

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H08-1009-20 **Applicant:** Mr D Roberts
Proposal: Proposed chalet bungalow - approved under H08-0340-18. Modification of Condition 2 to allow amendments to previously approved plans.
Location: Land Adjacent: 61 Bowgate Gosberton Spalding
Terminal Date: 13th January 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 2019

Sections 5, 12 and 14 of the National Planning Policy Framework, 2019.

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
RESIDENTS	1	0	0	0

CASE OFFICER ASSESSMENT

PROPOSAL

This is a Section 73 Modification application for a proposed chalet bungalow on land adjacent 61 Bowgate, Gosberton - approved under H08-0340-18. Modification of Condition 2 to allow amendments to previously approved plans. This application is retrospective.

This proposal seeks to amend the scheme of boundary treatment and the location of first floor rooflights. The western boundary will now be bordered by a 1.8 metre high timber fence rather than the 3 metre high hedge which has now been removed. The internal floor plan will remain the same as previously approved. At ground floor level a hall, cupboard, utility, cloakroom, kitchen, lounge and a dining room / study will be provided. Three bedrooms, an en-suite and a bathroom will be provided at first floor level. The two west facing rooflights will serve the stairway and landing, with the east facing rooflights serving the bathroom and en-suite. The base of the rooflights are approximately 1.4 metres above ground level. Materials of construction are Hanson Rural Blend brick with Sandtoft Calderdale Slate concrete tiles.

SITE DESCRIPTION

The proposal site is within defined settlement limits and the surrounding area is characterised by linear development of semi-detached dwellings of a similar age and design. The site is within 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.

HISTORY

H08-0340-18

Full - Proposed chalet bungalow - Approved - 26 June 2018.

H08-0040-20

Condition Compliance - Details of external materials, landscaping & finished floor levels (Conditions 3, 4, & 5 of H08-0340-18) - Approved - 05 May 2020.

H08-0041-20

Section 73 Modification - Proposed chalet bungalow - approved under H08-0340-18. Modification of Condition 2 to allow amendments to previously approved plans - Approved - 05 May 2020.

CONSULTATION RESPONSES

Gosberton Parish Council

No objections.

Member of the public - 1 objection

A 2 metre high boundary fence is required.

PLANNING CONSIDERATIONS

Principle of development

The proposal site is within defined settlement limits and the surrounding area is characterised by linear development of semi-detached dwellings of a similar age and design. The proposal is for a frontage dwelling within this line of development. The site is within 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. The dwelling is raised 300mm which does not create a material impact from neighbouring amenity. The principle of development on this site is considered acceptable.

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."

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

1. The size, scale and layout is considered to be appropriate for the site and was approved under H08-0340-18. The footprint of the the building has not changed. The location of windows and doors, as well as the proposed boundary treatment has been altered. The western boundary treatment will be a 1.8 metre high fence that will be sited on the raised land on which the building is sited.
2. The orientation of the building is that it presents as a standard frontage dwelling. The design is not in keeping with the adjacent properties, however, on a wider scale, there is not a defined built character to Bowgate.
3. The proposal does not seek to maximise sustainable materials and resources. However, the built materials are broadly in keeping with those of the surrounding area.
4. The proposal is for a three bedroom properties and parking provision complies with the requested minimum of 2 parking spaces for a three bedroom property under Appendix 6 of the SELLP.
5. There is not considered to be a material impact on existing community services and infrastructure as a result of the proposal.
6. There is not considered to be a material impact on neighbouring land uses from noise, odour or disturbance. The site is to be bordered to the side and rear by a 1.8 metre high timber fence which is considered to prevent any material overlooking aspect to neighbouring properties.
7. The site is within 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. It is not considered that any additional flood risk measures are required.
8. Natural habitats, historical buildings and heritage assets are not affected by the proposal.
9. Sand and gravel mineral resources are not impacted by this proposal.

This proposal is considered to accord with SELLP Policy 2.

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. A sense of place is not considered to be materially impacted by this proposal. The chalet bungalow is an infill plot in a row of linear development.
3. The landscape character of the plot and surrounding area is not materially impacted by this proposal.
4. The site is not immediately served by public transport, however, a bus stop is located approximately a 5 minute walk away in the centre of Gosberton.
5. The provision for the storage of refuse can be made to the front or rear of the site without impact on the amenity of the occupier or neighbouring properties.
9. The orientation of the building has not been optimised to maximise renewable low carbon energy technologies. The orientation has been positioned to be in keeping with the existing row of frontage development.
11. There is not considered to be a material impact on neighbouring land uses from noise, odour or disturbance. The site is to be bordered to the side and rear by a 1.8 metre high timber fence which is considered to prevent any material overlooking aspect to neighbouring properties. The base of the fence on the western side would be at the same level as the property's floor level.
12. The site is within 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. It is not considered that any additional flood risk measures are required.

The proposal is considered to accord with SELLP Policy 3.

PLANNING BALANCE

The principle of development on this site has already been established and the proposed alterations do/will not materially alter the character of the building or the amenity of neighbours and the surrounding area.

CONCLUSION

This proposal is recommended for approval in accordance with Policies 1, 2, 3, 4, 10, 11, 17, 36

and Appendix of the South East Lincolnshire Local Plan, 2019 as well as Sections 5, 12 and 14 of the National Planning Policy Framework, 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.