DECISION DELEGATED TO HEAD OF PLANNING

| | | | |
|---|---|---|---|
| **Application No:** | **H08-0023-26** | **Applicant:** | **Emerald Homes Lincolnshire Ltd** |
| **Proposal:** | Erection of 4 dwellings with associated detached garages and related site works | | |
| **Location:** | Land At Boston Road Gosberton Spalding | | |
| **Terminal Date:** | 7th August 2026 | | |

**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 |
| 28 | The Natural Environment |
| 29 | The Historic Environment |
| 30 | Pollution |
| 36 | Vehicle and Cycle Parking |
| APPENDIX 6 | Parking Standards |

**National Guidance**

**National Planning Policy Framework December 2024**

Section 2 - Achieving sustainable development
Section 4 - Decision-making
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 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 | 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 | 0 |
| OTHER STATUTORY BODIES | 0 | 0 | 0 | 4 |

## CASE OFFICER ASSESSMENT

### Proposal

The proposal seeks full planning permission for the erection of 4 single storey dwellings with associated detached garages, except for Plot 4 which is proposed to feature an integrated garage. Vehicular access is proposed from Boston Road which is to the east of the site.

### Site Description

The site comprises land to the west of Boston Road, Gosberton. The site is located to the rear of Arosfa which is a residential dwelling that faces towards the road frontage on Boston Road. The site is also part of a wider development site that is currently under construction for 19 dwellings.

The site is outside settlement limits of Gosberton, as identified by the South East Lincolnshire Local Plan 2011-2036, and the accompanying policies map.

The site is within Flood Zone 3 as identified by the Environment Agency's flood risk maps.

### Planning History

H08-0866-18: (Outline Application) Residential development - for up to 18 dwellings - approved March 2019

H08-0435-19: (Section 73) Residential development for up to 18 dwellings - approved under H08-0866-18 - Modification of Condition 1 to extend the timescale for Reserved Matters submission to 2 years - not determined

H08-0518-19: (Outline Application) Residential development (re-submission of H08-0866-18) - refused July 2019

H08-0218-20: (Reserved Matters) Residential Development of 18 Dwellings - outline approval H08-0866-18 - approved July 2020

H08-1183-21: (Full Application) Proposed residential development comprising 20 dwellings - refused March 2022

H08-0259-22: (Discharge of Conditions) Details of construction management plan & method statement and management & maintenance schedule for landscaping, refuse/recycling collection points & private drives (Conditions 2 and 8 of H08-0218-20) - approved 04 May 2022

H08-0260-22: (Discharge of Conditions) Details of construction management, details of precautions for prevention of mud deposits on public highways, plan illustrating areas of publicly accessible open space and management plan for publicly accessible open space & outdoor play areas (Conditions 6, 7, 13 & 14 of H08-0866-18) - approved 04 May 2022

H08-0257-22: (Section 73) Residential Development of 18 Dwellings - approved under H08-0218-20. Modification of Condition 1 to allow amendments to previously approved plans - approved 13 May 2022

H08-0870-22: (Full Application) Proposed residential development comprising 20 dwellings (Re-submission of H08-1183-21) - approved 04 May 2023

H08-0538-23: (Discharge of Conditions) Details of precautions to prevent mud deposits on public highways, on-site foul water drainage works, existing & proposed site levels, construction management plan and method statement, finished surface levels, estate road phasing & completion plan, surface water drainage scheme, additional boundary treatment for northern boundary, plan illustrating all areas of publicly accessible open space, management & maintenance schedule for landscaping, incidental open space etc, refuse/recycling collection points and design & position of external boxes etc (Conditions 3, 4, 5, 7, 9, 10, 11, 13, 14, 15, 16 & 17 of H08-0870-22) - withdrawn 29 November 2023

H08-0417-24: (Discharge of Conditions) Details of precautions to be taken to prevent mud deposits on public highway etc, scheme for on-site foul water drainage works, existing & proposed site levels & proposed floor levels, construction management plan & method statement, finished surface levels for estate roads & footways, estate road phasing & completion plan, surface water drainage scheme, additional boundary treatment for northern boundary of Plot 1, plan to illustrate all areas of publicly accessible open space, details of management and maintenance schedule for areas of landscaping, incidental open space, refuse/recycling collection points & parking courts/private drives, management & maintenance including refuse/recycling collection points for Plots 12-14 and design & position of all external meter boxes & gas flues & soil vent pipes (Conditions 3, 4, 5, 7, 9, 10, 11, 13, 14, 15, 16 & 17 of H08-0870-22) - refused 12 July 2024

H08-0814-24: (Discharge of Conditions) Details of precautions to be taken to prevent the deposit of mud on public highway etc, scheme for on-site foul water drainage works, proposed site & floor levels, construction management plan & method statement, finished surface levels for estate roads & footways, estate road phasing & completion plan, surface water drainage scheme, additional boundary treatment for northern boundary of Plot 1, publicly accessible open space, management & maintenance schedule for the areas of landscaping, incidental open space, refuse/recycling collection points & parking courts/private drives & management & maintenance including refuse/recycling collection points for Plots 12-14 (Conditions 3, 4, 5, 7, 9, 10, 11, 13, 14, 15 & 16 of H08-0870-22) - approved 20 November 2024

H08-1015-24: (S106 Modification) Modification of 106 Agreement relating to affordable housing and cash contributions (planning approval H08-0870-22) - refused 22 January 2025

H08-0763-25: (Discharge of Conditions) Details of design & position of all external boxes for gas & electricity supplies and any gas flues, & soil vent pipes (Condition 17 of H08-0870-22) - pending determination

H08-0764-25: (Non Material Amendment) Proposed Residential Development Comprising 20 Dwellings - approved under H08-0870-22. Amendments to include external materials plan, boundary treatment plan, porches amended to Goldfinch, Kingfisher, Heron & Starling house type and personal door amended to Swan house type - approved 03 September 2025

## Consultation Responses

The responses received from consultees during the consultation period are summarised below. The responses can be viewed in their entirety on South Holland District Council's website.

Lincolnshire County Council - Historic Environment:

The site lies within an area of archaeological potential, as confirmed by the Heritage Statement submitted in support of application H08-0218-20. A planning condition requiring archaeological

works was attached to that permission, which resulted in the implementation of an archaeological monitoring scheme. I recommend that if permission is granted, there be an archaeological condition for a mitigation strategy to effectively deal with this site. This will comprise a mitigation work. This will initially comprise but may not be limited to a continuous archaeological monitoring (Watching brief) of the site which should aim to determine the presence, absence, significance, depth and character of any archaeological remains which could be impacted by the proposed development as noted above. This will enable any remaining archaeology which currently survives on this site to be properly assessed and recorded prior to their alteration or destruction. This should be secured by South Holland District Council's standard conditions AR01, 02, and 03 and is in accordance with National Planning Policy Framework paragraphs 207 and 218 and the South East Lincolnshire Local Plan (Policy 29).

Welland and Deepings Internal Drainage Board:

The site is bound to the West by the boards Moses cut drain which is afforded the protection of a nine metre bylaw distance. It appears on the submitted site plans that this distance is being observed, but it is hard to say for sure without a dimension. Therefore, this is a reminder that nothing new would be accepted by the board within 9 metres of the top edge of drain. I note from the submitted application fallen that existing board cause has been chosen for surface water disposal. I expect that connection to the overall surface water disposal system for the whole development site will be made which is restricted to a maximum 5 litres per second discharge rate. This would be agreeable with the board in principle. However if another method is to be used then I would require being re consulted on the matter. I would be grateful if confirmation of the chosen method was provided to the board.

Lincolnshire County Council - Highways and SUDS:

Erection of 4 dwellings with associated detached garages and related site works. The proposal consists of 4 X 3 Bed dwellings on an existing Section 38 site for Emerald Homes. Access with the public highway is in place. Adequate parking and turning has been demonstrated on plan. The site area is currently used for storage/deliveries. A Refuse collection point is required and should be away from what will be the public highway. The proposal will not have an adverse effect on the public highway. 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. Conditions are recommended.

SHDC Ecology Officer:

We request that a total of 4 integrated universal nest bricks are incorporated into the external fabric of one or both buildings. These should be located at a height of 4+ m metres, on the north or east elevations to avoid overheating, and grouped colonially where possible, in accordance with best-practice guidance such as British Standard BS 42021:2022. The bricks must be installed during the construction phase and retained thereafter for the lifetime of the development. We also request that 2 integrated bat boxes are added to each dwelling. These are required to enhance biodiversity. We would also request that the owl box proposed for the north-west corner of the site, as outlined in the extant application H08-0870-22, be retained in the new application proposals. The proposal is considered to be exempt from BNG.

Environmental Protection:

No comments regarding land contamination.

Gosberton Parish Council: No response received.

Cllr H J W Bingham: No response received.

Cllr M A Geaney: No response received.

Cllr J L King: No response received.

Public Representations

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. Two periods of consultation have taken place with members of the public. The first consultation period took place from 28 January 2026 to 05 March 2026, and the second took place from 17 March 2026 until 09 April 2026.

The second period of consultation took place to allow members of the public an opportunity to provide comments on amended plans that had been received. For example, the layout for plot 4 was slightly amended and the red line boundary was extended up to Boston Road to ensure the site connects with the existing public highway.

In this instance, no representations have been received from members of the public during either of the consultation periods.

## Key Planning Considerations

### Development Plan

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

The adopted South East Lincolnshire Local Plan 2011-2036, adopted March 2019 (SELLP), is the development plan for the district, and is the basis for decision making in South Holland. The relevant development plan policies are detailed within the report above.

The policies and provisions set out in the National Planning Policy Framework, December 2024 (NPPF) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

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

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

-Principle of Development;
-Design and Visual Impact;
-Impact on Residential Amenity;
-Highway Safety and Parking;
-Flood Risk and Drainage;
-Biodiversity Net Gain;
-Impact on Archaeological Assets;
-Contamination; and
- Contributions and Affordable Housing.

These matters are assessed in turn below.

### Principle of Development

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

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

The site is outside the defined settlement of Gosberton which is a Minor Service Centre. The settlement boundary for Gosberton is approximately 50m to the south of the site. Aa such, the site is within the countryside in planning poicy terms. Policy 1 sets out 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.

Typically, the provision of 4 market dwellings would not be necessary for the location as the dwellings could potentially be accommodated within a settlement boundary instead. Notwithstanding this, it is necessary to consider the site specific context in this case. For example, the site is part of a larger residential site that was originally granted outline planning permission in 2019 under planning application H08-0866-18 for 18 dwellings. This permission was granted at a time when the local planning authority (LPA) was not able to demonstrate a 5 year housing land supply. As such, the planning balance was considered to be in favour of the scheme overall as weight was given to the provision of housing within the site given the district's shortfall in housing supply.

Permission H08-0866-18 was implemented in July 2022. Following this, a full application was submitted and approved for 20 dwellings under application H08-0870-22 on 03 September 2025. This scheme was partly approved due to the fallback position that was provided by the previous outline permission (H08-0866-18) and the reserved matters approval (H08-0218-20). As such, it was considered that the provision of 2 additional dwellings within the wider scheme was acceptable on balance.

It is evident that permission H08-0870-22 has been implemented and works are well underway to construct the approved development as some of the approved dwellings are nearing completion. As such, this represents a valid fallback position in this case and this needs to be taken into account in the overall planning balance.

Initially, the current application was accompanied by a supporting statement; however, this statement did not refer to Policy 1 and it was considered that insufficient information had been provided to demonstrate how the proposals were compliant with the Local Plan. Additional information has subsequently been provided and taken into account.

As set out previously, permission H08-0870-22 allows for 20 dwellings within the wider site and this permission has been implemented and many of the dwellings are being constructed. Within the current application site, permission H08-0870-22 allows for the provision of one very large dwelling. Therefore, there is a fallback position in this case as a dwelling can be provided within the site, regardless as to whether the current application is approved or not.

The current proposal seeks to construct 4 moderately sized bungalows instead of one very large dwelling within this part of the wider site. The proposed bungalows would each feature 3 bedrooms and Policy 17 sets out that the greatest demand within the district is for 2- or 3-bedroom dwellings. Furthermore, it is likely that the proposed bungalows would be more affordable than the previously approved dwelling which was very large. Therefore, the proposed bungalows are likely to provide dwellings that meet the needs of more families and are likely to be more obtainable to a wider range of the population.

Paragraph 129 of the NPPF sets out that planning decisions should support development that makes efficient use of land, taking into account:

"a) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;
b) local market conditions and viability;"

The proposal for 4 moderately sized bungalows instead of the previously approved large dwelling within the site is considered to make a more efficient use of the land.

In terms of economic, community or environmental benefits that could arise from the proposals, these matters are considered below:

-*Economic*: In economic terms, the construction of 4 dwellings could provide some short terms benefits in terms of employment for construction workers. There are some businesses within Gosberton that could benefit from additional local residents as occupants might support such businesses in future. Such benefits are given modest weight.

-*Community*: In community terms, 4 dwellings would provide a minor contribution to the district's housing supply. No additional affordable housing is proposed as the development would not alter the overall site affordable housing threshold. Although outside the red line boundary, the wider site

will deliver some public open space.

-*Environmental*: In environmental terms, the proposal would not provide a net gain in biodiversity as the applicant considers that the proposal would be exempt. The landscaping and planting details are unconfirmed at this stage; however, planting details could be secured via a planning condition. The dwellings would be within walking distance of some local services and facilities, thereby reducing the need to overly rely on private cars in future which could provide some environmental benefits in terms of carbon management and reduction.

Therefore, the development would result in some economic, community or environmental benefits that weigh in favour of the development. Such benefits are given moderate weight.

Although the proposal is not strictly in accordance with Policy 1, as the site is outside the settlement boundary of Gosberton and would not give rise to sufficient benefit with regard to the criteria outlined under Policy 1, it is necessary to consider the fallback position in this case which allows for the provision of one large dwelling within the site. As set out above, it is considered that the site has the capacity to achieve a more suitable housing density and to deliver more appropriately sized dwellings that meet the needs of a broader range of people.

As such, it is considered that the proposed 4 bungalows represents a more effective use of the land that the previously approved dwelling. Therefore, it is considered that the principle of development is acceptable in this case.

Design and Visual Impact

Paragraph 135 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.

Policy 2 of the Local Plan outlines sustainable development considerations for development proposals, providing a framework for an operational policy to be used in assessing the sustainable development attributes of all development proposals.

Policy 3 accords with the provisions of Section 12 of the NPPF, requiring development to feature good design; identifying issues that should be considered when preparing schemes so that development sits comfortably with, and adds positively to, its historically-designated or undesignated townscape or landscape surroundings.

The 4 dwellings are proposed to be positioned to the north of the main access road into the site and via a private driveway that runs to the north of this road. The dwellings are proposed to face to the south onto the private driveway, beyond which is an area of public open space within the sider site.

The 4 dwellings would feature similar layouts and appearances, with gable end roof forms, front projections and single storey rear projections. The maximum ridgeline height of the dwelling is 5.6m. It is considered that the dwellings are appropriately sized and positioned within their plots.

Plots 1, 2 and 3 feature detached garages towards the rear of the dwellings within the site. Initially, Plot 4 was proposed to feature a large, detached garage at the front of the site, between the dwelling and the area of public open space to the south of the site. It was considered that the detached garage would have had a negative impact on the street scene by blocking views between the dwelling and the public open space. This was discussed with the applicant's agent and revised plans were submitted showing an integrated garage instead. The revised layout and house type for Plot 4 is considered to represent an improvement over the initial design and it is considered that the revised layout would have an acceptable visual impact on the area.

Under permission H08-0870-22, the site has approval for a very large dwelling with a large residential curtilage. Whilst the design was found to be acceptable, the current proposed layout and proposed dwellings are arguably better suited within the wider site. For example, the proposed plot sizes are more similar to the nearest dwellings than the previously approved dwelling which is likely to be more in keeping with the character and appearance of the wider development site.

Initially, the proposed materials were not confirmed. The applicant has subsequently submitted a materials plan within which plots 1 and 3 are proposed to feature Flemish Antique brickwork, plot 2 is proposed to feature Knebworth brickwork and plot 4 is proposed to feature Hengrave brickwork.

The dwellings are proposed to feature light grey Calderdale Edge roof tiles and Cedral Lap wood effect boarding (Grey C05). The proposed materials have already been approved within the wider site, mostly recently under approval H08-0764-25. As such, the proposed materials are considered to be appropriate.

The proposed site layout plan also does not show any details of the proposed landscaping and planting. As such, it would be considered appropriate to secure such details via a planning condition.

It is considered that the development would have an acceptable impact on the character and appearance of the area, in accordance with Policies 2 and 3 of the Local Plan, and Section 12 of the NPPF.

Impact on Residential Amenity

Paragraph 135 of the NPPF states that development should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

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

It is considered that the proposed dwellings would not overlook one another to an unacceptable degree as the only windows on the side elevations connect to non-habitable rooms such as bathrooms and utility rooms. There are no dwellings located to the north of the site and the nearest dwellings are located to the east and south-east of the site. This includes Plots 1 and 2 from permission H08-0870-22. The nearest dwelling within the site to the eastern boundary, which connects to Plot 1, would not have an overbearing impact on plot 1 due to its single storey nature and positioning within its plot. Furthermore, the development would not result in an unacceptable loss of privacy for Plots 1 and 2 as there would be not habitable rooms facing directly onto these plots.

It is considered that each of the dwellings would be provided with sufficient internal living space and external amenity space to support a good standard of living or future occupants.

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

Highway Safety and Parking

Paragraph 116 of the NPPF sets out 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, following mitigation.

Policy 2 of the Local Plan sets out 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 36 and Appendix 6 of the Local Plan, set out minimum vehicle parking standards. The standards require at least two spaces for dwellings of up to three bedrooms, and three spaces for dwellings with four or more bedrooms.

Vehicular access is proposed from Boston Road to the east of the site. A private drive is proposed to the north of this access road to connect with the proposed dwellings.

Lincolnshire County Council's Highways Team have not raised any objections to the proposals in terms of highway safety, including the proposed parking provision. The team recommended 3 planning conditions. Condition 00 requires a Construction Management Plan and Method Statement

to be submitted and approved. This condition was included for permission H08-0870-22 which relates to the wider site and this condition was discharged under application H08-0814-24. The approved Construction Management Plan and Method Statement needs to be complied with whilst the wider site is constructed, and the details are considered to be suitable and relevant to the current site. As such, it is not considered necessary to include this condition with the current application.

As recommended by the highways team, condition 11A has been included as this condition requires details of the driveway areas to the dwellings. Furthermore, the recommended condition that requires details of a refuse collection point has been updated and is now required to be discharged prior to the occupation of the development rather than prior to the commencement of any works on site as this is considered to be a more reasonable timescale.

Therefore, the proposal would have an acceptable impact in terms of highway safety in accordance with Local Plan Policies 2, 3 and 36, and Section 9 of the NPPF.

Flood Risk and Drainage

Section 14 of the NPPF sets out guidance relating to how local authorities should assess and determine applications which are subject to flood risk concerns.

Policy 2 of the Local Plan requires proposals to meet sustainable development considerations including in relation to sustainable drainage and flood risk (part 7).

Policy 4 of the Local Plan requires proposals in Flood Zones 2 and 3 to be supported by sufficient information relating to flood risks associated with the development.

The site lies within Flood Zone 3, as identified within the Environment Agency's Flood Maps. Policy 4 of the Local Plan sets out that development in Flood Zones 2 and 3 will be permitted in instances where specific criteria is met.

The proposed development is classed as a 'more vulnerable' use, according to Annex 3 of the NPPF. Therefore, the development is required to pass the sequential and exception tests.

The NPPF requires the application of a sequential test to ensure that new development is in areas with the lowest probability of flooding. Paragraph 8.3.6 of the SFRA sets out that the search area for the sequential test should be the whole of the council area unless the functional requirements of the development justify a reduced search area. Notwithstanding this, National Planning Practice Guidance (NPPG) sets out that the sequential test should be applied proportionately, and the search area should always be appropriate to the nature and scale of the proposal (Paragraph 027a Reference ID:7-027a-20220825). The NPPG also sets out the following:

Paragraph 27: *"In applying paragraph 175 a proportionate approach should be taken. Where a site-specific flood risk assessment demonstrates clearly that the proposed layout, design, and mitigation measures would ensure that occupiers and users would remain safe from current and future surface water flood risk for the lifetime of the development (therefore addressing the risks identified e.g. by Environment Agency flood risk mapping), without increasing flood risk elsewhere, then the sequential test need not be applied."*

Paragraph 27a: *"For a non-major housing development, it would not usually be appropriate for the area of search to extend beyond the specific area of a town or city in which the proposal is located, or beyond an individual village and its immediate neighbouring settlements."*

Initially, the submitted Flood Risk Assessment (FRA) did not contain a site search exercise and as such, the FRA was considered to be insufficiently detailed. This was discussed with the applicant's agent and additional information within a 'Sequential Test' assessment has been provided to show how alternative sites have been considered. Whilst there are some areas in and around Gosberton within lower risk flood zones, it is agreed that there is unlikely to be sequentially preferable sites for the proposed form of development. It is also recognised that the vast majority of the surrounding area around Gosberton is located within Flood Zone 3. Furthermore, the site is not within a hazard area as identified within the South East Lincolnshire Strategic Flood Risk Assessment (SFRA). As such, the site is sequentially preferable to sites within higher risk areas within the district and it is considered that the development passes the sequential test.

In terms of the exceptions test, Paragraph 178 of the NPPF requires the following to be demonstrated:

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

In terms of part a, the development would make a moderate contribution to local housing supply which could benefit the community as future occupants could help sustain local services and facilities. National Planning Guidance sets out that examples of wider sustainability benefits can include the re-use of brownfield land and the provision of sustainable drainage systems (Paragraph: 036 Reference ID: 7-036-20220825).

In terms of part b, the SFRA sets out at Paragraph 9.1.5, that there are a range of factors to be considered when determining whether or not a development is 'safe'. 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. Within the SFRA, areas across South Holland have been identified according to the level of hazard that is posed in terms of flood risk. Appendix C of the SFRA sets out guidance in terms of the minimum measures that are required according to what hazard category areas fall under. The site is not within a hazard rating area and as such, the SFRA does not recommend any specific mitigation for minor residential development. Notwithstanding this, the submitted FRA recommends that the finished floor levels of the dwellings are set 0.3m above the surrounding ground level. As such, it would appropriate to secure the implementation of these measures via a planning condition.

It is considered that an appropriate level of flood risk mitigation is proposed and the development would remain safe from current and future surface water flood risk for the lifetime of the development. As such, it is considered that the proposal accords with Policy 4 of the Local Plan and the intentions of the NPPF in terms of flood risk.

Biodiversity Net Gain

Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021) requires developers to deliver a minimum of 10% Biodiversity Net Gain using standardized biodiversity units measured by statutory biodiversity metrics. This is often referred to as the mandatory requirements for Biodiversity Net Gain.

"Under the statutory framework for biodiversity net gain, subject to some exceptions, every grant of planning permission is deemed to have been granted subject to the condition that the biodiversity gain objective is met ("the biodiversity gain condition"). This objective is for development to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat. This increase can be achieved through onsite biodiversity gains, registered offsite biodiversity gains or statutory biodiversity credits".

The biodiversity gain condition is a pre-commencement condition. This relates to a condition that seeks, once planning permission has been granted, a Biodiversity Gain Plan that must be submitted and approved by the planning authority before commencement of the development, alongside the need to submit a Habitat Management and Monitoring Plan.

The effect of Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission is deemed to have been granted subject to the "biodiversity gain condition".

The effect of this "biodiversity gain condition" is that development granted by this notice must not begin unless:
(a) a Biodiversity Gain Plan has been submitted to the planning authority, and
(b) the planning authority has approved the plan, or
(c) the development is exempt from the biodiversity gain condition.

The application is accompanied by a BNG Statement which sets out that the site is exempt from BNG as there is no longer any habitat within the site, following the implementation of previous permissions within the site. The LPA's ecology officer agrees that the proposal would be exempt from BNG in this instance and as such, no planning conditions are required to secure BNG.

The LPA's ecology officer has recommended that 4 bird nesting bricks and 2 bat roosting boxes for each dwelling are required to be provided in order to provide some habitat on site in accordance with Policy 28 of the Local Plan. The officer has also recommended that the owl box that was proposed within the north-western corner of the site, as outlined in application H08-0870-22, will be required as part of the current proposals. It is considered that the measures can be secured via a planning condition.

Impact on Archaeological Assets

Section 16 of the NPPF contains guidance as to how local planning authorities should assess proposals that could affect designated and non-designated heritage. For example, Paragraph 207 of the NPPF sets out the following:

"Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation."

Paragraph 218 of the NPPF sets out the following:

"Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible. However, the record evidence of our past should not be a factor in deciding whether such loss should be permitted."

Part C of Policy 29 of the Local Plan sets out the requirements for proposals that might affect area with archaeological potential. For example, Part C.1 requires proposals that affect archaeological remains, whether known or potential, designated or non-designated, to take every reasonable step to protect and, where possible, enhance their significance.

As set out previously, Lincolnshire County Council's Historic Environment Team note that the applicant has not provided an archaeological assessment of the site; however, the team consider that the site contains archaeological potential. As such, the team have recommended conditions to secure further archaeological investigation of the site.

The Historic Environment Team have noted that condition 3 of reserved matters approval H08-0218-20 required a scheme of archaeological investigation of the site to be undertaken. However, the approved reserved matters scheme is not being constructed within the site. Instead, the site is being constructed in accordance with the subsequent full planning permission H08-0870-22.

The Historic Environment Team were consulted during the determination of application H08-0870-22; however, no consultation response was received. Permission H08-0870-22 did not contain any conditions requiring an archaeological investigation of the site. This permission has been implemented, and the development of the current application site could proceed, with the dwelling being fully constructed within the site without the need to provide an archaeological investigation of the site. As such, it is not considered reasonable to impose the recommended conditions in this instance as there is a fallback position in place which undermines the necessity of the conditions.

Contamination

Policy 30 of the Local Plan sets out the development proposals will not be permitted where, taking account of any proposed mitigation measures, they would lead to unacceptable adverse impacts upon land quality and condition.

The council's environmental protection team have been consulted on the application to determine if any conditions are required in relation to investigate any potential contamination risks from the proposals. The environmental protection team have not requested any conditions in this case. The site has already been assessed previously under previous applications and the team had already reviewed relevant contamination assessment documents which indicated that no further assessment is required.

Contributions and Affordable Housing

Policy 6 of the Local Plan sets out that developments of 11 or more dwellings will be expected to mitigate their impacts upon infrastructure, services and the environment to ensure that such developments are acceptable in planning terms. The policy sets out that "The Local Planning Authorities will not accept any proposals that artificially reduce capacity or floorspace to circumvent the proper operation of this policy."

As the proposal is for 4 dwellings, this would not typically trigger the requirement for financial contributions; however, the proposal seeks to replace a dwelling that was approved under application H08-0870-22 with 4 bungalows. As such, the overall number of dwellings would increase from 20 dwellings to 23 dwellings. This needs to be taken into account as a s106 agreement was secured for permission H08-0870-22, within which financial contributions were provided to fund education and healthcare services. As such, LCC's Education service team and the NHS have been consulted on the current proposals to confirm if additional contributions are required.

Whilst no additional funding is deemed necessary for educational services, it is deemed necessary for an additional payment of £914.76 per dwelling to be provided. This payment is considered necessary for 3 of the new dwellings as the s106 agreement for permission H08-0870-22 applied to 20 dwellings. This additional payment has been secured via a Deed of Variation agreement.

Policy 18 of the Local Plan requires market housing sites of 11 or more dwellings to provide 20% affordable housing. For 20 dwellings, the requirement was for 5 affordable dwellings and for 23 dwellings this remains unchanged.

## 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.

The site is outside the settlement boundary of Gosberton; however, the site is part of a wider development site that currently has planning permission for 20 dwellings. The proposal would result in the provision of 23 dwellings within the wider site rather than 20 dwellings, replacing one very large dwelling with with 4 moderately sized bungalows. It is considered that on balance, the proposed bungalows represent a more suitable form of housing for the area, providing the type of dwelling that is likely to be in most need, as identified by Policy 17 of the Local Plan. It is also considered that the proposal makes more efficient use of the land than the previously approved layout for one large dwelling within the site, for which there is policy support within the NPPF, namely Paragraph 129.

The development hereby proposed does not materially harm the character or appearance of the locality or the amenity of residents. In fact, it is considered that the proposed layout is more suitable for the character and appearance of the area than the previously approved layout within the site. The proposal is considered to be acceptable in terms of its impact on highway safety, flood risk, ecology and heritage assets.

The proposed development is considered to accord with the Local Plan and the provisions of the NPPF when viewed as a whole. In this instance, there are no material considerations that weigh against the proposal and as such, the planning balance is in favour of the development.

## Additional Considerations

Public Sector Equality Duty

In making this decision the Authority must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions) to:

A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.

B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or

other areas where they are underrepresented) of people with a protected characteristic(s).

C. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149. It is only one factor that needs to be considered, and may be balanced against other relevant factors.

It is not considered that the recommendation in this case will have a disproportionately adverse impact on a protected characteristic.

Human Rights

In making a decision, the Authority should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as South Holland District Council to act in a manner that is incompatible with the European Convention on Human Rights. The Authority is referred specifically to Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of property).

It is not considered that the recommendation in this case interferes with local residents' right to respect for their private and family life, home and correspondence, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general public interest and the recommendation is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

## Conclusion

Taking the above considerations into account, the proposal is considered to accord with Policies 1, 2, 3, 4, 10, 11, 17, 28, 30 and 36 of the Local Plan, along with the identified sections contained within the NPPF. There are no significant factors in this case that indicate against the proposal and outweigh the consideration in favour of the proposal and the policies referred to above.

## Recommendation

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