DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H08-0782-24**	**Applicant:**	**Mrs C Davidson**
Proposal:	Residential Development - erection of detached dwelling with detached garage		
Location:	Adjacent To 98 High Street Gosberton Spalding		
Terminal Date:	1st May 2026		

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
30	Pollution
31	Climate Change and Renewable and Low Carbon Energy
36	Vehicle and Cycle Parking

National Guidance

National Planning Policy Framework December 2024

Section 2 - Achieving sustainable development
Section 4 - Decision-Making
Section 5 - Delivering a sufficient supply of homes
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	1
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
HISTORIC ENVIRONMENT OFFICER	0	0	0	1
WELLAND AND	0	0	0	1

DEEPINGS INTERNAL DRAINAGE BOARD				
SHDC INTERNAL	0	0	1	2
OTHER STATUTORY BODIES	0	0	0	1
RESIDENTS	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This application is seeking full planning permission for the erection of detached dwelling with detached garage.
The proposal is to erect a dwelling, that is accessed from High Street, Gosberton. The proposed dwelling is built across two floors, with the first floor above the eaves. It is therefore lower in scale that a traditional two storey. The principal elevation presents a gable to the front (with intersection to the rear), the gable at first floor is clad in a mock Tudor. There are also gable dormers proposed to the front, rear and side elevation. A central chimney is also proposed. The floor plans show that the dwelling is 4-bedroomed.

The plans also show that a detached garage is proposed, this is made upon of facing brick with a dual pitched roof structure. The dwelling and garage are located outside of the RPA of protected trees, which are located to the front. However the proposed dive way (which is of non dig construction) is located within the RPAs.

The same dwelling on site has already been approved under H08-0514-20, which has now lapsed. However, it was approved under the existing local policy framework, to which weight is afforded as part of any assessment.

Site Description

The proposal site is garden land within the defined settlement limits of Gosberton. The boundary to the south east marks the end of Gosberton Conservation Area. The site is in Environment Agency Flood Zone 1, and not subject to increased hazard or depth on the 2115 South Holland Strategic Flood Risk Mapping.

The root protection area of a sycamore tree subject to Tree Preservation Order is within the boundaries of the site to the rear. Two previously protected trees to the frontage of the 98 High Street have been removed under application H08-0131-20.

History

H08-0872-84 Outline - Proposed erection of bungalow with garage and new vehicular access - Approved - 20 November 1984.

H08-0361-88 Outline - New dwelling - Approved - 14 April 1988 H08-1372-03 Outline - Proposed three-bedroom bungalow - Refusal - 28 January 2004

H08-1471-07 Full - Proposed detached house - Withdrawn - 10 January 2008 H08-0450-08 Full - Erection of detached dwelling - Withdrawn - 11 June 2008

H08-0697-08 Full - Erect one four-bed dwelling - Approved - 11 August 2008 H08-1289-08 Full -

Proposed detached garage - Approved - 17 February 2009

H08-0379-11 Full - Erection of 4 bedroom dwelling - renewal of H08-0697-08 - Approved - 13 July 2011

H08-0077-12 Full - Detached garage (renewal of H08-1289-08) - Approved - 04 April 2012

H08-0352-14 Full - Residential development - erection of detached dwelling - Approved - 01 September 2014.

H08-0635-17 Full - Residential development - erection of detached dwelling with detached garage - Approved - 01 September 2017

H08-0514-20 - Residential Development - Erection of detached dwelling with detached garage. Approved 26-10-21

Consultation Responses

Parish Clerk

No comments

IDB

Further to receipt of the above, I confirm that Welland & Deepings IDB have no comment to make with regard to this application at this stage.

Historic Environment Officer

Thank you for consulting us on this. Having reviewed the application documents and the updated available Historic Environment information for this application, the proposal is unlikely to have an impact on significant archaeological remains. Consequently, no further archaeological input is necessary for this application. It is not necessary to consult us on this application again, unless there are material changes to the proposals. However, if you would like advice from us, please contact us to explain your request.

Highways & SuDs Support

No Objection - Residential Development - erection of detached dwelling with detached garage. This site has previous planning. The Garage is of adequate size to accommodate two parked cars. Space on site to allow vehicles to turn on site and leave in a forward gear. The proposal will not have an adverse impact on the public highway. As Lead Local Flood Authority, Lincolnshire County Council is required to provide a statutory planning consultation response with regard to drainage and surface water flood risk on all Major applications. This application is classified as a Minor Application and it is therefore the duty of the Local Planning Authority to consider the surface water flood risk and drainage proposals for this planning application.

Tree Officer

Some effort has now been made to address the presence of Protected Trees on the property by employing a Consultant Arboriculturalist.

If absolutely everything that the Consultant Arboriculturalist advised was adhered to it is likely that the proposed dwelling and garage could be built with minimum damage to the preserved trees.

It is so unlikely that in practice with for example, the initial proposed removal of some trees to facilitate the construction of the dwelling that no ground will be compacted within the Root Protection Areas of the trees to be retained. Similarly with the site being so tight that the moving of building materials around the site will not cause some soil compaction and root damage.

In practice there are so many aspects which the various contractors that come and go during the construction of a dwelling would have to be aware of and adhere to throughout, aspects such as I quote from the:

3. 'Arboricultural Method Statement & Tree Protection detail.' of the Arboricultural Report:
'3.4 Mixing of concrete around trees. (cementitious, mortar, cement, slurry)

Washout wastewater is caustic and considered corrosive, with a pH over 12. Wet concrete is toxic to trees and for this reason the incorporation of protection (sheathing with impermeable membrane e.g. heavy grade polythene sheeting) is extremely important to prevent contact with exposed roots and limiting potential for harm.

It is important NOT to mix concrete within the vicinity of trees where there is the risk of contamination of the soil.
The main storage area is indicated on the TPP' (Tree Protection Plan)', there will be no storage of cement or sand or mixing of any concrete within 5m of the retained trees.'

It will be little short of miraculous on a busy construction site that such aspects are adhered to throughout, and it only requires one temporary breach of the recommendations to cause serious long-term damage to trees.

Should the dwelling and garage be built there are likely to be Applications to do works to the preserved trees. (There has been from the Applicant in the past, due to perceived safety reasons caused by the closeness of existing trees to 98 High Street.) Debris do fall from trees and both garages and dwellings are very close to protected trees. Unless a construction is completely outside of the falling distance of adjacent trees at some point in the trees life there will be a perceived or real safety issue. Lack of light, blamed on leaf cover on/off site is also likely to be an issue.
Even if the recommendations in the Arboricultural Report were adhered to the letter, the construction of a further dwelling and garage in close proximity to existing trees may affect the availability of soil water to the roots. Beech trees seem particularly vulnerable to such changes.

Should consent be granted, a Planning Condition must be included which reminds the Applicant that any works to the preserved trees will require a separate Tree Works Application to be submitted and approved prior to works being undertaken. Access during construction works is likely to require some crown lifting of trees.

ONE OF THE MAIN PROBLEMS OF THIS DEVELOPMENT IS THE PHYSICAL TIGHTNESS OF THE SITE IN WHICH TO CONSTRUCT THE DWELLING, WHEN CONSIDERATION IS GIVEN TO THE LORRIES COMING AND GOING UN-LOADING SUPPLIES AND ITEMS SUCH AS IF THERE ARE PRE-FORMED ROOF SECTIONS TO CARRY IN. The proposed development is closely linked to using the existing access as a means to enter the site while construction takes place, and for storage of materials, but the distance between the existing access and current dwelling /garage is very narrow, and at roughly right angles to the entrance driveway with protected trees adjacent and likely overhanging.
The existing access is outside the development site, and should the site be sold off likely to be under completely different ownership, so one has to view the development site as an independent unit.

(Please note overhead cabling along site frontage.)

Conclusion

As the most significant preserved trees on the frontage are estimated in the Arboricultural Report to have a forty plus year life expectancy where they will contribute to the amenity of the street scene, any proposal which may jeopardise this, needs very serious consideration indeed.

Conservation Officer

No objections

Environmental Protection

No comments regarding land contamination and environmental protection and the amended plans

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. The Authority is able to demonstrate a supply of deliverable sites equivalent to in excess of 5 years through the latest Housing Land Supply Assessment.

Planning Considerations

The application site is located within the defined settlement limits for Gosberton. The application site also abuts the conservation area. There are a number of protected trees within the application site. The following issues are relevant for consideration:

-Principle of Development
-Flood Risk & Drainage
-Deign, Heritage & Trees
-Amenity
-Highway Safety & Parking
-BNG

Principle of Development

The application site is located within the settlement limits for Gosberton, which is described as a Minor Service Centre under SELLP Policy 1, in these areas support is given for:

Within the settlement boundaries of the Minor Service Centres (as shown on the Inset Maps) 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 proposal represents infill development within the parameters of the settlement boundary. It is therefore considered that given its location within the settlement boundary that in planning principle terms the proposal is considered acceptable. On this basis the proposal would accord with policy 1 of the South East Lincolnshire Local Plan, 2019.

Flood Risk and Drainage

SELLP Policy 4 sets out the districts approach to flood risk, it states that Development in all flood zones, and development over 1 hectare in size in Flood Zone 1, will need to demonstrate that surface water from the development can be managed and will not increase the risk of flooding to third parties.
The application site is located within flood zone 1 in accordance with EA mapping, and in a low-risk area in accordance with the South East Lincolnshire SFRA. The location of site is therefore in a preferable place in terms of flood risk.

Drainage

The applicant has stated that surface water disposal will be directed into the mains sewer as is the foul drainage. Whilst in this scenario the developer should follow the SuDs hierarchy (i.e. discount infiltration before directing to a combined) the LPA have considered this drainage solutions previously (under H08-0514-20) and considered it acceptable. Furthermore this assessment was made under the existing policy framework.
In terms of flood risk and drainage then the proposal is considered to accord with SELLP policy 4.

Design & Heritage

SELLP Policy 29 sets out the local policy framework in respect of assessment proposals that affect the historic environment. The policy states that "To respect the historical legacy, varied character and appearance of South East Lincolnshire's historic environment, development proposals will conserve and enhance the character and appearance of designated and non-designated heritage assets, such as important known archaeology or that found during development, historic buildings, conservation areas, scheduled monuments, street patterns, streetscapes, landscapes, parks (including Registered Parks and Gardens), river frontages, structures and their settings through high-quality sensitive design."

SELLP Policy 29b is relevant directly to conservation areas, its states that *Proposals within, affecting the setting of, or affecting views into or out of, a Conservation Area should preserve (and enhance or reinforce, as appropriate) features that contribute positively to the area's character, appearance and setting. Proposals should:*

1. Retain buildings/groups of buildings, existing street patterns, historic building lines and ground surfaces;
2. Retain architectural details that contribute to the character and appearance of the area;
3. Where relevant and practical, remove features which are incompatible with the Conservation Area;
4. Retain and reinforce local distinctiveness with reference to height, massing, scale, form, materials and plot widths of the existing built environment;
5. Assess, and mitigate against, any negative impact the proposal might have on the townscape, roofscape, skyline and landscape;
6. Aim to protect trees, or where losses are proposed, demonstrate how such losses are appropriately mitigated against

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.

Policy 2 point 1 states that proposal should meet with sustainable development considerations specifically in relation to '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'.

Firstly, of material weight is that this same proposed dwelling has already been approved on this site. That permission has now lapsed (October 2024).

The proposal is kept low in scale and is located just outside (to the north) of the conservation area. The proposal is also to retain existing boundaries, which is home to mature hedging (with the exception of the space made for the access). The impact upon the wider conservation would be as a result of this dwelling acceptable and the effect (given the scale of the dwelling and garage) and retained screening) would be localised.

The dwelling itself, which is described in the proposal section, would not be overly harmful to the location. Whilst the proposal is close in proximity to number 98 High Street, any unacceptable impacts are off-set the proposed scale. Furthermore, given the dwelling is sited to the rear of the plot, and trees to the front are to be retained (protected) the impact upon the street scene is acceptable. The pitched roofs and chimney stack add some interest to the roofscape, and override the tweeness of the mock Tudor and gable dormers, which have a limited wider impact outside of the site. Moreover, the LPA has considered that the design of this dwelling as appropriate in this location under previous permissions, there are no changes to the built form in this area (since that approval) that would lead to an alternative conclusion.

The garage which is of dual pitched construction is also considered acceptable. Whilst there is no information relating to the specific materials, it is considered that these can be controlled through planning condition.

Trees

In addition to SELLP 29b offering guidance on trees within the setting of a conservation area, SELLP Policy 2 also states:

Proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to: - 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
There are protected trees located to the front of the plot (close to the access), these include a Horse Chestnut and two Beech Trees. The access which has previously been approved (though now lapsed) is located in between these trees. The plans show that a no dig access will be formulated, this involved the use of cellular grid with stone/gravel filled in.
The applicant has provided an Arboricultural Impact Assessment and tree constraints report. The councils arboriculturist has reviewed this mater and has concerns. The main concerns relate, not to the access but rather the potential damage to roots during construction. The access which is of no-dig construction is formulated across the top of the existing ground made up of geo-cell with stone. This method is considered acceptable and will be conditioned.
In terms of the construction methods, these are outlined within the Arboricultural Report by East Midlands Tree Surveys Limited. The shows different phases for how construction will take place. One of the scenarios is that number 98 (which is owned by the applicant) can be used for the storage of materials) another scenario shows how construction would work if this dwelling was sold off. The council arboriculturist expresses concerns relating to the working techniques that would not accord with the methods put forward, and the location of such construction works. It is of note that in the comments the officer suggests that if works *advised was adhered to it is likely that the proposed dwelling and garage could be built with minimum damage to the preserved trees.*

On this basis it is considered that conditions would be required to any permission. Firstly, the proposed access would need to be formulated to allow for vehicles to enter and leave the site with limited impact to trees, secondly a construction management plan would need to be submitted to and agreed in writing prior to any works and lastly, the proposed method of driveway construction would be required to be adhered to.

If these conditions are applied the impacts upon trees will be mitigated to an acceptable level. In terms of permitted development, given the location of the trees to the front there is no justification to remove outbuilding and extensions (only further hard standing and fencing).

The proposal subject to the aforementioned mitigation would accord with SELLP 29b as well as SELLP Policy 2.

Amenity

NPPF Paragraph 135f 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.

SELLP Policy 2 sets out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

SELLP Policy 30 is concerned with pollution and places impacts in relation to noise, disturbance and air quality as important consideration when considering proposals for planning.

The dwelling is located close to number 98 High Street, but given its scale, and orientation (side to side) as well as the positioning of openings (only a bathroom window is proposed at first floor which will be obscured), the impacts in relation to amenity (both to neighbouring properties and future residents) is considered acceptable. The matters remaining to amenity include overshadowing/bearing and overlooking. All other properties (other than 98) retain a sufficient separation distance.

Therefore, the proposal would accord with SELLP Policies 2 & 30 as well as NPPF Paragraph 135f.

Highway Safety & Parking

SELLP Policy 2 details that proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to access and vehicle generation.

SELLP Policy 3 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.

SELLP Policy 36 is concerned with Vehicle and Cycle Parking it states that "All new development, including change of use, should provide vehicle and cycle parking, in accordance with the minimum Parking Standards adopted by the Local Planning Authorities (in Appendix 6).

The proposal seeks to implement an access from the High Street, this would lead into a driveway to the front of the proposed dwelling and garage. There is ample manoeuvrability space to enter and leave the site in a forward gear and parking provision is acceptable. Highways have now confirmed they have no objections subject to the imposition of information that would require highway approval works for the access.

BNG

NPPF Paragraph 186 sets out a criteria-based approach for LPAs to apply when considering development proposals. The criteria in part includes methods to protect and encourage bio-diversity as well as preventing development resulting in the loss of priority habitats.

NPPF Paragraph 180d is also relevant requiring net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

SELLP Policy 28 is concerned with the Natural Environment points 2 and 3 are relevant to this assessment, point 2 is concerned with Nationally or locally designated sites and protected or priority habitats and species and point 3 with addressing gaps in the ecological network.

The applicant has informed the LPA that this proposal is for a self-build dwelling and will enter into a UU to ensure that the development meets with the relevant criteria.

On this basis the proposal is exempt from BNG and this is secured through a unilateral undertaking.

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.

This design has already been approved under the existing local policy framework. The information regarding trees and subsequent conditions ensure that trees are protected satisfactorily. The proposal is for a self-build dwelling. And so exempt from BNG, this is secured through UU.

The application site is located within the defined development limits for Gosberton and within flood zone 1. In this instance there are no material planning considerations that would result in a reason for refusal. The proposal is considered to represent sustainable 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 into consideration these factors, the proposal is considered to be acceptable. The proposal would comply with Policies 1, 2, 3, 28, 29, 30 and 36, along with Appendix 6, of the South East Lincolnshire Local Plan (SELLP), 2019; in addition to the identified sections contained within the National Planning Policy Framework (NPPF) (December 2024). On this basis the proposal is recommended for approval.