DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H08-0518-19**	**Applicant:**	**Mr S Grimston**
Proposal:	Residential development (re-submission of H08-0866-18)		
Location:	Site Adjacent: Silverdene Boston Road Gosberton		
Terminal Date:	20th August 2019		

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
05	Meeting Physical Infrastructure and Service Needs
06	Developer Contributions
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
17	Providing a Mix of Housing
18	Affordable Housing
28	The Natural Environment
29	The Historic Environment

National Guidance

National Planning Policy Framework 2019

Section 5 - Delivering a sufficient supply of homes
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

Representations:

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

IAN MARSHMAN, HISTORIC ENVIRONMENT OFFICER	0	0	0	1
WELLAND AND DEEPINGS INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	0	1
OTHER STATUTORY BODIES	0	0	0	4
RESIDENTS	1	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This is a re-submission of a previously approved application for up to 18 dwellings on land adjacent to Silverdene, Boston Road, Gosberton.

Planning permission was granted for residential development of the site under planning application ref. H08-0866-18 on the condition that application for the approval of reserved matters must be made not later than one year beginning with the date of the permission. This was on the basis that the site was outside of the defined settlement limit for Gosberton in the South Holland Local Plan (2006) and was only to be granted because of the absence of a 5-year housing land supply at that time.

The landowner is now applying to extend this timescale to two years due to facing difficulty in finding either a buyer for the site or a builder willing to work to the one year timescale.

Site Description

The site is a greenfield site of approx. 2.2ha, which is mostly overgrown. There are a number of mature trees along the southern and eastern boundaries. A pedestrian track runs along the southern boundary. There are frontage properties facing onto Boston Road to the south and north. The site is bounded by drains to the north and west.

History

H08-0866-18 - Residential development - for up to 18 dwellings

Consultation Responses

Gosberton Parish Council - No comments.

SHDC Environmental Protection - Request full land contamination condition.

LCC Highways/SUDS - Does not wish to restrict the grant of permission.

LCC Historic Environment Officer - Recommends an archaeological assessment is submitted as the site has not previously been subject to any archaeological intervention.

LCC Education - Comments not yet received, but financial contribution of £124,347 was previously requested towards primary provision (at Gosberton Primary School) and secondary provision (Thomas Cowley School, Donington) based on the housing mix proposed in the application form.

Welland & Deepings IDB - Previous comments still stand - Site is bounded along the north and north-western edges by the board's Moses Cut Drain and is afforded the protection of a nine metre byelaw distance. Discussions are taking place for the board to adopt the drain to the west, which would be afforded a six metre byelaw distance.

Lincolnshire Police - No objections.

NHS - Bid for monies under previous application still stands - Evidence backed financial contribution request of £11,880 which would be used to co-locate primary and community facilities in one place to improve efficiency, enable more patients to be seen and increase service availability.

Anglian Water - Comments not yet received, however no objections were raised previously.

Public -

- Request to increase the number of houses is not reasonable;
- Highways concerns - road is already busy and dangerous with poor visibility;
- Car lights flashing into windows in the vicinity;
- Impact on privacy; and
- Impact on ecology of site and wildlife which inhabit the nature reserve opposite.

Planning Considerations

The consultation responses received raise no new issues that have not previously been considered as part of the approved application.

The key issue for consideration in this instance is therefore whether extending the timeframe for the submission of reserved matters is acceptable.

Planning permission was granted for residential development of the site under planning application ref. H08-0866-18 on the condition that application for the approval of reserved matters must be made not later than one year beginning with the date of the permission. This was on the basis that the site was outside of the defined settlement limit for Gosberton in the South Holland Local Plan (2006) and was only to be granted because of the absence of a 5-year housing land supply at that time.

Since the previous application was determined, the South East Lincolnshire Local Plan (March 2019) has been adopted. The site remains outside the settlement boundary for Gosberton and is in a location where development would typically be restricted (Policy 1). In terms of housing policy, the Local Plan identifies that there is a requirement for 11,681 new dwellings in South Holland district between 2011 and 2036 (Policy 10). This figure is broken down in Policy 11, which sets out the housing numbers for various settlements that are to be met (approximately) by new housing site allocations. The housing numbers in Policy 11 are gross numbers and include any outstanding planning permissions for dwellings, and any homes built since 1st April 2011. The Policy identifies that approximately 270 new homes are to be provided for in Gosberton. 237 of these are accounted for in the form of housing allocations, whilst there was a total of 35 completions/commitments as at the base date of 31st March 2017. The total identified for Gosberton in the Local Plan has therefore been met. In addition, the Council has the benefit of a published 5-year housing land supply (as at 31st March 2019).

It is therefore not considered that an extension of the timeframe for submission of the reserved matters is justifiable given that permission was granted in the context of the absence of a 5-year housing land supply and the Government's desire to ensure that proposals for housing development are implemented in a timely manner (Paragraph 77, National Planning Policy Framework, 2019).

Conclusion

Taking the above into account, it is considered that a delegated refusal is appropriate.

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.