies 2 and 3 in the SELLP, 2019 and Section 12 in the NPPF, 2021 in terms of residential amenity.

Parking provision

In connection with Policy 36 of SELLP 2019, Appendix 6 sets out the minimum requirements for car parking provision. 2 no. car spaces must be provided within the curtilage for dwellings up to 3 no. bedrooms. The space to the front is clearly sufficient to accommodate these cars and enter and egress in a safe and forward manner, as well as the provision of the garage to the rear of the property.

Planning Balance

Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, states that the determination must be made in accordance with the development plan unless material considerations indicate otherwise.

The proposed detached dwelling and detached garage will not materially harm the character or appearance of the locality or amenity of nearby residents. It is acceptable on flood risk and highway grounds. It is therefore considered to be in accordance with Policies 2, 3 and 4 of the South East Lincolnshire Local Plan, 2019.

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.

Conclusion

The recommendation is therefore for a delegated approval.