DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H08-0893-23**	**Applicant:**	**John Grant (Donington)**
Proposal:	Residential Development - Erection of Dwelling		
Location:	Adj 12 Bow Gate Gosberton Spalding		
Terminal Date:	8th December 2023		

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
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
17	Providing a Mix of Housing
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2023

5 - Delivering a sufficient supply of homes
12 - Achieving well-designed places
14 - Meeting the challenge of climate change, flooding and coastal change

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	2

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

CASE OFFICER ASSESSMENT

SITE DESCRIPTION

The proposal is currently in use as an arable access track and is entirely within defined settlement limits. The surrounding area is characterised by dwellings of varying ages and design. Trees subject to tree preservation orders (TPO) are sited either side of the frontage of the site at 12 Bow Gate to the west, and 100 High Street to the east. A sycamore tree subject to a TPO is located on the north-western frontage of the application site. The rear half of the site is within Environment Agency Flood Zone 3 and is not subject to increased hazard or flood depth on the 2115 South Holland Strategic Flood Risk Mapping. The submitted Flood Risk Assessment states that finished floor levels of the dwelling will be set at 3.65m AOD. Full details of surface water and foul water drainage will be addressed via condition.

PROPOSAL

This is an outline application with all matters for the erection of a dwelling on land adjacent 12 Bow Gate, Gosberton. An indicative plan shows an access toward the eastern side of the site frontage leading to a detached dwelling on the same line of frontage as 12 Bow Gate to the west. The proposed finished floor level of the dwelling is 3.65 metres AOD. The western boundary hedge is to be retained. A 1.2 metre high post and rail timber fence is proposed for the southern rear boundary adjacent to the arable field. An existing 1.8 metre high fence and 0.8 metre high mixed hedge along the eastern boundary are also proposed to be retained. However, as this application is all matters reserved, the indicative design does not carry material planning weight when assessing this application.

A site visit was conducted on Friday the 13th of October 2023.

RELEVANT HISTORY

H08-0124-95

Full - Erect 37 dwellings with roads and sewers - Refused - 20 July 1995

H08-0684-11

Outline - Proposed residential development - Approved - 01 November 2011

H08-0654-14

Outline - Residential development - erection of dwelling - Approved - 17 September 2014

H08-0592-17

Outline - Residential development - erection of dwelling (Re-submission of H08-0654-14) - Approved - 07 August 2017.

H08-0512-20

Outline - Residential Development - erection of dwelling (Re-submission of H08-0592-17) - Approved - 01 September 2020.

CONSULTATION RESPONSES

Lincolnshire County Council - Highways & SUDS

No objection.

"The principle of development is acceptable. As this is an outline application with all matters reserved, access and layout have not been considered. Please make the applicant aware of the requirements for access, parking, visibility, turning and layout as detailed within the Lincolnshire County Council Design Approach, in order to support any further application."

"Additionally, sufficient information will be required to demonstrate that the use of a suitable drainage system for the management of surface water run-off is appropriate for this site to mitigate concerns with flooding of the property and surrounding land."

"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 or increase surface water flood risk and therefore does not wish to object to this planning application."

"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."

Lincolnshire County Council - Historic Places Team

"No archaeological input required."

South Holland District Council - Trees & Nature Conservation Officer

The Officer has provided general advice as to the protection and continued preservation of the trees and in around the site, during and post construction.

"*Description of trees, species and condition."*

"Mature sycamore tree at the eastern end of Group three of Gosberton Tree Preservation Order No. 1 1957, situated on the western side of the frontage of the potential development plot to the east of 12 Bowgate, Gosberton. Great care must be taken to help prevent damage to the roots."

"Mature trees are present along the eastern boundary of the plot. These include a Lombardy poplar, a sycamore, a silver birch which overhangs from the garden of 100 High Street and a sycamore just outside of the south eastern corner of the plot."

"A tree of heaven grows in the front garden of 12 Bowgate and overhangs the western boundary of the plot, it is situated within Group Tree Preservation Order No. 1 1957."

"Should permission be granted for a dwelling to be built on the site, the driveway should be designed to avoid as much as practicable the area beneath the existing canopies, the Root Protection Areas of the sycamore and tree of heaven."

"Should the driveway encroach on the area beneath the existing canopies there are likely to be many roots. A No-dig method of construction should be used beneath the canopies of the tree. For example, gravel being laid in a cellular confinement system over a permeable membrane as appropriate for the product used, this should help the driveway becoming too compacted, and cause minimum damage to the roots of trees."

"The dwelling/garage should be sited to avoid the canopies and roots of the aforementioned trees and other trees which grow on the boundary and in adjacent gardens."

"Should preserved trees require pruning, this will require a Tree Preservation Order Tree Works Application to be submitted. Works should be carried out to at least British Standard 3998 2010."

South Holland District Council - Environmental Protection

No comments.

South Holland District Council - Conservation Officer

"I do not wish to object to the principle of residential development on this site."

"The proposal site is situated across the road from the grade II listed Bowgate House. However, it is considered that a residential development along the lines of that suggested by the indicative drawings would be of a scale and distance from the Listed Building that would not present a risk its value or significance."

"Because of the adjacency to the listed building, it will be important to ensure that the final details of the proposal under the ensuing reserved matters application are respectful of the nearby heritage asset and mindful of any impact upon the local setting."

Welland & Deepings Internal Drainage Board

"I confirm that Welland & Deepings IDB have no comment to make with regard to this application at this stage."

Members of the public

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

"This is the third time this application has been made. It is for a field entrance which would be tidier with a dwelling so again I support the application for a single dwelling. However the field entrance is the main entrance to this field and is used to park farm vehicles, portable toilets etc. I think it unlikely that any dwelling will actually be erected."

KEY PLANNING CONSIDERATIONS

The main issues and considerations in this case are (but are not limited to):

Principle of Development and Sustainability
Presumption in Favour
Layout, Design and Consideration of the Character and Appearance of the Area
Impact on Residential Amenity/Land Users
Parking / Highway Safety
Flooding Considerations / Drainage
Protected Trees

EVALUATION

Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, 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 above.

The policies and provisions set out in the National Planning Policy Framework (updated September 2023) 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.

Principle of Development and Sustainability

The South East Lincolnshire Local Plan 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; in order to provide enough choice of land for housing to satisfy local housing need, whilst making more sustainable use of land and to minimise the loss of high-quality agricultural land by developing in sustainable locations and at appropriate densities.

Policy 1 of the South East Lincolnshire Local Plan 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 most sustainable locations for development are situated within the 'Sub-Regional Centres', followed by 'Main Service Centres'. Lower down the hierarchy in respect of sustainable development 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 in terms of sustainability.

The application site is within the defined settlement limits of Gosberton, which is classified as a Minor Service Centre in the settlement hierarchy of the South East Lincolnshire Local Plan. The assessment criteria for Minor Service Centres under Policy 1 of the South East Lincolnshire Local Plan states: "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 is an infill site and would help to support the role of Gosberton as a Minor Service Centre.

As such, the proposal is considered to be in accordance with the requirements of Policy 1 of the South East Lincolnshire Local Plan when viewed in principle. This is subject to the assessment against site specific criteria; including (but are not limited to) the impact of the proposal on the character or appearance of the area, impact on the residential amenities of neighbouring occupiers, and parking provision which are discussed in turn as follows.

Presumption in Favour

Paragraph 10 of the National Planning Policy Framework details that "so that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development (paragraph 11)".

Paragraph 11 expresses that for decision-taking this means: "c) approving development proposals that accord with an up-to-date development plan without delay; or d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

However, paragraph 12 of the National Planning Policy Framework reiterates that "The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making".

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

Section 12 of the National Planning Policy Framework (2023) 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 130, contained within section 12 of the National Planning Policy Framework (2023), 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. Development proposals should also ensure that 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.

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.

Likewise, policy 2 of the South East Lincolnshire 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 National Planning Policy Framework, 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.

These policies accord with the provisions of the National Planning Policy Framework 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.

The indicative layout for the site shows a detached dwelling on a similar line of frontage to 12 Bow Gate to the west of the site. Any future will have consider the consultation comments of the Conservation Officer, who has stated *"I do not wish to object to the principle of residential development on this site."*

"The proposal site is situated across the road from the grade II listed Bowgate House. However, it is considered that a residential development along the lines of that suggested by the indicative drawings would be of a scale and distance from the Listed Building that would not present a risk its value or significance."

"Because of the adjacency to the listed building, it will be important to ensure that the final details of the proposal under the ensuing reserved matters application are respectful of the nearby heritage asset and mindful of any impact upon the local setting."

Given the above comments, the proposed materials of construction will also be of importance when assessing a future design. The quality and appearance of the materials must be of a sufficient standard as to not detract from the setting of the Grade II Listed Bowgate House, nor the other dwellings in the vicinity of the site.

Taking account of the indicative design, scale and nature of the development, as detailed above, the proposal is considered to be acceptable. The proposal if appropriately designed 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 South East Lincolnshire Local Plan and Section 12 of the National Planning Policy Framework.

Impact on Residential Amenity/Land Users

Paragraph 130 of the National Planning Policy Framework (2023) 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 South East Lincolnshire Local Plan (2019) sets out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

The submitted indicative design and layout is indicative and therefore does not carry material planning weight when assessing the application. However, the proposed footprint of the dwelling in relation to the overall size of the plot is considered to be acceptable. The proposal plot measures 678 square metres. The plot size of 12 Bow Gate to the west is 758 square metres, the plot size of 100 High Street to the east is 3541 square metres and the plot size of 5 Bow Gate to the north on the opposite side of the road measures 596 square metres. It is therefore considered that a dwelling commensurate with the footprint of the adjacent plots to the north and west can be accommodated on site without a material overdevelopment impact, or an impact on the character and appearance of the surrounding area.

The siting of the dwelling continues the line of frontage of 12 Bow Gate to the west of the proposal site which should benefit the amenity of neighbouring properties when overlooking / overshadowing impacts are considered at the reserved matters stage. The driveway layout is such that impact on the root protection areas of protected trees is minimised, and the turning head will allow vehicles to exit the site in a forward gear.

Any final design must take into account the potential for overdevelopment, overlooking, overshadowing, and impact on preserved trees in and around the site. If the above considerations are given due consideration then there would be no significant or unacceptable impact on the residential amenities of the occupiers of adjacent properties or land users. As such, the proposal is considered to accord with the provisions of the Section 12 of the National Planning Policy Framework, and Policies 2 and 3 of the Local Plan.

Parking / Highway Safety

Section 9 of the National Planning Policy Framework (2023) specifically relates to 'Promoting sustainable transport'. Paragraph 111 of the National Planning Policy Framework (2023) 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.

Furthermore, Policy 36, to be read in conjunction with Appendix 6 of the South East Lincolnshire Local Plan, 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.

As this application is outline with all matters reserved the number of bedrooms has not been specified, however a final design for this site will need to take into account the need to provide a minimum number of off road parking spaces to address Appendix 6 of the South East Lincolnshire Local Plan. Given the close proximity of the site to a junction on a highly trafficked road, the ability to exit the site in a forward gear to minimise potential impacts on highway safety is also of importance. Considerations must be made with regard to construction of a driveway within the root protection areas of the preserved trees on site.

The proposal would therefore be acceptable and would not have an unacceptable adverse impact on highway safety in accordance with Local Plan Policies 2, 3 and 36, and Section 9 of the National Planning Policy Framework.

Flooding Considerations / Drainage

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 South East Lincolnshire 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 rear half of the site is within Environment Agency Flood Zone 3 and is not subject to increased hazard or flood depth on the 2115 South Holland Strategic Flood Risk Mapping. The submitted block plan proposes a finished floor level of 3.65 metres AOD. The submitted design and access statement states: *"The new dwelling will be single story with a place of Refuge in the roof space. The Finished Floor Level of any new dwelling will be set at 3.65 O.D. The applicant will register with the Environment Agency's Flood line Warnings Direct Service. Rainwater from the roofs of the dwelling should be discharged into soakaways and these should be designed to BRE Digest 365 and approved under Building regulations."*

Any final design will need to ensure that full details of site levels and finished floor levels are submitted to ensure that the development is safe over the course of it's lifetime and therefore accord with Local Plan Policies 2, 3 and 4, and Section 14 of the National Planning Policy Framework.

Protected Trees

The Officer has provided general advice as to the protection and continued preservation of the trees and in around the site, during and post construction.

"*Description of trees, species and condition."*

"Mature sycamore tree at the eastern end of Group three of Gosberton Tree Preservation Order No. 1 1957, situated on the western side of the frontage of the potential development plot to the east of 12 Bowgate, Gosberton. Great care must be taken to help prevent damage to the roots."

"Mature trees are present along the eastern boundary of the plot. These include a Lombardy poplar, a sycamore, a silver birch which overhangs from the garden of 100 High Street and a sycamore just outside of the south eastern corner of the plot."

"A tree of heaven grows in the front garden of 12 Bowgate and overhangs the western boundary of the plot, it is situated within Group Tree Preservation Order No. 1 1957."

"Should permission be granted for a dwelling to be built on the site, the driveway should be designed to avoid as much as practicable the area beneath the existing canopies, the Root Protection Areas of the sycamore and tree of heaven."

"Should the driveway encroach on the area beneath the existing canopies there are likely to be many roots. A No-dig method of construction should be used beneath the canopies of the tree. For example, gravel being laid in a cellular confinement system over a permeable membrane as appropriate for the product used, this should help the driveway becoming too compacted, and cause minimum damage to the roots of trees."

"The dwelling/garage should be sited to avoid the canopies and roots of the aforementioned trees and other trees which grow on the boundary and in adjacent gardens."

"Should preserved trees require pruning, this will require a Tree Preservation Order Tree Works Application to be submitted. Works should be carried out to at least British Standard 3998 2010."

A full condition will be added to the decision notice detailing final design considerations and the protection of trees during the development. This condition includes no storage of materials close to trees, no burning on site, no services routed within root protection areas, no works to trees without prior permission, 'no dig' methods for driveways within the root protections areas, works to soil levels and considerations when formulating a landscaping scheme for the site.

PLANNING BALANCE

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

The principle of development is considered to be acceptable. Given the location of the site and the proximity of preserved trees, any final design must give consideration as to the the layout and scale of the development. This is to ensure that the character, amenity and protected trees are not materially impacted.

CONCLUSION

This outline application is considered to accord with Policies 1, 2, 3, 4, 10, 11, 17, 36 and Appendix 6 of the South East Lincolnshire Local Plan, 2019, as well as Sections 5, 12 and 14 of the National Planning Policy Framework, 2023.

RECOMMENDATION

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.