DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H08-0823-24**	**Applicant:**	**S & D Wells**
Proposal:	Replacement Dwelling		
Location:	Caldene Clough Road Gosberton Clough		
Terminal Date:	26th November 2024		

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 2023

National Planning Policy Framework December 2023

Section 2 - Achieving sustainable development
Section 4 - Decision-making
Section 12 - Achieving well-designed and beautiful places
Section 14 - Meeting the challenge of climate change, flooding and coastal change
Section 15 - Conserving and enhancing the natural environment

National Guidance

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	1
WARD MEMBER	0	1	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
HISTORIC ENVIRONMENT OFFICER	0	0	0	1

SHDC INTERNAL	0	0	0	1
RESIDENTS	0	1	0	0

CASE OFFICER ASSESSMENT

Proposal

The application seeks full planning permission for a replacement dwelling. The existing dwelling comprises a single storey bungalow with a gable end roof form with two side extensions. The replacement dwelling comprises a dormer bungalow which features 1.5 storeys.

Site Description

The application site comprises land at Caldene, Gosberton Clough. The site currently features a detached bungalow and two outbuildings. The bungalow fronts Clough Road, which is located to the north of the site.

Planning History

H08-1071-98 : Replacement bungalow and garage - approved 30 October 1998

Consultation Responses

Gosberton Parish Council: No objections.

Cllr H J W Bingham: No issues.

Historic Environment Officer: 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 and SUDS Support: No objections. The access with public highway is shared with the Telephone exchange. The proposal will not have an adverse impact on the public highway.

Cllr M A Geaney: No response received.

Cllr J L King: No response received.

Black Sluice Internal Drainage Board: No response received.

Lincolnshire Wildlife Trust: No response received.

Natural England: No response received.

Ecology Officer: No response received.

Environmental Protection: A standard land contamination condition should be applied.

Public Representations

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance, one letter of representation has

been received. The response sets out no objections to the proposed development.

Key Planning Considerations

Development Plan

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.

The adopted South East Lincolnshire Local Plan 2011-2036, adopted March 2019 (SELLP), is 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, December 2023 (NPPF) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

There are no adopted Neighbourhood Plans for the area within which the site is located.

The main issues and considerations in this case include the following:

-Principle of Development;
-Design and Visual Impact;
-Impact on Amenity;
-Highway Safety and Parking;
-Flood Risk; and
-Biodiversity.

These matters are assessed in turn below.

Principle of Development

Policy 1 of the Local Plan sets out the settlement hierarchy in respect of delivering sustainable development, which meets the social and economic needs of the area whilst protecting and enhancing the environment; in order to provide enough choice of land for housing to satisfy local need, whilst making more sustainable use of land, and to minimise the loss of high-quality agricultural plots by developing in sustainable locations and at appropriate densities.

Policy 1 expresses this sustainable hierarchy of settlements, ranking the settlements deemed to be most sustainable in descending order. The most sustainable locations for development are situated within the 'Sub-Regional Centres', followed by 'Main Service Centres'. Lower down the hierarchy are areas of limited development opportunity including Minor Service Centres, with areas of development constraint comprising 'Other Service Centres and Settlements'. The countryside is at the bottom of the settlement hierarchy and represents the least sustainable location.

The site is within the defined settlement of Gosberton Clough which is identified as an 'Other Service Centre'. Furthermore, the proposal solely relates to the replacement of an existing dwelling and therefore, the principle of such development is considered to be appropriate, comprising an appropriate form of development for the location.

As such, the principle of a replacement dwelling is acceptable subject to the assessment of the proposed development against site specific criteria.

Design and Visual Impact

Section 12 of the NPPF specifically relates to 'Achieving well-designed and beautiful 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 of the NPPF states that new development should function well and add to the overall quality of the area and should be visually attractive as a result of good architecture 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.

Similarly, Policy 2 of the Local Plan 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 NPPF, in that it requires development to comprise good design; identifying issues that should be considered when preparing schemes so that development sits comfortably with, and adds positively to, its historically-designated or undesignated townscape or landscape surroundings.

The application seeks consent to demolish the existing single storey bungalow and two outbuildings, and to erect a replacement dwelling which would comprise a dormer bungalow. The proposed replacement dwelling would be located within a similar building footprint as the existing dwelling. The dwelling would therefore be set back from the road frontage at a similar distance to the exiting dwelling. The proposed siting of the dwelling is therefore acceptable.

The replacement dwelling would feature 1.5 storeys and measure 6m up to the roof ridgeline. The proposed dwelling features a gable end roof form with a dormer window on the front elevation and a dormer window on the rear elevation. The replacement dwelling would therefore be larger than the existing dwelling, however, the increase in scale is acceptable. For example, there is no strict uniformity in terms of the nearby house types. The nearest dwellings to the side include 10 Clough Road and Albar, which are both single storey bungalows. Further to the east, there is a mixture of semi-detached and terraced two storey dwellings which front Clough Road. The proposed replacement dwelling would therefore not be overly dominant or obtrusive in terms of its impact o the street scene.

The existing bungalow features white rendered walls and artificial slates. The proposed materials include `Vandersanden` Flemish Antique facing brickwork, blue / black natural slate for the roof, and off-white uPVC. There is no strict uniformity in terms of the material palette along the street scene. The proposed materials are acceptable.

The visual impact of the proposed development is acceptable. The proposed development would therefore not cause an adverse impact to the character or appearance of the area and would therefore accord with Policies 2 and 3 of the Local Plan and Section 12 of the NPPF.

Impact on Amenity

Paragraph 135 of the NPPF 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.

Policies 2 and 3 of Local Plan set out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

The proposed development would not result in an unacceptable degree of overshadowing of neighbouring properties due to its scale and positioning.

The proposed dwelling would also not result in an unacceptable degree of overlooking. For example, no windows are proposed on the eastern elevation which is the closest elevation to 10 Clough Road. None of the other windows would face directly onto the elevations of neighbouring properties. As such, the replacement dwelling would not result in an unacceptable degree of overlooking.

The proposed dwelling contains a sufficient amount of internal living space and outdoor amenity space.

As detailed above, the impact of the proposed dwelling would have an acceptable impact on the amenity of neighbouring properties and future occupants. As such, the proposed development accords with Policies 2 and 3 of the Local Plan and Section 12 of the NPPF.

Highway Safety and Parking

Section 9 of the NPPF is titled 'Promoting sustainable transport'. Within this section, Paragraph 115 advises that "development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe".

In respect of highway matters, 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. 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. Policy 33 further reinforces the need for developments to be accessible via sustainable modes of transport.

Policy 36 of the SELLP, in conjunction with Appendix 6, sets out minimum vehicle parking standards and requires at least two spaces for dwellings of up to three bedrooms and three spaces for dwellings with four or more bedrooms.

The replacement dwelling features two bedrooms. There is room for two vehicles to park within the site. Lincolnshire County Council's highways team have not raised any objections to the proposed development.

The proposed development would therefore be acceptable in terms of highway safety and would therefore accord with Policies 2, 3, 33 and 36 of the SELLP, as well as Section 9 of the NPPF.

Flood Risk

The site lies within Flood Zone 3 of the Environment Agency's Flood Maps. These have been created as a tool to raise awareness of flood risk with the public and partner organisations, such as Local Authorities, Emergency Services and Drainage Authorities. The Maps do not take into account any flood defences.

The South East Lincolnshire Strategic Flood Risk Assessment (SFRA) (2017) provides an overview of how flood risk has been considered in shaping the proposals of the Local Plan; including the spatial strategy and the assessment of housing and employment sites. Policy 4 of the Local Plan is clear in that "Development proposed within an area at risk of flooding (Flood Zones 2 and 3 of the Environment Agency's flood map or at risk during a breach or overtopping scenario as shown on the flood hazard and depths maps in the Strategic Flood Risk Assessment) will be permitted" in instances where specific criteria is met.

The proposed development is classed as a 'more vulnerable' use, according to Annex 3 of the NPPF. The proposed development is therefore required to pass the sequential and exception tests. The application is accompanied by a Flood Risk Assessment (FRA), however, this document lacks detail.

The NPPF requires the application of a sequential test to ensure that new development is in areas with the lowest probability of flooding. Paragraph 8.3.6 of the SFRA sets out that the search area for the sequential test should be the whole of the council area unless the functional requirements of the development justify a reduced search area. Paragraph 8.3.5 of the SFRA further clarifies that for replacement dwellings, the consideration of alternative sites is not likely to be a realistic option. Paragraph 8.3.5 sets out that the proposed replacement dwelling should not significantly include the floor area of the existing building.

The submitted FRA does not contain a site search exercise to demonstrate if other sites have been considered and discounted. Notwithstanding this, it is recognised that the vast majority of the council area is within Flood Zone 3 and there are limited opportunities for new housing within lower risk flood areas. The main areas within lower risk flood zones includes Moulton and Moulton Chapel, which are Minor Service Centres. A search has been undertaken by the local authority to establish if there are any alternative sites within a lower risk flood area. No other sites were found. It is therefore considered that the sequential test is passed.

In terms of the exceptions test, Paragraph 170 of the NPPF requires the following to be demonstrated:

"a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and
b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall."

The submitted FRA sets out that the finished floor level of the dwelling should be set at 300mm above the surrounding existing ground levels. The proposed bedrooms are also shown within the first floor of the dwelling and this would provide a place of refuge if a flood were to occur. It is therefore considered that the exception test is passed. It is therefore considered that the proposed development accords with Policy 4 of the Local Plan and the intentions of the NPPF in terms of flood risk.

Biodiversity

Policy 28 of the Local Plan outlines that a high quality, comprehensive ecological network of interconnected designated sites, sites of nature conservation importance and wildlife-friendly green space will be achieved by protecting, enhancing and managing natural assets. This policy details a need to address gaps in the ecological network by ensuring that all development proposal shall provide and overall net gain in Biodiversity.

Section 15 of the NPPF relates to conserving and enhance the natural environment. Paragraph 180(d) of the NPPF for instance sets out that planning decision should provide net gains for biodiversity. Furthermore, the delivery of biodiversity net gain (BNG) is mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). Developers must deliver a BNG of 10%.

The proposed development would not affect an area larger than 25sqm and as such it is considered that the proposed development is exempt from BNG as the proposal would be identified under the de minimis exemption.

Other Matters

The council's environmental protection team have recommended a standard land contamination condition. It is however considered more appropriate to include a condition which requires the site to be monitored for signs of contamination and if any signs of contamination are identified, then a contamination assessment would be required. The site comprises an existing dwelling and most of the replacement dwelling would be located on the existing building footprint. Given the small-scale nature of the proposals and the existing use of the site for residential purposes, the condition which requires contamination to be monitored is more proportionate in this case.

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. The proposed development represents appropriate development within the defined settlement boundary. The development hereby proposed does not materially harm the character or appearance of the locality, or amenity of nearby residents. The proposed development therefore accords with the Local Plan and the NPPF. 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, 4 and 36 (including Appendix 6) of the Local Plan, along with the identified sections contained within the NPPF. 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 Authority.