DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H08-0861-23**	**Applicant:**	**Mr & Mrs T Waltham**
Proposal:	Demolition of redundant commercial building and erection of 2 dwellings		
Location:	Land Between 10 & 12 Risegate Road Gosberton Risegate Spalding		
Terminal Date:	3rd June 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
30	Pollution
31	Climate Change and Renewable and Low Carbon Energy
33	Delivering a More Sustainable Transport Network
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2023

Section 5 - Delivering a sufficient supply of homes
Section 9 - Promoting sustainable transport
Section 11 - Making effective use of land
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

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	0	0	0	1

DEEPINGS INTERNAL DRAINAGE BOARD				
SHDC INTERNAL	0	0	0	1
OTHER STATUTORY BODIES	0	0	1	1
RESIDENTS	1	0	0	3

CASE OFFICER ASSESSMENT

Description of Proposal

The proposal seeks full planning permission for the demolition of an existing redundant commercial building and the erection of two dwellings. Both dwellings would be two-storey, four-bedroom dwellings with detached garages. Both would be large dwellings.

Plot 1, located to the rear of the site, would have a footprint of 130sqm. The access would be located towards the east of the site, with the garage to the north. The property would be constructed of redbrick, with mock slate roof tiles. Stone detailing would be present beneath the windowsills. Grey UPVC fixtures are proposed. A rear Juliette balcony is proposed above the southern flat-roof component. The garage would be constructed of matching materials and be a one and a half storey development.

Plot 2, located to the front of the site, would be slightly smaller than its southern neighbour at 115sqm. Access here is located to the west of the site, while the single storey garage is to the rear. The materials proposed are consistent with Plot 1, along with the overall design style. A distance of approximately 5800mm is proposed between the highway and the front elevation. A small rear garden is proposed between the house and the garage.

Site Description

The site is within the settlement boundaries of Gosberton Risegate, as outlined within the South-East Lincolnshire Local Plan, 2019. Gosberton Risegate is a nucleated settlement, with primarily frontage development. That being said, there are several examples of back land development throughout the settlement.

The plot is currently a disused, former industrial site. Hardstanding covers the northern forecourt, while a former commercial building is located to the south. Large leylandii hedging borders the site. To the immediate west is a car repair garage, while to the south and east are residential dwellings. Along the eastern border is a large yew tree, subject to a Tree Protection Order (TPO).

Relevant History

No relevant site history

Consultation Responses

The responses received from consultees during the initial consultation exercises can be summarised as follows:

Highway and Lead Local Flood Authority

"No objection:

The proposed two dwellings would occupy the site of an existing commercial business with the existing building on the site being demolished. Each of the proposed dwellings would have its own driveway with the one closest to the road (Plot 2) utilising the existing vehicle access to the business and the rearmost plot (Plot 1) having a new vehicular access. Both plots are to have their own manoeuvring area and a garage is to be provided at each plot for off-street car parking. The site has an existing footway at its frontage which would provide a safe means of access each dwelling on foot.

In view of the above and 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."

Welland and Deepings Internal Drainage Board

"If at any point a discharge of either surface water or treated effluent is proposed into any watercourse, then the prior written consent of the Board will be required."

Lincolnshire Bat Group

"Thank you for contacting Lincolnshire Bat Group about this application. Although the potential for bat use could be low for a building of this type, because of the proximity of the Risegate Eau, a major bat feeding area, and the consequent number of records we have for the area, a bat survey would be advisable".

Environmental Protection

"no demolition or construction activities should take place outside normal working hours of 7:30-5 weekdays and 8-10:00 Saturday to protect amenity of adjacent residential properties"

Historic Places Team Lincolnshire County Council

No archaeological input required

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, 5 letters of representation have been received from 4 residents. These can be divided into comments and objections

These can be summarised as:

Comments:

- Concerns over plot boundary location and condition
- Concerns over the potential removal of a tree and the impacts the roots would have on neighbouring dwellings
- Happy with the provision of housing
- Prefer a brick wall to a fence along boundary

Objections:

- Concerns over the process of removing the leylandii hedging
- Plot 2 is located too far forward
- Potential for overshadowing
- Concerns over the scale of the property
- Impact on habitats, including bats and owls
- Lack of local amenities
- Impact on traffic
- Security concerns to neighbouring business

Key Planning Considerations

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.

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.

Principle of Development

Policy 1 of the SELLP 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 settlement of Gosberton Risegate which is classed as an "other service centre" within Policy 1. 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. In this context, the principle of residential development within this location would typically be considered appropriate where development comprises infill development or that on committed sites.

The NPPF outlines, within Paragraph 60, that "to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay".

Paragraph 70 of the NPPF also emphasises the importance that the contribution of small to medium sized sites can make in meeting the housing requirements. ("Small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built-out relatively quickly"). This paragraph seeks to ensure that there is a sufficient supply of homes and advises that sites of all sizes make a contribution to the housing requirement of an area.

As the site is within Gosberton Risegate, development within this location is considered appropriate. The proposal would support the settlement's role as a service and make a positive contribution to local housing stocks. The SELLP or national policy do not put forward an absolute definition of infill development. The plot is between development sites, and while not wholly frontage development, in this instance is not considered, given exisitng built form within the surrounding context, to be unacceptable in principle.

Gosberton Risegate is a largely linear settlement. However, there are several examples in the immediate area which break from this rule. In particular, 10a and 16 Risegate road which both abut the site. As such, the proposal does adhere to the built form of the immediate area, and would not appear out of keeping with its setting.

The proposal is stated within the design and access statement as being for custom and self-build housing. From the information provided, the dwelling could be considered to adhere to the definition of self and custom built housing outlined within Section 1 of the Self-build and Custom

Housebuilding Act 2015, with the plots being primarily designed by their future occupants. Sections 2 and 2A of the Self-build and Custom Housebuilding Act 2015 require suitable provisions of plots for self and custom builds to be provided. As such, some weight should be given in favour of the proposal as it will help to contribute towards meeting the need for plots. However, it is noted that the statement states that the developer "intends to sell one plot to a self-builder to finance the development of the other plot themselves to create a suitable home for modern living which they will be able to enjoy for years to come" and as such, one of the propsoed plots has not been designed by the future occupants nor has it been evidenced that they have met the definition of self-build.

Furthermore, the submission doe snot demonstrate that either the applicant or future developer is on the self-build register.

In any event, paragraph 124c of the NPPF states that decisions should "give substantial weight to the value of using suitable brownfield land within settlements for homes". As the site is currently disused industrial land, the proposal adheres to this point, representing a redevelopment of an underutilised plot. Paragraph 124d goes on to state that "promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained". The nature of Gosberton Risegate's settlement boundaries means that land to expand housing supply in the settlement is constrained, and as such, the proposal adheres to this paragraph. Therefore, it is considered that the proposal adheres to Paragraph 124, and as such, weight should be given in favour of the proposal.

Therefore, the proposal is considered to be in accordance with Policy 1 of the SELLP, as well as Sections 5 and 11 of the NPPF. The principle of development on this site is considered acceptable subject to other material considerations being met.

Layout, Design, Scale and Consideration of the Character of the Area

Section 12 of the NPPF, "Achieving well-designed and beautiful places", states that " 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 NPPF, states that new development should function well and add to the overall quality of the area (including beyond the short term) 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. Developments 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 outlines sustainable development considerations for proposals; providing a framework for an operational policy to be used in assessing the sustainable development attributes of all development proposals. Furthermore, Policy 3 of the SELLP 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.

These policies accord with the provisions of the NPPF and require 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. Proposals for new development would therefore require the aforementioned considerations to be adequately assessed and designed, including the siting, design, and scale to be respectful of surrounding development and ensure that the character of the area is not compromised.

Gosberton Risegate features a relatively high degree of diversity in terms of housing designs and types. While structures such as three-bed bungalows are more prevalent, there is sufficient diversity and outlying properties in order naturalise development. Comparably large dwellings, while not abundant, are present throughout the village. This mixture of dwelling types and designs has created a diffuse sense of place.

The proposed scale of the dwellings is relatively large, particularly when the height of each dwelling (at approximately 8.5 metres) is considered. When the distance to the road from the frontage plot is factored into this, the proposal is considered to have a significant, albeit not significantly detrimental, impact upon the immediate area. There are a limited but notable number of comparably tall dwellings throughout the village, which would go someway to naturalising the proposal. Likewise, the prevalence of medium sized agricultural buildings within the settlement, such as those present on the site currently, create further tolerance for taller buildings. As such, it is considered that, despite the significant height of the proposal, on balance, the development would not cause significant harm to the character of the area.

The proposed layout of the plot, with two dwellings, is seen in the abutting plot to the east. While these are bungalows, there is still a higher density of development here than what is proposed in this application. This adjacent backland development will help to naturalise the proposal. Taken at a wider scale, the developments to the north of the river show a similar built form which would naturalise the proposal. Paragraphs 65 and 68 of the National Design Guide emphasise the importance of efficient land use, which maximise the opportunities of a site, while still being in keeping with the character of the area. It is considered that the proposal adheres to both of these points. This point on land efficiency is further emphasised within Paragraph 128 of the NPPF.

The visual prevalence of the rear dwelling will be significantly reduced via its positioning, with views being obscured via the proposed frontage dwelling. In turn this will reduce its character impact and bring the development more in line with existing built form.

The use of vernacular materials will help to integrate the proposal with the wider area. In particular the use of typical brick and stonework which is prevalent in the immediate area.

It is considered that the proposal adheres to the fundamentals of good design outlined within Paragraph 53 and 56 of the National Design Guide. Paragraph 53 states "Well-designed new development is influenced by: an appreciation and understanding of vernacular, local or regional character, including existing built form, landscape and local architectural precedents". This is expanded upon within Paragraph 56 which states that well-designed places contribute to local significance through "introducing built form and appearance that adds new character and difference to places". The use of a modern design philosophy, which introduce a new aspect to the character of the area, while still respecting the local character and architecture is considered to adhere to these two paragraphs in particular.

While the proposed frontage dwelling is relatively close to the road, there are comparable examples within the wider area which would naturalise this. The proposal would still be suitably set back as to reduce its impact upon the character of the setting.

Taking account of the design, scale, and nature of the development, as detailed above, the proposal is considered to be acceptable. The proposal would not cause an adverse impact to the character or appearance of the area and would therefore be in accordance with Policies 2 and 3 of the SELLP and Section 12 of the NPPF.

Impacts Upon Resident 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.

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

Significant boundary treatments are present to the rear, separating the site from 10a Risegate Road. These treatments should be retained in order to prevent overlooking or overshadowing to the rear, albeit details for boundary treatments are subject to a recommended condition.

No side windows are proposed within Plot 1, preventing views into neighbouring dwellings. Ample room is maintained in order to prevent overshadowing caused the development here. What limited overshadowing may occur would fall onto the commercial land to the west. As discussed previously, the proposed and in-situ boundary treatments will prevent any overlooking.

Turning to Plot 2, a single window, obscure glazed window is present on the facing elevation of 12

Risegate Road. The existing leylandii already significantly reduces the light reaching this window to an uninhabited room. As such, there is a limited likelihood of overshadowing being increased here. The single proposed side window of Plot 2 would face directly onto a largely blank side elevation, preventing significant views into the neighbouring dwelling.

As detailed above, the scale and design of the proposal is considered to have no significant or unacceptable impact on the residential amenities of the occupiers of adjacent properties or land users, when also taking account of the conditions recommended. As such, the proposal is considered to accord with the Section 12 of the NPPF and Policies 2 and 3 of the Local Plan in terms of impact upon residential amenity.

Highway Safety and Parking

Section 9 of the NPPF is titled 'Promoting sustainable transport'. Within this, 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 relevant consultee from the Highway Authority has raised no objection to the proposal. While the site access is unconventional, it is not expected to have a significant impact upon highway or resident safety as a result. Sufficient views can be obtained from the access without comprising highway safety.

Ample space is provided to accommodate three vehicles for each plot, in line with Appendix 6. As the site is within settlement boundaries, occupants would be less reliant upon private vehicles for transport.

The proposal would therefore be acceptable and would not have an unacceptable adverse impact on highway safety in accordance with Policies 2, 3, 33 and 36 of the SELLP, as well as Section 9 of the NPPF.

Flooding Considerations

Section 14 of the NPPF requires development plans to "apply a sequential, risk-based approach to the location of development - taking into account all sources of flood risk and the current and future impacts of climate change - so as to avoid, where possible, flood risk to people and property. They should do this, and manage any residual risk, by: applying the sequential test and then, if necessary, the exception test as set out below".

Paragraph 168 of the NPPF states " aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding". The sequential approach is required in areas known to be at risk now or in the future from any form of flooding, with the flood risk assessment being the tool to demonstrate this.

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 site lies within Flood Zones 1 and 2 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) 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 SELLP 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.

It is worth noting that large parts of the district of South Holland lie within Flood Zone 3. It is therefore necessary to use the refined flood risk information (Hazard and Depth maps) within the SFRA as a basis to apply the sequential test.

Within the SFRA the site is not classed as at risk of flooding and given the extent of the flood risk within the district, coupled with its flood zones, the sequential test can be considered, to be passed. Despite this, it is proposed that finished floor levels are raised by 300mm. This is considered good practice and will not result in the proposal appearing overbearing or increase amenity concerns.

It is proposed that surface water is to be disposed of via soakaways. As the site is currently covered via hard surfaces, the addition of soakaways may likely improve site drainage and decrease the likelihood of surface water runoff. However, details of drainage methods, for both surface and foul water, have been attached.

Overall, when considering the development on balance, it is considered, given the mitigation measures detailed and recommended by condition, that the proposal accords with Policies 2, 3 and 4 of the SELLP and the intentions of the NPPF with regards to flood risk.

Environmental Sustainability

In respect of the climate emergency, Section 14 of the NPPF states that new development should be planned for in ways that: 'avoid increased vulnerability to the range of impacts arising from climate change' with care taken to manage and adapt where development is brought forward in areas which are vulnerable; and that 'can help to reduce greenhouse gas emissions, such as through its location, orientation and design'.

Section 15 of the NPPF promotes the conservation and enhancement of the natural environment. Paragraphs 180 and 185 ensure sites of biodiversity value are protected through the planning system; while Paragraph 186 states that "if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused".

In line with both aforementioned sections of the NPPF, Policies 28 and 31 of the SELLP ensure the preservation and enhancement of the natural environment and that suitable mitigation and adaptation to the climate crisis is in place.

It is proposed that the leylandii hedge on the site boundary will be removed. In order to mitigate the ecological impacts of this, a scheme of planting which display biodiversity net gain, in line with Policy 28, should be submitted prior to the commencement of the proposal. In addition, steps should be taken to avoid the removal of existing biological features such as the yew tree towards the site's rear.

As the site has largely been previously developed, the proposal is considered the be of lesser environmental impact then a greenfield site. Likewise, the maximised use of the plot, with two dwellings, is considered to be more environmentally sustainable than a single dwelling. As such, some weight is carried in favour of the proposal.

The proposal is adjacent to a protected tree, and as such, measures must be taken to ensure the tree is not disturbed during the construction process. As such, it is recommended that condition be placed on any potential approval requiring both a construction management plan and the details of any materials for hard surfaced areas prior to the commencement of development. This construction plan should include a root protection plan. It is recommended that a geocellular product be used for the driveway adjacent to the relevant tree, in order to enable the free drainage of surface water and

to prevent harm to the tree roots.

The relevant consultee from the Lincolnshire Bat Group has stated that there is the potential for bats to be within the area due to proximity to Risegate Eau. Due to positioning of the proposal and the site's existing use, it is unlikely that the application would impact any habitat. That being said, it is recommended that an informative condition be placed on the application, ensuring that if any species are discovered on the site, that works be halted and the relevant body contacted.

Taking the above into account it is considered that given the details submitted, and those required by suitably worded condition, the proposal is acceptable with regards to environmental sustainability. The proposal would therefore be in accordance with Policies 28 and 31 of the SELLP and Sections 14 and 15 of the NPPF.

Planning Balance

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 proposal represents appropriate development within the defined settlement boundary. The proposal represents the most optimal use of the site, achieving a need for self build housing without harming the built form of the area. The development hereby proposed does not materially harm the character or appearance of the locality, or amenity of nearby residents, and provides adequate parking, whilst conforming with the SELLP and the provisions of the NPPF when viewed as a whole.

Conclusion

Taking these factors into consideration, the proposal is considered to comply with Policies 1, 2, 3, 4, 10, 11, 28, 30, 31, 33, and 36 of the SELLP, as well as Sections 5, 9, 11, 12, 14, 15, 16 of the NPPF. There are no significant factors in this case that would outweigh the benefits of the proposal; therefore, the planning balance is in favour of the proposal.

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

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.