

## SOUTH HOLLAND DISTRICT COUNCIL

**Report of:** Development Manager

**To:** Planning Committee - 10 April 2019

**(Author:** Lucy Buttery - Senior Planning Officer)

**Purpose:** To consider Planning Application H08-0142-19

**Application Number:** H08-0142-19

**Date Received:** 07 February 2019

**Application Type:** FULL

**Description:** Construction of new detached dwelling and double garage and associated works (re-submission of H08-1017-18)

**Location:** CAPONTOFT CHEAL ROAD GOSBERTON

**Applicant:** Mr & Mrs Garner

**Agent:** Town Planning Services

**Ward:** Donington, Quadring and Gosberton

**Ward Councillors:** Cllr S Wray  
Cllr Colin Johnson  
Cllr Jane King

You can view this application on the Council's web site at

<http://planning.sholland.gov.uk/OcellaWeb/planningDetails?reference=H08-0142-19>

### **1.0 REASON FOR COMMITTEE CONSIDERATION**

1.1 Ward Members have requested that the application be brought before Committee.

### **2.0 PROPOSAL**

2.1 This is a Full planning application for the erection of a detached dwelling and double garage and associated works on land adjacent to Capontoft, Cheal Road, Gosberton.

2.2 This is a re-submission of an application for a single dwelling on the site (H08-1017-18) which was refused on 29th November 2018 on sustainability grounds.

2.3 The proposed dwelling would be a 1.5 storey 3-bed dwelling with a Heritage style brick ground floor and weatherboard cladding to the upper floor. The roof would be covered with clay or replica tiles. The south facing elevation features large areas of glazing in order to maximise sunlight and opportunities for solar gain.

2.4 A range of measures would be installed in order to minimise heating requirements, energy use and water consumption, including: solar panels on the roof; electric vehicle charging point; a ground source heat pump; and rainwater harvesting for garden irrigation.

### **3.0 SITE DESCRIPTION**

3.1 The application site is an area of grassland located in between two existing properties which front on to Cheal Road ('Capontoft' and 'Ebenezer House'). There is also an existing dwelling

opposite. The site is bordered by mature trees along the roadside and eastern boundaries and hedging on the western boundary. The northern boundary is currently open.

3.2 The site is accessed off Cheal Road, which is a narrow lane.

3.3 Although there are a few existing dwellings in the immediate vicinity, the predominant character of the wider area is rural.

## 4.0 RELEVANT PLANNING POLICIES

### 4.1 The Development Plan

South East Lincolnshire Local Plan, March 2019

If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, Section 38 (6) to the Town and Country Planning Act as amended by the 2004 Act states that the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Policy 1 - Spatial Strategy

Policy 2 - Development Management

Policy 3 - Design of New Development

Policy 4 - Approach to Flood Risk

Policy 31 - Climate Change and Renewable and Low Carbon Energy

### National Guidance

National Planning Policy Framework (NPPF), 2019

Section 5 - Delivering a sufficient supply of homes

Section 9 - Promoting sustainable transport

Section 12 - Achieving well-designed places

Section 14 - Meeting the challenge of climate change, flooding and coastal change

Planning Practice Guidance (PPG)

## 5.0 RELEVANT PLANNING HISTORY

5.1 H08-1017-18 - Full planning application for the erection of a detached dwelling and double garage and associated works - Refused on 29th November 2018.

## 6.0 REPRESENTATIONS

### 6.1 Ward Members

### 6.2 Cllr C. Johnson

I fully support what I consider to be a reasonable application which should be considered as a development of an eco home and an infill between existing properties and as such should be granted permission. If, however, officers are made to refuse permission I would request the application was heard by the Planning Committee.

### 6.3 Cllr J. King

I fully support this resubmission as this is a totally reasonable application with the applicants having the full support of their neighbours and Parish Council, they have also done as much as possible to be eco friendly even installing an electric vehicle charging port. If there is any doubt about this application I would respectfully request that it goes to Planning Committee to be fully discussed.

### 6.4 Cllr S. Wray

After visiting the site, I feel this is a perfectly reasonable application, with the full support of the Parish Council and neighbours. I am not sure why planning refused the initial submission, I fully support the resubmission of this application, and would fully agree with fellow Councillors, that if officers are inclined to refuse permission, the application should be referred to Planning Committee.

6.5 Gosberton Parish Council

Support.

6.6 LCC Highways/SUDS

No objections subject to standard notes being added.

6.7 Sir John Hayes MP

Hold no view on the merit of the application but support the applicant's request for the application to be considered by Planning Committee.

6.8 Public

6.9 One local resident has no objections.

**7.0 MATERIAL CONSIDERATIONS**

7.1 The key material issues for consideration in this application are:

- Policy
- Flood Risk
- Impact upon character and appearance of the area
- Residential Amenity

7.2 Policy

7.3 The site is located outside of any settlement boundary as set out in the South East Lincolnshire Local Plan (2019) (SELLP) and is, therefore, classed as being in the countryside. Policy 1 of the SELLP states that development in the countryside will only be permitted that is necessary to such a location and/or where it can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community or environmental benefits.

7.4 However, the Council does not currently have a published 5-year supply of deliverable housing sites (4 years as at 31st March 2018). Consequently, in accordance with Paragraph 11 of the National Planning Policy Framework, 2018 (NPPF), permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies outlined in the NPPF as a whole; or specific policies in the NPPF indicate that development should be restricted. Sustainable development is defined in paragraphs 7 and 8 of the NPPF as having three dimensions: economic, social and environmental.

7.5 The site is not within a protected area or an asset of particular importance as defined by Paragraph 11 of the NPPF.

7.6 Economic - The development may support the local economy through employment opportunities associated with construction and future occupants may work locally and support local services.

7.7 Social - The proposed development would make a contribution, albeit small, towards housing supply in the district. However, the site does not relate well to any existing settlement - It is approximately 1.6km from the built up area of Gosberton Risegate and there are no footpaths, street lighting or bus stops served by a regular bus service nearby. Consequently, pedestrian

access would potentially be hazardous due to the lack of footpath connection from the site as well as street lighting and the surrounding roads being subject to the national speed limit. Although Cheal Road appears to be a relatively quiet country road in terms of traffic levels, Beach Lane to the west which connects to the built-up area of Gosberton Risegate is busier, and with vehicles travelling at greater speeds. It is, therefore, considered that the proposal would be contrary to Paragraph 108 of the NPPF which states that it should be ensured that safe and suitable access to the site can be achieved for all users, and Paragraph 110 which states that priority should be given to pedestrian (and cycle) movements and that the scope for conflict between pedestrians and vehicles should be minimised. Given the potential for pedestrian/vehicle conflict, it is reasonable to assume that future occupiers of the dwelling would be heavily reliant on the private car to access services and facilities. This would be contrary to the provisions of the NPPF, although the applicant is proposing the installation of an electric car charging point.

- 7.8 Environmental - In terms of character, the site is situated amongst a small cluster of dwellings on this part of Cheal Road. There are other residential properties along the road, but these are mostly scattered. The main built up area of Gosberton Risegate is approx. 1.6km away. The overriding character of the area is rural and agricultural in nature. The proposed development, if permitted, would further intensify existing development in this location, which would be contrary to Paragraph 127 of the NPPF which states that planning decisions should ensure that developments are sympathetic to local character, including landscape setting. It would also set a harmful precedent by encouraging further applications of a similar nature for future development along Cheal Road and other rural locations across the district. This would cumulatively harm the aims and objectives of both the Framework and the SELLP to ensure that new development is sustainable and protects the character and appearance of the area and countryside.
- 7.9 It is appreciated that the applicant has sought to address sustainability concerns by proposing a more sustainable form of construction, and that the property has been designed in such a way as to try and minimise its carbon footprint. However, given the location and the Council's approach to other such developments elsewhere in the district, it is not considered that this is sufficient to override the above concerns.
- 7.10 Flood Risk
- 7.11 The site is located within a combination of Environment Agency Flood Zones 1, 2 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. Finished floor levels would need to be set at 300mm above existing ground level, as recommended in the submitted Flood Risk Assessment.
- 7.12 Impact upon the character and appearance of the area
- 7.13 The proposed development would further intensify an existing small cluster of residential dwellings in a predominantly rural area. This would have an adverse impact on the character of the area and would set a harmful precedent for further development along Cheal Road which would have a cumulative material adverse impact on the rural nature of the area. It would, therefore, be contrary to Policy 2 of the Local Plan which seeks, amongst other things, to ensure that new development takes into account the impact on the character and appearance of the area.
- 7.14 Residential Amenity
- 7.15 There have been no neighbour objections and the proposed dwelling would be set far enough away from the existing properties either side for there to be no issues of overlooking, loss of light or the property being overbearing in nature. It would, therefore, not conflict with Policy 3 of the Local Plan which covers issues such as residential amenity.
- 7.16 Conclusion
- 7.17 Taking into account the above, the site is not considered to be in accordance with Policies 1 and 2 of the South East Lincolnshire Local Plan, 2019, as well as Paragraphs 7, 8, 11, 108, 110 and 127 of the National Planning Policy Framework, 2019.

## 8.0 RECOMMENDATIONS

### 8.1 Refuse Permission for the reasons listed at Section 9.0 of this report.

## 9.0 REASONS FOR REFUSAL

1. Although the proposal would make a contribution, albeit small, towards housing supply in the district, this factor is outweighed by the harm that the proposal would cause in terms of other social and environmental effects.

The site does not relate well to any existing settlement. It is approximately 1.6km from the built up area of Gosberton Risegate and there are no footpaths, street lighting or bus stops served by a regular bus service nearby. Consequently, pedestrian access would potentially be hazardous due to the lack of footpath connection from the site as well as street lighting and the surrounding roads being subject to the national speed limit. Although Cheal Road appears to be a relatively quiet country road in terms of traffic levels, Beach Lane to the west which connects to the built-up area of Gosberton Risegate is busier, and with vehicles travelling at greater speeds. It is therefore considered that the proposal would be contrary to Paragraph 108 of the NPPF which states that it should be ensured that safe and suitable access to the site can be achieved for all users, and Paragraph 110 which states that priority should be given to pedestrian movements and that the scope for conflict between pedestrians and vehicles should be minimised. Given the potential for pedestrian/vehicle conflict, it is reasonable to assume that future occupiers of the dwelling would be heavily reliant on the private car to access services and facilities. This would be contrary to the provisions of the NPPF, although the applicant is proposing the installation of an electric car charging point.

The site is situated amongst a small cluster of dwellings on this part of Cheal Road. There are other residential properties along the road, but these are mostly scattered. The main built up area of Gosberton Risegate is approx. 1.6km away. The overriding character of the area is rural and agricultural in nature. The proposed development, if permitted, would further intensify existing development in this location, which would be contrary to Paragraph 127 of the NPPF which states that planning decisions should ensure that developments are sympathetic to local character, including landscape setting.

It is appreciated that the applicant has sought to address sustainability concerns by proposing a more sustainable form of construction and that the property has been designed in such a way as to try and minimise its carbon footprint. However, given the location and the Council's approach to other such developments elsewhere in the district, it is not considered that this is sufficient to override the above concerns.

The site is therefore considered to be contrary to Policies 1 and 2 of the South East Lincolnshire Local Plan, 2019, as well as Paragraphs 7, 8, 11, 108, 110 and 127 of the National Planning Policy Framework, 2019.

2. The Local Planning Authority has acted positively and proactively in determining this application by assessing it against all material considerations, including national guidance, planning policies and representations that have been received during the public consultation exercise. However, the issues are so fundamental to the proposal, due to the harm which has been clearly identified within the reason(s) for the refusal, that approval has not been possible.

This decision notice, the relevant accompanying report and the determined plans can be viewed online at <http://planning.sholland.gov.uk/OcellaWeb/planningSearch>

3. The determined plans are:  
18-159.GAR-02 Rev 01;  
18-159.GAR-03 Rev 03;  
18-159.GAR-01 Rev 01;  
18-159.GAR-06 Rev 01;  
18-159.GAR-07 Rev 01;  
18-159.GAR-09 Rev 01;  
18-159.GAR-04 Rev 01;  
18-159.GAR-05 Rev 01;  
18-159.GAR-08 Rev 0; and  
18-159.GAR-10 Rev 1.

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Background papers:- Planning Application Working File

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**Lead Contact Officer**

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**Appendices attached to this report:** Appendix A

