

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H08-0535-25 **Applicant:** SSJ Developments
Proposal: Erection of 8 Dwellings - outline approval H08-0964-21
Location: Duke Of York 106 Risegate Road Gosberton Risegate
Terminal Date: 28th November 2025

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

National Guidance

National Planning Policy Framework December 2024

- Section 2: Achieving Sustainable Development
- Section 9: Promoting Sustainable Transport
- Section 12: Achieving Well-designed Places
- Section 15: Conserving and Enhancing the Natural 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
WELLAND AND DEEPINGS INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	1	1

OTHER STATUTORY BODIES	0	0	0	2
RESIDENTS	1	0	0	1

CASE OFFICER ASSESSMENT

Proposal

Outline consent was granted in September 2022 for the demolition of the existing public house and the residential development of the site, under application H08-0964-21. An indicative layout showing the provision of eight houses on the site formed part of the outline application, although all matters were reserved for subsequent approval.

This application seeks approval of the reserved matters under the extant outline consent. The application as initially submitted proposed the construction of 2 pairs of semi-detached dwellings to the site frontage, with four detached dwellings to the rear and a new access created centrally within the site to serve the whole development.

The application has been amended during the course of its consideration with the layout of the dwellings significantly changed. As amended, the layout proposes the construction of two detached properties to the site frontage, each having their own driveway taken directly onto Risegate Road. Three pairs of semi-detached houses are located to the rear, utilising the existing access previously serving the public house. Consultees, the parish council and neighbours have been re-consulted on the amended plans.

For the avoidance of doubt, the application has been determined on the basis of the amended site layout and plans.

Site Description

The application relates to the former Duke of York public house, fronting Risegate Road, Gosberton Risegate, and extends to include the former car park to the rear along with an undeveloped parcel of land bounded by trees to the south. A public footpath and drain run along the easter boundary, residential properties bound the site frontage to the west and east beyond the existing site access.

History

H08-0964-21: Demolition of public house and outline permission for residential. Approved 14th September 2022.

H08-0013-23: Details of archaeological monitoring report (Condition 08 of H08-0964-21). Approved 27th April 2023.

Consultation Responses

Responses Received 14th July 2025 to 28th July 2025)

Gosberton Parish Council

No response received.

Senior Ecologist

Request integrated nest brick and bat boxes.

Environmental Protection Officer

Recommends a standard land contamination condition.

Environmental Protection Officer

No comments to make.

Highway and Lead Local Flood Authority

No objection subject to recommended conditions.

Countryside Officer

The proposed development affects Gosberton Public Footpath No.5. The hard landscaping plan indicates that the public footpath will take a pronounced dog-leg in the vicinity of plot 8 with the southern section of the proposed footpath diverted off the legal alignment. It will be necessary to either amend the proposed development layout or formally divert the public footpath before development takes place.

The provision of a 2m wide stoned path is welcomed. The proposed development should not pose any danger or inconvenience to the public using the right of way.

No gate or gate posts should be erected across or adjacent to the public footpath.

It will be necessary to temporarily close the public footpath to enable the affected section of the footpath to be surfaced.

Welland and Deepings Internal Drainage Board

The site is bound along the east by the Duke of York Arm Drain which is afforded protection of a nine metre by law distance.

Public Representation

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance two letters of objection have been received, the main issues referred to are:

- Too many houses are proposed, this is a rural area not a town.
- The proposed access is dangerous, two big tractors cannot pass on the road so have to go up the kerbs.
- There is no street lighting in the area.
- There are 16 parking spaces.
- Front properties not in keeping with the area.
- Rear windows face other properties' gardens taking their privacy away.
- impact on character of village - be more like a housing estate.
- Schools over subscribed.
- Gosberton Risegate only has a local school, a church and a village hall maybe a pub house if it ever opens again. - There is not enough amenities for more properties to be erected in this village.
- Have new builds in the village that have not sold and the new ones are going to be too expensive for local people to buy.

Planning Considerations

- Principle of Development and Sustainability
- Effect upon the Character and Appearance of the Area
- Impact on Neighbouring Residents
- Highway Safety and Parking
- Biodiversity Net Gain
- Other Matters

Evaluation

Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

In this case, the adopted South East Lincolnshire Local Plan 2011-2036, adopted March 2019, forms the development plan for the District, and is the basis for decision making in South Holland. The relevant development plan policies are detailed within the report above.

The policies and provisions set out in the National Planning Policy Framework (updated December 2024) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

Furthermore, where a Neighbourhood Plan has been adopted, this alongside the adopted Local Plan, forms part of the Development Plan for the District, and must be considered when assessing development proposals. In this instance, no relevant neighbourhood plans have been adopted.

Principle of Development and Sustainability

The National Planning Policy Framework (Framework) December 2024 sets out the Government's planning policies for England and how they should be applied. It advises that the purpose of the planning system is to contribute to the achievement of sustainable development. Achieving sustainable development means that the planning system has three overarching objectives; an economic objective, a social objective, and an environmental objective, which are interdependent and should be pursued in mutually supportive ways.

The South East Lincolnshire Local Plan (2019) sets out the settlement hierarchy in respect of delivering sustainable development that meets the social and economic needs of the area whilst protecting and enhancing the environment.

Policy 1 of the South East Lincolnshire Local Plan (2019) sets out a spatial strategy for delivering sustainable development across South East Lincolnshire to 2036. Policy 1 (Spatial Strategy) expresses this sustainable framework of settlements, ranking the settlements deemed to be most sustainable in descending order.

The site benefits from an extant outline consent for residential development under application H08-0964021. The principle of the proposal therefore accords with the requirements of Policy 1 of the South East Lincolnshire Local Plan (2019) subject to the consideration of all other material factors which are assessed in the sections below.

Effect upon the Character and Appearance of the Area

Section 12 of the National Planning Policy Framework (December 2024) specifically relates to 'Achieving well-designed places' and details that the "creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve" and as such, it is generally accepted that good design plays a key role towards sustainable development.

Paragraph 135, contained within Section 12 of the National Planning Policy Framework (December 2024), states that new development should function well and add to the overall quality of the area (beyond the short term and over the lifetime of the development) and should be visually attractive as a result of good architecture, layout and appropriate landscaping. This goes on to establish that it is important that new development should be of the highest quality to enhance and reinforce good design characteristics, and that decisions must have regard towards the impact that the proposed development would have on local character and history, including the surrounding built environment and landscape setting such as topography, street patterns, building lines, boundary treatment and through scale and massing.

Policy 2 of the South East Lincolnshire Local Plan (2019) outlines sustainable development considerations for development proposals, providing a framework for an operational policy to be used in assessing the sustainable development attributes of all development proposals. Furthermore, Policy 3 accords with the provisions of Section 12 of the National Planning Policy Framework (December 2024), in that it requires development to comprise good design; identifying

issues that should be considered when preparing scheme so that development sits comfortably with its surroundings and adds positively to its landscape surroundings.

Concern was raised at the initially submitted scheme. Outline planning permission was granted for the residential re-development of the site in September 2022 (reference H08-0964-21). Condition 06 of the outline consent requires an application for approval of reserved matters to be accompanied by a scheme of landscaping with tree planting, which should include details of post-planting maintenance. The 'note' forming part of condition 06 states that the submitted landscaping proposal should demonstrate the Biodiversity Net Gain will be achieved.

A Hard Landscaping Plan formed part of the initially submitted application, it was advised that the planting of three Robin Hill Tree's as shown on the Hard Landscaping Plan was wholly inadequate and unacceptable as a

landscaping scheme. Linked to this was concern at the extensive areas of hard surfacing proposed and high boundary fencing. This was particularly the case at the entrance to the development where the provision of high close boarded fencing to the gardens of Plots 2 and 3 will create a very enclosed 'tunnelling' effect. Of equal concern was the proposed high close boarded fence to the public right of way, which will serve to enclose the footpath and reduce its amenity value for users.

In addition, it was noted that no garage is proposed for Plot 7 and 8, these are four-bedroomed dwellings which would expect to have garage provision, it was advised there would appear to be sufficient space to the side of the dwellings for such a facility. Furthermore, the position of Plots 5 and 8 was not considered acceptable and could not be supported. The front elevations of these dwellings are just over 7metres from each other, creating a poor outlook and overlooking. In addition, the gable of Plot 8 also appears close to the rear elevation of Plot 2.

These concerns were raised with the agent and an amended site layout was received, on which the parish council and neighbours have been reconsulted. The revised scheme shows the provision of two detached dwellings to the site frontage, these are modest in size and scale and their overall design reflects the rural character of the area.

Three pairs of semi-detached dwellings are located to the rear, utilised the existing access that previously served the public house. Whilst the form of the semi-detached houses does not reflect the residential grain of the settlement, any form of in-depth development would not reflect the linear residential form of this part of the settlement, however, there is an extant consent for the development of the site and the scale, size and design of the dwellings is reflective of the rural setting in which the site is located.

Additional landscaping is proposed along the access road, to the side boundaries of the dwellings and within the residential gardens, which will assist in integrating the development with the open countryside beyond and also provide an appropriate level of biodiversity net gain.

The proposed palette of materials for the construction of the external walls and roof of the dwellings along with areas of hard surfacing are considered appropriate and acceptable.

The proposal accords with Policies 2 and 3 of the South East Lincolnshire Local Plan 2019, along with advice contained within Section 12 of the National Planning Policy Framework, December 2024.

Impact on Neighbouring Residents

Paragraph 135 of the National Planning Policy Framework (December 2024) states that development should 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; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Policy 2 and 3 of the South East Lincolnshire Local Plan, 2019, set out that residential amenity and the relationship to existing development and land uses is a main considerations when making a planning decision.

A row of terraced properties are located to the immediate west of the site fronting the highway. These properties have modest rear gardens with an area of communal parking beyond.

Plot 1 does not extend beyond the side elevation of no. 102 Risegate Road ensuring existing levels of amenity are safeguarded. The rear elevations of the proposed semi-detached dwellings are located between 11metres to 12.5metres from the western boundary of the site, beyond which is parking and turning areas and detached outbuildings, this separation distance is acceptable and will ensure no direct overlooking arises, nor will there be any resulting overbearing or enclosing impact. The side elevation of Plot 2 is located approximately 15metres from the side elevation of no.108 Risegate Road and the front elevations of the semi-detached houses are positioned approximately 16metres to 19metres from the rear elevation of the neighbouring property. These separation distances are considered appropriate and acceptable, ensuring there is no detriment to existing levels of amenity.

The proposal will not adversely affect existing levels of privacy and amenity and will afford future occupants of the development sufficient levels of residential amenity and in this regard accords with the provisions of the Framework and Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

Highway Safety and Parking

Section 9 of the National Planning Policy Framework (December 2024) specifically relates to 'Promoting sustainable transport'. Paragraph 116 of the Framework advises that development should only be refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impact on the road network, following mitigation, would be severe, considering all reasonable future scenarios.

Policy 2 of the Local Plan states that proposals requiring planning permission will be permitted provided that sustainable development considerations are met, specifically in relation to access and vehicle generation. Policy 3 of the Local Plan details that development proposals will demonstrate how accessibility by a choice of travel modes including the provision of public transport, public rights of way and cycle ways will be secured, where they are relevant to the proposal. Further, Policy 36, to be read in conjunction with Appendix 6 of the South East Lincolnshire Local Plan, 2019, sets out minimum vehicle parking standards required for development proposals.

The two houses to the site frontage will have their own driveway taken directly onto the main road, the semi-detached dwellings to the rear will be served by the existing access located along the eastern boundary that previously served the public house. Each property has an acceptable level of parking and turning facilities are provided.

Although the concerns raised by the representation received are acknowledged, the highway authority has no objection to this arrangement, subject to recommended conditions. As such the proposal accords with Policies 2,3 and 36 of the South East Lincolnshire Local Plan, 2019 and Section 9 of the National Planning Policy Framework, December 2024.

Biodiversity Net Gain

Biodiversity Net Gain (BNG) is required under a statutory framework introduced under Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021) and requires developers to deliver a minimum of 10% Biodiversity Net Gain using standardized biodiversity units measured by statutory biodiversity metrics. This is often referred to as the mandatory requirements for Biodiversity Net Gain.

The effect of Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission is deemed to have been granted subject to the "biodiversity gain condition". The effect of this "biodiversity gain condition" is that development granted by this notice must not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan, or
- (c) the development is exempt from the biodiversity gain condition.

For applications that are submitted prior to the introduction of this requirement, the development would exempt from the mandatory 10% requirement and as such, the Biodiversity Gain Condition would not apply. As the outline consent was submitted and approved before the introduction of the 10% mandatory requirement the development is exempt, however, it is intended to provide a bat box and swift box to each dwelling along with the provision of a Barn Owl roosting box which will

provide a degree of biodiversity net gain to the development.

Other Matters

The Environmental Protection Officer has recommended a land contamination condition; however, this was not requested as part of the outline consent to which Environmental Protection had no objection, it is therefore not considered reasonable to attach such a condition to this reserved matters consent.

In respect of the public footpath, the amended plans allow for no interruption to the public right of way, rather it improves access to and through it.

Outline Conditions

The Outline Permission under reference h08-0964-21, comprised 13 conditions.

Conditions 1, 2, 3, and 6 related to time limit, the requirement for submitting the reserved matters details and the requirement for landscaping; all matters that have been considered as part of this reserved matters submission.

In addition, conditions as set out under condition 4 (Site and Finished Floor Levels), 5 (Surface and Foul Water Drainage), 7 (Boundary Treatments), 8 (Archaeology), 11 (Refuse Details) and 12 (Ecological Biodiversity Measures), require the submission of a subsequent discharge of conditions application. As such, irrespective of the details provided, or the consent granted under this reserved matters approval, the details as required under these conditions of the outline permission, must be submitted for approval by the Local Planning Authority.

Planning Balance

As detailed above, Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

As amended, the siting, size, scale and design of the dwellings with safeguard the character and appearance of the area along with the level of amenity currently afforded to neighbouring property. Appropriate and acceptable levels of landscaping are proposed and although mandatory biodiversity net gain is not required, biodiversity benefits will be provided within the development. and matters relating to drainage and flood risk, were considered as part of the outline consent and highway conditions are recommended.

The proposal accords with the South East Lincolnshire Local Plan (2019) and the provisions of the National Planning Policy Framework (December 2024) when viewed as a whole. In this instance there are no material considerations that weigh against the proposal and as such the planning balance is in favour of the development.

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

Taking the above considerations into account, the proposal is considered to be in accordance with policies 1, 2, 3, 36 and 28 of the South East Lincolnshire Local Plan (2019), along with the identified sections contained within the National Planning Policy Framework(December 2024). There are no significant factors in this case that indicate against the proposal and outweigh the consideration in favour of the proposal and the policies referred to above.

Recommendation

Based on the assessment detailed above, it is recommended that the proposal should be approved under delegated powers.