

## DECISION DELEGATED TO HEAD OF PLANNING

**Application No:** H17-0021-24      **Applicant:** Mrs J Beattie  
**Proposal:** Residential Development of up to 4 dwellings  
**Location:** 10 Gosberton Road Surfleet Spalding  
**Terminal Date:** 6th March 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                            |
| 29         | The Historic Environment                           |
| 30         | Pollution                                          |
| 31         | Climate Change and Renewable and Low Carbon Energy |
| 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 6 Building a strong, competitive economy  
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.  
Section 16 Conserving and enhancing the historic environment

### Representations:

|                         | Object | Support | No Obj. | Comments |
|-------------------------|--------|---------|---------|----------|
| PARISH COUNCIL          | 0      | 1       | 0       | 0        |
| WARD MEMBER             | 0      | 0       | 0       | 0        |
| HIGHWAYS & SUDS SUPPORT | 0      | 0       | 0       | 1        |

|                                               |   |   |   |   |
|-----------------------------------------------|---|---|---|---|
| WELLAND AND DEEPIINGS INTERNAL DRAINAGE BOARD | 0 | 0 | 0 | 1 |
| SHDC INTERNAL                                 | 0 | 0 | 0 | 3 |
| OTHER STATUTORY BODIES                        | 0 | 0 | 0 | 1 |
| RESIDENTS                                     | 0 | 1 | 1 | 0 |

## **CASE OFFICER ASSESSMENT**

### **Proposal**

The proposal relates to residential development of up to 4 x 3 bedroom dwellings. The proposal is in outline form but utilising the existing access. The floorspace is 1317 square metres, the existing garage was 338 square metres.

### **Site Description**

The site is located off Gosberton Road in Surfleet, 4 miles to the north of Spalding. Surfleet is a large village and sustainable location, with a number of services including a pub, village hall, multiple shops and restaurants and primary school. The site is a former car garage with associated buildings, is generally flat with good visibility in a 30mph zone. Being situated close to the village centre, there are a mixture of residential and commercial buildings.

Within the village there are 3 listed buildings, the Grade I listed Church of St Lawrence is opposite the site.

### **History**

H17-0417-13 - Remove existing flat roof and parapet wall and construct pitched roof at higher level and fit composite sheet vertical cladding from the new roofline to the remaining wall. Approved 4.7.2013

Applications in Close Proximity:

20 Gosberton Road

H17-1129-17 - Demolition of 20 Gosberton Road and development of up to 10 houses. Approved 26.4.2018.

H17-0430-21 - Demolition of 20 Gosberton Road and development of up to 10 houses - resubmission of H17-1129-17. Approved 17.06.2021.

H17-1016-21 - Demolition of 20 Gosberton Road and development of up to 9 dwellings. Approved 20th May 2022

*Crown Inn - 6 Gosberton Road, Surfleet*

H17-0712-10 - Demolition of commercial store and erect two-storey building for bed and breakfast accommodation.

### **Consultation Responses**

Highway and Lead Local Flood Authority

No objections.

Principle acceptable in highways terms. Former use as a Car Garage so previous vehicle movements would be greater. There are existing footway connections to the site. Impact on highway is acceptable. As this is a minor application, surface water flood risk is dealt with by LPA.

#### LCC Historic Environment

Site is within medieval settlement of Surfleet, opposite the church. Prior to the construction of the current garage and front car park area there was a field which in the 1960s was ploughed and medieval pottery was recorded, as well as a possible 18th century brick making site. The area has high archaeological potential relating to medieval settlement and post-medieval brick-making industry. Garage construction may have disturbed below-ground archaeological remains, but some may have survived. The car park is likely to have had less of an impact on below-ground archaeological remains.

The demolition process will have an impact on any potentially surviving archaeological remains. The positioning of deep foundations in areas which have not had deep ground disturbance below will also have an impact.

A condition for an archaeological scheme of works consisting of archaeological monitoring and recording of all groundworks is suggested. This should include archaeological monitoring and recording of demolition from slab-level, in line with the NPPF.

#### SHDC Environmental Protection

Standard construction hours condition and standard land contamination conditions suggested.

#### SHDC Conservation Officer

Wishes to raise no objection from a Heritage Conservation perspective. Proposal is not within a Conservation Area. Whilst Grade I listed St. Laurence Church and Grade II listed Village war memorial and Mermaid Inn are within visual range, residential development would not have a material impact on the character or appreciation of those assets.

It is recognised that the proposal is outline. Current site is not positive on local historic environment. Indicative elevations appear too plain and lacking in sympathy with neighbouring development. Proposals should improve the qualities of the village, so a high quality of design will be expected of the final proposal to satisfy Policies 2 (paragraphs 2 & 9), (Paragraph 1) and 19 of the SELLP.

#### IDB

No comments

#### Parish Council

Support application, will enhance appearance of the village and develop an area that was previously in commercial use. However, concerns of owner of 8 Gosberton Road in terms of maintenance reflected in response.

#### Trevor Wright - Parish Councillor

Asked for clarification re: access concerns to adjoining property. There are windows, drainpipes, water inlet pipes, and drain covers immediately adjacent. Neighbours do not object but want to clarify access to maintain their property.

#### Public

-owner of Gosberton Road raises questions regarding access. Two separate gardens back onto the wall of the property. It raises maintenance concerns.

### **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.

In this case, the adopted South East Lincolnshire Local Plan 2011-2036, adopted March 2019, forms the development plan for the District, and is the basis for decision making in South Holland. The relevant development plan policies are detailed within the report above.

The policies and provisions set out in the National Planning Policy Framework (updated 2023) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

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.

Policy 1 (Spatial Strategy) of the South East Lincolnshire Local Plan indicates that within Minor Service Centres, 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. This policy goes on to detail that development within Minor Service Centres will normally be limited to Allocated and Committed sites and infill.

The National Planning Policy Framework, (NPPF) (December 2023) outlines, within para 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 and that land with permission is developed without unnecessary delay".

The proposal is within the settlement boundary of Surfleet which is a Minor Service Centre. The site is within the settlement boundary and as such is within a sustainable location. There is therefore no conflict with Policy 1 of the SELLP.

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

Section 12 of the National Planning Policy Framework (December 2023) 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, contained within Section 12 of the National Planning Policy Framework (December 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.

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.

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.

The proposal is in outline form but in terms of general character, the use of a site for residential will be acceptable and will be an improvement to the site in terms of design and character. Whilst all matters in relation to design and layout are reserved, the Conservation Officer has offered advice about the ultimate design, taking into account that the site is opposite a Grade 1 listed Church. The comments can be added as a note to the decision notice.

The site is capable of containing 4 dwellings and as a result there is not considered to be a conflict with Policies 2 or 3 of the SELLP. 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 South East Lincolnshire Local Plan and Section 12 of the National Planning Policy Framework (December 2023).

#### Impact on Neighbouring Residents/Land Users

Policy 3 of the SELLP requires all development to create distinctive places, with inclusive design and layout, be sensitive to the landscape character, and take into account residential amenity.

A neighbouring resident has raised concerns in relation to needing to maintain their property due to the fact that the red line is hard up against their boundary. This concern has been echoed by comments from a Parish Councillor and the Parish Council. There is no actual objection, just a concern in relation to maintenance.

It is recognised that number 8 Gosberton Road is hard up against the boundary of the red line to the site. A drain, drain pipes and windows are also hard up against the boundary. There are also windows that look directly onto the application site, but these are secondary windows.

The agent has responded by confirming that a path will be incorporated into the detailed design to allow enough space for maintenance for the neighbouring property. Strictly speaking maintenance is not a direct planning matter, but as this has been highlighted, it would be reasonable to incorporate enough space to allow the neighbour to maintain their property. A note to this effect has been included on the decision notice and a reference to mitigating impacts, including impacts on number 8 Gosberton Road, has also been included within condition 4 which refers to mitigating impacts on adjoining development. This condition does mainly relate to levels but it is considered that the detailed design can take into account the site circumstances.

Given that the principle of development is being established at this stage, with indicative plans only, the actual position of the residential curtilages of the proposed buildings will be set at the reserved matters stage. It is feasible that 4 dwellings can be accommodated on site, and as such, there is no evidence that the plans would adversely affect neighbouring properties at this stage. It will depend upon detailed design. As such it is considered that the policy does not conflict with policy 3 of the SELLP.

#### Highway Safety and Parking

Section 9 of the National Planning Policy Framework (December 2023) specifically relates to 'Promoting sustainable transport'. Paragraph 115 of the National Planning Policy Framework (December 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.

Further, 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.

The Local Highway Authority raises no objection with the proposals noting that the highway impacts will be less with residential compared with the previous use.

The site is capable of complying with the Council's car parking standards.

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 (December 2023).

### Flooding Considerations

Section 14 of the National Planning policy Framework (December 2023) 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: a) applying the sequential test and then, if necessary, the exception test as set out below".

Paragraph 168 details "The 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", with the sequential approach being 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 Zone 1 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. Flood Zone 1 is relatively uncommon within South Holland as it means a low probability of flooding - less than 0.1% chance from rivers or the sea in any year. Therefore, there is no need for a Flood Risk Assessment. The proposal accords with Policies 2, 3 and 4 of the South East Lincolnshire Local Plan and the intentions of the National Planning policy Framework in this regard.

### Heritage Matters

Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the local planning authority to have special regard to the desirability of preserving listed buildings, their setting, or any features of special architectural or historic interest which they possess.

In assessing proposals of this nature, the Local Planning Authority must ensure special regard to preserving the Listed Buildings and their settings in relation to Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act'). No harm should be caused with the historical assets and their surroundings requiring to be preserved or enhanced.

The National Planning Policy Framework (NPPF) (December 2023) expresses the importance of considering the impact of development on the significance of designated heritage assets; advising that development and alterations to designated assets and their settings can cause harm. These policies ensure the protection and enhancement of the historic buildings and environments.

Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance should be treated favourably.

Policy 29 of the SELLP relates to the Historic environment. It states that distinctive elements of the South East Lincolnshire's historic environment will be conserved and where appropriate enhanced. This includes the dominance within the landscape of church towers. The policy goes on to state that proposals that affect the setting of a listed building will be supported where they preserve or better reveal the significance of the listed building.

The Conservation Officer raises no objection from a Heritage Conservation perspective and therefore the proposals do not result in harm to the designated heritage assets within the village. Whilst the Grade I listed St. Laurence Church and Grade II listed Village war memorial and Mermaid Inn are within visual range, residential development would not have a material impact on the character or appreciation of those assets. The current site is not positive on the local historic environment, thereby a residential use would be an improvement in principle. However, the indicative elevations appear too plain and lacking in sympathy with neighbouring development. Proposals should improve the qualities of the village, so a high quality of design will be expected of the final proposal to satisfy Policies 2 (paragraphs 2 & 9), (Paragraph 1) and 19 of the SELLP. This aspect can be added as a note to the decision notice.

As the site is within the medieval settlement of Surfleet, opposite the church, the area has high archaeological potential relating to medieval settlement and post-medieval brick-making industry. A condition for an archaeological scheme of works consisting of archaeological monitoring and recording of all groundworks is suggested. This should include archaeological monitoring and recording of demolition from slab-level, in line with the NPPF.

Subject to the addition of notes and conditions, the proposal is not considered to be in conflict with Policy 29 of the SELLP or the NPPF in relation to heritage matters.

#### Impacts of Climate Change

In respect of the climate emergency, section 14 of the National Planning Policy Framework (December 2023) 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'.

The proposal will mean that large areas of impermeable concrete will be removed from the site, replaced with residential gardens. This is likely to improve the permeability of the site, benefitting climate change. Surface water is to be dealt with via Soakaway and the IDB do not object to the proposal.

Taking the above into account it is considered that given the details submitted and those required by suitably worded condition, the proposal is acceptable in this regard. The proposal would therefore be in accordance with Policy 31 of the South East Lincolnshire Local Plan and Section 14 of the National Planning Policy Framework (December 2023).

#### Impact on Biodiversity

Section 15 of the National Planning Policy Framework (NPPF) seeks to protect sites of biodiversity value, minimise and provide net gains for biodiversity, including establishing coherent ecological networks that are more resilient to current and future pressures. Policy 28 of the SELLP seeks to protect ecological networks of interconnected designated sites and wildlife-friendly greenspace and assess proposals directly or indirectly affecting these assets by assessing if the benefits of the proposal would outweigh the adverse impacts on the site and wider network of natural habitats.

In addition, the policy seeks to promote biodiversity net gain in proposals by protecting the biodiversity value of land, maximising opportunities to enhance and connect natural habitats, incorporate biodiversity conservation features to enhance green infrastructure and ecological corridors, and conserving or enhancing habitat to adapt to climate change.

At the time of writing, the government's 10% uplift in biodiversity net gain is not in force for proposals of this size. Nevertheless, the change from car garage to residential is in itself considered to be a net gain due to the reduction in concrete and the site being devoid of any biodiversity

whatsoever. A condition is suggested in relation to the imposition of swift boxes. This, together with details of a landscaping scheme which can be secured by condition, is considered to be adequate to demonstrate biodiversity net gain. It is not considered, therefore, that the proposal conflicts with policy 28 of the SELLP.

#### **Other matters**

Policy 30 of the SELLP relates to pollution. As the demolition will involve the removal of large amounts of concrete, conditions relating to decontamination will be required to ensure that residential properties are not impacted by pollution. Subject to the imposition of appropriate conditions, the proposal is not thought to conflict with Policy 30 of the SELLP.

#### **Planning Balance**

Section 38 (c) 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. To determine whether the proposal accords with the Local Plan it is necessary to undertake a planning balance exercise having regard to economic, social and environmental objectives.

In economic terms, future occupants of the houses may work locally, support local services and therefore make a contribution to the local economy. There would be short term economic benefits associated with the construction of the dwelling and minor long term benefits of increased spends associated with the household living in the village. The economic benefits resulting from the proposal weigh in favour of the proposal.

In community terms, the proposal would make a contribution towards housing supply in the district. This weighs in favour of the proposal.

In environmental terms, the site is within the defined settlement boundary and a condition is suggested in relation to swift bricks. The change to residential is beneficial in environmental terms compared with the existing use. This means the balance in terms of environmental issues weighs in favour of the proposal. Overall, the benefits of the proposal outweigh any harm in the overall the planning balance and as such there is no material harm and no compelling reason to withhold planning permission.

#### **Conclusion**

Planning permission is recommended for approval.

#### **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.