DECISION DELEGATED TO HEAD OF PLANNING
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Application No:	**H08-1079-21**	**Applicant:**	**Mrs J Sharman**
Proposal:	Residential Development - Erection of Dwelling		
Location:	Adj. 71 Bowgate Gosberton Spalding		
Terminal Date:	13th December 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 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	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

SHDC INTERNAL	0	0	1	0
RESIDENTS	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This is a full planning application for a proposed dwelling adjacent to 71 Bowgate, Gosberton.

Site Description

The proposal site is within defined settlement limits of Gosberton, according to the South East Lincolnshire Local Plan (2019). The surrounding area is characterised by linear development of semi-detached dwellings of a similar age and design. The properties along this section of the road are also characterised by spacious plots and large gardens.

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

No relevant planning history.

Consultation Responses

Welland & Deepings IDB-
No comments.

SHDC Environmental Protection Officer-
No comments or objections.

Local Highway and Lead Local Flood Authority-
Requests that any permission given by the Local Planning Authority shall include the conditions requested.

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.

Planning Considerations

Principle

The site is located within the settlement boundary for Gosberton, as set out in the South East Lincolnshire Local Plan (2019). Gosberton sits in the Minor Services Centre tier of the settlement hierarchy (Policy 1: Spatial Strategy) in the Local Plan.

This policy states that within Minor Service Centres: "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 Allocated and Committed sites and infill". The proposed development can be considered to be infill development.

The proposal is therefore considered acceptable in principle.

Layout, Design, Size and Scale

The proposal is for a 3 bedroom detached dwelling. The existing dwellings in the vicinity are fairly similar in terms of design and scale, but the proposed finished materials are yet to be confirmed. A condition will be added to the decision notice to confirm materials at a later date if permission were to be granted. However, in principle, the design of the dwelling would not be unduly out of keeping with existing development in the vicinity.

The proposed detached dwelling would be at somewhat at odds with the existing pattern of semi-detached development along this part of Bowgate. However, development further along Bowgate comprises of detached dwellings closer together and therefore it is not considered that the proposal would have a material adverse impact upon the character of the wider area.

The dwelling is proposed to be approx. 7m away from the road, approx. 1.8m from the eastern boundary and approx. 4.1m away from the western boundary. These are acceptable separation distances and will allow suitable access to the rear. The proposed dwelling would be approx. 8.1m in width by 9.3m in depth. The driveway would be situated to the front and side of the dwelling and is suitable for manoeuvrability.

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 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.

U]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 west (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 east also has a side facing windows which is assumed to also not be a habitable room and just the landing. There are no dwellings opposite or to the rear. Therefore, the proposed dwelling would not have an overlooking impact.

Finished floor levels are only required to be raised by 300mm, therefore the raising of levels should not create an overbearing or overlooking effect.

The proposed dwelling would be approx. 8m away from the property to the west and approx. 20m from that to the east, and both dwellings are sitting along an east to west east trajectory, 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, 2019 in terms of residential amenity.

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 zones 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 is therefore in an area of high flood risk, however the South East Lincolnshire Strategic Flood Risk Assessment (March 2017) (SFRA) shows that the site is located within an area of "no hazard".

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 (only suitable sites capable of accommodating 10+ dwellings have been allocated), 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.

In terms of the first element, the proposal will provide wider sustainability benefits to the community that outweigh flood risk; that is, the provision of additional housing a sustainable location within the district. In terms of the latter, finished floor levels are to be set at 300mm above existing ground level, as recommended in the submitted Flood Risk Assessment.

The proposal therefore complies with Policy 4 of the Local Plan in this regard.

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 and side is clearly sufficient to accommodate these cars and enter and egress in a safe and forward manner.

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 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 for a delegated approval.