

DECISION DELEGATED TO HEAD OF PLANNING

Application No:	H08-0966-22	Applicant:	Mr M Yould
Proposal:	Demolition of commercial offices and replacement residential dwelling		
Location:	The Old Packhouse Cheal Road Gosberton		
Terminal Date:	13th December 2022		

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
07	Improving South East Lincolnshire's Employment Land Portfolio
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
30	Pollution
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance**National Planning Policy Framework 2021**

Section 11 - Making effective use of land
Section 12- Achieving well-designed places
Section 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	0	1
RESIDENTS	1	0	0	1

CASE OFFICER ASSESSMENT

PROPOSAL

This is a full application seeking planning permission for the demolition of commercial offices and replacement with a residential dwelling at The Old Packhouse, Cheal Road, Gosberton.

SITE DESCRIPTION

The application site is situated within the countryside according to Policy 1 of the South East Lincolnshire Local Plan, 2019. The property and its curtilage is currently a storage/industrial yard for a plumbing and heating business which is running on the site, including an office block and a large storage building to the rear of the site. There are residential dwellings to the east and west of the site but the overriding character of the area is agricultural / rural.

HISTORY

H08-1469-06- FULL- Approved on 19-01-07- Proposed detached building to provide storage and office space.

H08-0610-07- CONDITION COMPLIANCE- Approved on 24-05-07- Details of external materials (Condition 2 of H08-1469-06)

REPRESENTATIONS

SHDC Environmental Protection

Request the standard land contamination conditions be applied at this location.

Welland and Deepings IDB

If at any point in the future a discharge of water is proposed into any watercourse, the prior written consent of the Board will be required.

Local Highway and Lead Local Flood Authority

Does not wish to restrict the grant of permission.

The proposal is for the demolition of commercial offices and replacement residential dwelling and it does not have an impact on the Public Highway or Surface Water Flood Risk. The proposal will utilise the existing access arrangements which are acceptable and sufficient parking and turning has been accommodated within the site to allow vehicles to enter and leave in a forward gear. 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.

Public

2 no. comments/objections received (summarised)

- No clarity on what is happening with the overgrown hedges to the west of the site, as they are dangerous and need to be cut down.
- Boundary line shows that the shed to the east is within this property, but it is owned by the neighbouring site to the east.
- Proposed property will be too close to the road, will shade the land to the east and ruin the neighbouring outlook.
- The existing building should not be demolished and should just be extended.
- The proposed dwelling is too tall and should be bungalow height.
- The full height glass feature to the front is not in keeping with the other dwellings.
- The back bedroom overlooks the neighbouring property to the east.
- No enclosed porch to the property.
- No mention of what the other building will be.
- Hazardous materials on site, possibly contamination on the land.

PLANNING CONSIDERATIONS

The main issues are:

- Principle/sustainability;
- Character and appearance;
- The likely effect of the development upon the amenity of nearby occupiers;
- Highway safety;
- Other material considerations such as flood risk and drainage.

Principle

Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, states that the determination must be made in accordance with the development plan unless material considerations indicate otherwise.

The site is situated within the countryside within the South East Lincolnshire Local Plan (SELLP), 2019. Policy 1 (Spatial Strategy) of the Local Plan indicates that within the countryside development will be permitted that is necessary to such a location and/or where it can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community or environmental benefits.

- An economic role:

The development would ultimately remove the business from this location. However, the business will be moving elsewhere. The new business premises has already been granted planning permission at Trent Farm, Dozens Bank, West Pinchbeck, under the planning reference H14-1072-20 (approved on 19-02-21). It is therefore not considered that removing the existing business on the site would be detrimental to the local economy. The proposed development may support the local economy through employment opportunities associated with construction and future occupants may work locally and support local services.

- A social role:

The proposal would make a contribution, albeit small, towards housing supply in the district. Surfleet, which is approx. 2.3km east, has shops, a primary school and other community facilities. Given the distance to services and facilities, it is reasonable to assume that future occupiers of the dwelling would be heavily reliant on the private car to access services and facilities which would be contrary to the provisions of the NPPF. However, the application site already accommodates a business, which on the evidence of the site visit attracts a number of vehicles. A dwelling in this location would be an improvement in terms of reducing the number of vehicles accessing the site and from a residential amenity point of view when considering the noise that is likely to be associated with the business.

- An environmental role:

The site has been previously developed. Therefore the development would not entail the loss of any agricultural land. Existing development on the north and south side of Cheal Road is limited to frontage only, with sporadic development through this section of the road. It is not considered that the introduction of a detached individual dwelling in place of an existing office building, and on a similar footprint, would be unduly at odds with the prevailing character of the area.

Given the above, on balance, it is considered that the application site is suitable for the development of a single residential dwelling. A dwelling in this location would be preferable in

amenity terms and with fewer vehicles that would access the site in comparison to the existing use of the site.

Character/Appearance

Paragraph 130 of the National Planning Policy Framework (NPPF), 2021 establishes that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area; are visually attractive as a result of good architecture and sympathetic to local character and history, including the surrounding built environment and landscape setting; and 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 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.

The existing commercial office on site is considered to be of no particular architectural or historical merit. The front elevation brickwork is a mis-match of different brickwork and does not impact positively upon the visual amenity of the area.

The proposed design and layout of the detached property would constitute a more modern and contemporary design than the office building, with double height glass on the front elevation. Public comments have raised concern regarding the design of the dwelling being a contrast to the existing along this section of the road. However, it would not appear that the surrounding dwellings are of historic merit and their character/appearance is varied. On that basis, the proposed design is considered acceptable.

The proposed materials include facing brickwork in TBS Euphoria, Sandtoft rooftiles in 20/20 Flat grey, with cream UPVC windows and fascias. Overall, the proposed materials would blend well with the existing rear building on site, as well as the small brick outbuilding to the front of the site.

Taking the above into account, the proposed demolition of commercial offices and replacement dwelling is deemed to comply with Policies 2 and 3 of the SELLP, 2019 and Section 12 of the NPPF, 2021 in terms of character and appearance.

The likely effect of the development upon the amenity of nearby occupiers

Paragraph 130 of National Planning Policy Framework (2021) amongst other matters seeks places with a high standard of amenity for existing and future users. Policies 2 and 3 of the South East Lincolnshire Local Plan (2019) set out residential amenity and relationship to existing development and land uses as main considerations when making planning decisions.

An objection has been received on the basis that the dwelling would be set too close to the road and would overlook a neighbouring property.

The dwelling will be set approx. 15m back from the road, which is a similar distance to the existing office building.

The proposed dwelling includes a bedroom window and an obscure glazed window to a proposed bathroom on the east elevation. These are measured to be approx. 27m away from the closest neighbouring elevation to the east and would be approx. 4.2m from the neighbouring boundary. The neighbouring dwelling to the east has side facing windows, but the separation distance means that the proposed development would not result in any material overlooking, overbearing or loss of light impact.

One bedroom window and living room bi-fold doors are proposed on the western elevation which would also have a sufficient appropriate separation distance from the neighbouring dwelling to the west, with approx. 27m from their eastern side elevation.

Overall, the proposed residential development, would most likely be an improvement in terms of the social and environmental aspects, given that the office premises will no longer be in use and will reduce the traffic movement to and from this site.

Taking the above into account, the proposed demolition and replacement dwelling is deemed to comply with Policies 2 and 3 of the SELLP, 2019 and Section 12 of the NPPF, 2021 in terms of residential amenity.

Highway Safety

Policies 2 and 3 of the SELLP indicate that sustainable development considerations should be met in terms of access and vehicle generation levels and layout of car parking. Policy 36 and Appendix 6 set out the minimum standards for parking provision based upon the use class. Three spaces for dwellings with 4 or more bedrooms should be provided within the curtilage.

The existing access would be utilised, and the proposal includes ample parking on site. The proposed dwelling will be set back from the road by approx.15.2m. There would clearly be sufficient space for vehicles to enter and exit in a safe and forward manner.

LCC Highways has raised no objections on highway safety grounds.

Flood Risk/Drainage

Policy 4 of the SELLP is concerned with flood risk management and states, inter alia, that new development within Flood Zones 2 and 3 should pass the sequential test and be accompanied by a site specific flood risk assessment which should propose appropriate flood resistance and resilience measures to ensure the development maintains an appropriate level of safety for its lifetime.

In this case, the site is located within Flood Zone 1 on the Environment Agency Maps. The hazard mapping within South Holland's Strategic Flood Risk Assessment (SFRA) shows the site to be unaffected if a breach of the flood defence were to occur. The proposal therefore satisfies the sequential test.

In terms of the exceptions test, the finished floor level of the proposed dwelling should be 300mm above existing ground levels.

Other Considerations

Public comments have raised concerns over the following:

- The existing building should be extended and not replaced, as it would be too tall- The planning authority cannot give this concern any significant weight as this is an individual preference and does not go against policy.
- The other building to the rear of the proposed dwelling is staying for business storage use. It has been confirmed with the applicant that it will only be used for storage purposes as per the planning application of H08-1469-06.
- There is separate legislation relating to high hedges. Full landscaping details can be conditioned.
- Contamination of land, due to hazardous materials on site- The environmental protection officer has requested that a full contamination report be conditioned to this application.

Planning Balance

Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, states that the determination must be made in accordance with the development plan unless material considerations indicate otherwise.

Whilst the application site is situated in an area of development restraint, the proposal essentially entails redevelopment and a dwelling in this location would be preferable in amenity terms to the existing offices and with fewer vehicles that would access the site in comparison to the existing use. The development is acceptable on highway and flood risk grounds and would represent a visual improvement on the existing offices.

The planning balance is therefore considered to lie in favour of the proposal.

Conclusion

Taking the above into account, the proposal is considered to, on balance, accord with Policies 1, 2, 3, 4 and 30 of the South East Lincolnshire Local Plan (2019) as well as the provisions of the

National Planning Policy Framework (2021).

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.

RECOMMENDATION

That the application be approved under delegated powers.

The application was presented to Chairman's Panel on 9th December 2022 and Members were in agreement with a delegated approval.