

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H08-1199-22 **Applicant:** Mr & Mrs G Waite
Proposal: Residential Development
Location: Land Rear Of The Willows Mill Lane Gosberton
Terminal Date: 14th February 2023

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
28	The Natural Environment
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance**National Planning Policy Framework 2021**

Section 2 - Achieving sustainable development
Section 4 - Decision making
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
Section 15 - Conserving and enhancing the natural environment
Section 16 - Conserving and enhancing the historic environment

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
IAN MARSHMAN, HISTORIC ENVIRONMENT OFFICER	0	0	0	1

WELLAND AND DEEPINGS INTERNAL DRAINAGE BOARD	0	0	0	1
RESIDENTS	3	0	0	0

CASE OFFICER ASSESSMENT

Proposal

This is a full planning application, seeking planning permission for the proposed residential development to the Land rear of The Willows, Mill Lane, Gosberton.

Site Description

The site is within defined settlement limits and the surrounding area is characterised by linear development of varying ages and designs. The site is in Environment Agency Flood Zone 3, and is not in a raised hazard of depth area on the 2115 South Holland Strategic Flood Risk Mapping. The site is on a north-south axis with a large rear garden. A two storey dwelling is sited to the west at 9 Mill Lane, and a bungalow to east at 39 Mill Lane. To the south of the rear of The Willows, is currently an open field. However, there is planning permission for residential development (H08-0678-16), none of the proposed dwellings on that plot would overlook unacceptably to the rear of the Willows.

History

No planning history.

Consultation Responses

Resident Comments (2)

- The proposed works could cause a detrimental impact upon the dyke. Could cause a risk to future flooding.
- Brick built drive could cause further flood risks.
- Overlooking adjoining properties

Welland & Deepings IDB

The foul water is to discharge to the mains sewer and surface water is to discharge to soakaways. If either of these should change for any reason we would wish to be re-consulted at the time.

If any watercourses are to be altered in any way as part of the development then the prior written consent of the Board will be required.

If ground levels are to be raised as part of flood zone precautions then provisions should be implemented to avoid displacement of water onto neighbouring land so as not to increase flood risk to adjacent properties.

Ian Marshman, Historic Environment Officer

No archaeological impact

Highway and Lead Local Flood Authority

No objection.

The proposed dwelling is at the rear of the existing, host dwelling and would be accessed via the host dwelling's existing vehicle access crossing on Mill Lane. Although this access is only a single vehicle's width, there is sufficient space at the front of the host dwelling for a vehicle to pull to the side to allow any in-bound vehicle to pass by. The host dwelling is at the end of Mill Lane where vehicle movements are very low in number and therefore a vehicle waiting momentarily in the highway here is of low risk to the safety of other road users. Both the host dwelling and the proposed dwelling have facility for vehicles to turn around so that they are able to leave and enter the highway in a forward gear.

Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development would not be expected to have an unacceptable impact upon highway safety or a severe residual cumulative impact upon the local highway network and therefore does not wish to object to this planning application.

Planning Considerations

Principle

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 site is located within the settlement boundary for Gosberton, as set out in the South East Lincolnshire Local Plan (SELLP), 2019. Policy 1 (Spatial Strategy) of the SELLP indicates 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. In the context of this, the principle of residential in this location is considered acceptable.

Layout, scale and design

Paragraph 130 of the National Planning Policy Framework (NPPF), 2021 establishes that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area; are visually attractive as a result of good architecture and sympathetic to local character and history, including the surrounding built environment and landscape setting; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users, among other considerations. Likewise, Policy 2 of the SELLP states that 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.

The application site lies outside of the Gosberton Conservation Area. The proposal is for a 2 bed bungalow which in design terms makes reference to the form of development elsewhere along Poplar Drive. The dwelling is considered to be situated on a spacious back land plot, overall it is not considered that a dwelling of the scale and design proposed on the application site would be unduly cramped in context of the similar sized plots with bungalows, or have a material adverse impact on the wider street scene or views to and from the Gosberton Conservation Area.

The proposed materials are yet to be determined. If the application is recommended for approval, a materials schedule condition will be added.

Taking the above into account, it is concluded that the layout, scale and design of the scheme accords with Policies 2 and 3 of the Local Plan. Policy 2 of the Local Plan requires development proposals to take into account sustainable development considerations such as: quality of design; size, scale, layout, density, impact on character and appearance of the area; the relationship to existing development; and impact on historical buildings and heritage assets. Policy 3 requires development proposals to respect the density, scale and massing of neighbouring buildings; the landscape character of the location; and a sense of place by complementing the historic environment.

Flood risk and drainage

The National Planning Policy Framework (2021) 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) (SFRA) 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.

In terms of flood risk, the application site is situated in Environment Agency Flood Zone 3. Therefore, the proposed dwelling would appear to be situated in a high flood risk area on the face of it.

However, the South East Lincolnshire Strategic Flood Risk Assessment (March 2017) shows that the site falls within a "No Hazard" hazard zone.

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.

With regard to the above, the development would provide some wider sustainability benefits to the community through a contribution towards housing supply, and other benefits including generating employment during the construction period and its proximity to a range of services and facilities. The proposed finished floor levels will be set at 2.90m ODN, above existing ground level and is set 10mm above the level of the existing house, 230mm above the level of Mill Lane and between 400mm and 450mm above the existing ground level on the site of the bungalow. Given the proposed increased levels, it would not appear that the proposed bungalow would have an unduly amenity impact upon the neighbouring bungalows to the west of the site.

In terms of surface water drainage, the proposal is to be discharged via a soakaway system. For foul water disposal, it will be discharged via the mains sewer. This is an acceptable arrangement.

Concerns have been raised in regards to the impact upon flooding of the dyke to the west of the proposed dwelling. Concerns were raised in regards to the brick built driveway, causing more run off. However, since this comment, there has been an amendment to the driveway, including a compacted chipping driveway making this a more permeable surface and therefore, would not be considered to have a detrimental impact upon flooding.

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.

Residential Amenity

Paragraph 130 of National Planning Policy Framework (2021) amongst other matters seeks places with a high standard of amenity for existing and future users. Policies 2 and 3 of South East Lincolnshire Local Plan (2019) set out residential amenity and relationship to existing development and land uses as main considerations when making planning decisions.

It is not considered that the proposed development will have a material adverse impact on residential amenity in terms of being overbearing or creating an overlooking or loss of light impact, given the single storey nature of the proposed dwelling.

The proposed front elevation will face the rear elevation of the existing dwelling, The Willows. However, the separation distance is approx. 23m away and is considered to be a standard separation distance with no detrimental impact upon overlooking to neighbouring residential amenity.

The dwelling also has side elevation windows to the west and east elevation. The closest separation distance to the dwellings to the east would be approx. 21m, with all of the dwellings along the east also being bungalows and of a single storey level. Therefore, it would not appear that the proposed windows from the two bedrooms would overlook unacceptably upon the neighbouring residential amenity. The east elevation windows consist of a window, patio door and a side entrance from the utility room and kitchen. Considering that this proposal is on back land development, the eastern side elevation faces rear garden but would not overlook unacceptably, given the single storey nature of the proposal.

Taking the above into account, the proposed proposed residential dwelling 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

Policies 2 and 3 of the SELLP indicate that sustainable development considerations should be met in terms of access and vehicle generation levels and layout of car parking. Policy 36 and Appendix 6 set out the minimum standards for parking provision based upon the use class.

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 with up to 3 no. bedrooms. The drive to the front is sufficient to accommodate two cars, including a double garage also. There is also facilities for a car to turn around on the driveway. The Lead Local Highways Authority has raised no objection to the proposed parking and hi

Therefore, the proposed parking provision complies with Policy 36 and Appendix 6 in the SELLP, 2019.

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 single storey dwelling will not materially harm the character or appearance of the locality or amenity of nearby residents and the parking arrangements are also considered acceptable. It is therefore considered to be in accordance with Policies 2, 3, 4 and 36 of the South East Lincolnshire Local Plan, 2019.

Conclusion

Based on the reasons outlined above, the recommendation is therefore for a delegated 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.