

DECISION DELEGATED TO DEVELOPMENT MANAGER

CHAIRMAN'S PANEL

Held On: 18 January 2019

Application No: H08-0866-18 **Applicant:** Tawny Homes Ltd
Proposal: Residential development - for up to 18 dwellings
Location: Site Adjacent: Silverdene Boston Road Gosberton
Terminal Date: 21st March 2019

Planning Policies

Local Plan July 2006:

HS7	New Housing in the Open Countryside including Other Rural Settlements
SG1	General Sustainable Development
SG2	Distribution of Development
SG3	Settlement Hierarchy
SG4	Development in the Countryside
SG11	Sustainable Urban Drainage Systems (SUDS)
SG12	Sewerage and Development
SG14	Design and Layout of New Development
SG15	New Development: Facilities for Road Users, Pedestrians and Cyclists
SG17	Protection of Residential Amenity

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	1	0	0	0
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
IAN MARSHMAN, HISTORIC	0	0	0	1

ENVIRONMENT OFFICER				
WELLAND AND DEEPINGS INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	0	3
OTHER STATUTORY BODIES	0	0	0	5
RESIDENTS	5	0	0	0

Route for determination of application	Delegated	X	Committee	
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CASE OFFICER ASSESSMENT

Proposal

This is an outline planning application for up to 18 dwellings on land adjacent to Silverdene, Boston Road, Gosberton.

An indicative block plan shows 14 detached properties, being a mixture of 4 and 5 bed units. 2 pairs of 3 bed semi-detached properties are also shown. Two areas of open space are shown in the centre of the site. Drain maintenance strips which comply with byelaw distances are incorporated. It is proposed that the road be constructed to an adoptable standard.

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.

Policies/Constraints

The Council is in the process of finalising a new Local Plan (the South East Lincolnshire Local Plan). The new Local Plan has been through it's formal Examination process and the final report from the Planning Inspectorate has now been received. However, the new Local Plan has yet to be formally adopted. The saved policies in the 2006 Adopted South Holland Local Plan therefore remain material. However, the new Local Plan is now considered to carry significant weight in the decision-making process.

The site is located within the defined settlement limit for Spalding as set out in the South Holland Local Plan (2006) as well as the settlement boundary for Spalding in the South East Lincolnshire Local Plan (to be adopted March 2019).

South Holland Local Plan, 2006

As above

South East Lincolnshire Local Plan (scheduled to be adopted March 2019)

Policy 1 - Spatial Strategy

Policy 2 - Development Management;
Policy 3 - Design of New Development;
Policy 4 - Approach to Flood Risk;
Policy 6 - Developer Contributions;
Policy 10 - Meeting Assessed Housing Requirements;
Policy 11 - Distribution of New Housing;
Policy 18 - Affordable Housing
Policy 28 - The Natural Environment.

The site is detached from the defined settlement limit for Gosberton as set out in the South Holland Local Plan (2006), but adjacent to the settlement boundary in the South East Lincolnshire Local Plan (Publication Version, March 2017).

Representations

Gosberton Parish Council - Object to access being onto a busy road.

SHDC Environmental Services - Request all roads to be adoptable for the purposes of bin collection.

SHDC Environmental Protection - Requests standard contaminated land condition.

SHDC Housing Strategy - 25% on-site affordable housing contribution required (based on viability evidence within the Whole Plan Viability Study supporting the emerging South East Lincolnshire Local Plan) to be secured via s106 agreement prior to decision. Advice supplied regarding mix, tenure and space standards.

LCC Highways/SUDS - The proposal is acceptable, in principle. A footway from the development site, extending along Mill Lane (track) to make connection with the existing footway on Mill Lane for safe pedestrian access will be required.

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

LCC Education - Financial contribution of £124,347 requested towards primary provision (at Gosberton Primary School) and secondary provision (Thomas Cowley School, Donington). This is based on the housing mix proposed in the application form.

Lincolnshire Police - No objections in principle to the proposed development.

Anglian Water - Requests conditions relating to foul water disposal and surface water management strategy.

Welland & Deepings IDB - 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.

NHS - 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.

Public -

- Highways concerns - road is already busy and dangerous with poor visibility;
- Forward visibility along Boston Road is less than the national prescribed standard;
- Site is outside the defined settlement limit and not allocated in the SELLP;
- Impact on wildlife which inhabit the site and the nature reserve opposite;
- Concern over impact on existing infrastructure such as doctors and schools;
- Additional housing and traffic will result in noise disturbance for existing residents;
- Ribbon development which would change the character of the area;
- Loss of privacy;
- Impact on views;
- SELLP Examination Document ED158 shows a 5 year supply;
- Will undermine the aims of the SELLP;

- Submitted information does not refer to the provision of affordable housing or other planning obligations;
- Flood risk sequential and exceptions tests have not been demonstrated to have been passed;
- No indication how foul sewerage will be dealt with;
- Concern that the dyke along the southern boundary will be filled in;
- A return to horticultural use would be more appropriate;
- Car lights flashing into windows in the vicinity.

Key Issues

The key issues in respect of this application are considered to be:

- Principle
- Highways
- Residential amenity
- Impact upon character and appearance of the area
- Flood risk
- Impact on wildlife
- Other considerations

Principle

The site is detached from the defined settlement limit for Gosberton as set out in the South Holland Local Plan (2006) and is therefore classed as being in the countryside. Sites located in the countryside would normally be assessed against Policy HS7 in the South Holland Local Plan (2006). This policy only allows residential development in the open countryside where there is an essential need, or small scale rural exception affordable housing that complies with Local Plan Policy HS9. In that context, as the proposal is neither for rural exceptions affordable housing nor essential to meet the needs of agricultural workers, the recommendation would normally be to refuse.

However, the Council does not currently have a 5-year supply of deliverable housing sites (4 years as at 31st March 2018). Paragraph 11 of the National Planning Policy Framework, 2019 (NPPF) states that where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites, the most important policies for determining the application (i.e. those relating to the supply of housing) are considered out-of-date. Paragraph 11 of the NPPF is quite clear that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies outlined in the NPPF as a whole; or specific policies in the NPPF indicate that development should be restricted. Sustainable development is defined in paragraphs 7 and 8 of the NPPF as having three dimensions: economic, social and environmental.

Economic - The development may support the local economy through employment opportunities associated with construction and future occupants may work locally and support local services.

Social - The proposal would make an important contribution towards housing supply, and affordable housing, in the district (Section 5) and a safe form of development is capable of being created. A reasonable range of services and facilities are located within Gosberton, including a doctors surgery, primary school and shops.

Environmental - Although the site is on the edge of the village and it is accepted that it would alter the character of this part of Boston Road, it appears to relate reasonably well to existing built development, with residential properties and business premises to the south and there would be opportunities to incorporate landscaping to soften the impact on the landscape. Furthermore, there is an area of land to the south of this which has outline planning permission for up to 46 dwellings (H08-0678-16) which would consolidate residential development in this area. Furthermore, the majority of facilities in Gosberton are within reasonable walking distance of the site and there is an existing track to the south of the site which could be utilised to enhance access to the centre of the village. A habitat survey and Protected Species Survey will be required to be carried out.

An objector comments that SELLP Examination Document ED158 shows a 5 year supply. The author of ED158 advises that the document was produced at the request of the Local Plan Inspector to provide a simple demonstration that the Local Plan (as modified) provided a 5-year supply of deliverable housing sites. However, this is not based upon current data, instead being a historical snapshot covering the period from 1st April 2017 to 31st March 2022. It is therefore not considered to be strong enough evidence that permission should be withheld.

As the site is outside (although adjacent) to the settlement boundary for Gosberton in the SELLP there is some conflict with its Spatial Strategy (Policy 1). However, given the current lack of 5 year supply, this is not an overriding concern.

Highways

Concern has been raised by objectors regarding the visibility along this part of Boston Road and the perceived high level of traffic already using the road. The Highways Authority have not objected to the application and so there is not a justifiable reason for refusing the application on highways grounds.

Residential amenity

The layout is indicative at this stage so may be subject to change at the reserved matters stage. However, it is considered that the proposed development is capable of being designed in such a way that it would not result in a material adverse impact on residential amenity in terms of overlooking/loss of privacy, loss of light or in terms of having an overbearing effect.

Impact on views is a consideration however it is considered that it carries no weight.

Impact upon character and appearance of the area

As discussed above, although the site is on the edge of the village and it is accepted that it would alter the character of this part of Boston Road, it appears to relate reasonably well to existing built development, with residential properties and business premises to the south and there would be opportunities to incorporate landscaping to soften the impact on the landscape. Furthermore, there is an area of land to the south of this which has outline planning permission for up to 46 dwellings (H08-0678-16) which would consolidate residential development in this area.

Flood risk

The NPPF requires the application of the Sequential Test to steer new development to areas with the lowest probability of flooding. 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 South East Lincolnshire Strategic Flood Risk Assessment (March 2017) is the basis for applying the Sequential Test. This concludes that the vast majority of South Holland District is in Flood Zones 2 and 3. Therefore, consistent with wider sustainability objectives, it is not realistically possible to direct all development to zones with a lower probability of flooding. As such, the document outlines a methodology whereby the SFRA hazard and depth maps (in that order) are to be utilised when determining flood risk and applying the sequential test. Using this methodology it is possible to use the information to steer development towards the areas of lower flood risks as advised within paragraphs 100 - 101 of the NPPF.

The application site lies within Environment Agency Flood Zone 3a and the site is not identified within any hazard zone in the South East Lincolnshire Strategic Flood Risk Assessment (March 2017).

As part of preparing the South East Lincolnshire Local Plan (to be adopted March 2019) reasonably available sequentially preferable sites have been identified in South Holland district in terms of flood risk. However, given the Council's lack of a 5-year housing land supply, it could be argued that there are not currently sufficient reasonably available sites for housing that are sequentially preferable in flood risk terms across the district. It could therefore be argued that, should the site be acceptable in all other regards, and if the Exceptions Test is successfully passed, the site is acceptable in flood risk terms.

In order for the Exceptions Test to be passed, it must be demonstrated that the proposed development will provide wider sustainability benefits to the community that outweigh flood risk, and that it will be safe for its lifetime, without increasing flood risk elsewhere and where possible reduce flood risk overall.

It is considered that the development would provide wider sustainability benefits to the community in

terms of its ability to help meet the housing need, and other benefits including generating employment during the construction period and thereby providing some protection to the local economy. It is also on the edge of Gosberton meaning that its services and facilities would be accessible by more sustainable modes of transport, such as walking or cycling.

In terms of making the development safe, finished floor levels would be set at 300mm above existing ground level as recommended in the submitted flood risk assessment. This would be sufficient to mitigate flood risk.

Impact on wildlife

Concern has been raised regarding the potential for an adverse impact on wildlife on the site and within the nature reserve opposite. A condition will be imposed requiring a Phase 1 Habitat Survey and Protected Species Survey to be submitted prior to commencement of development.

Other considerations

Concern is raised regarding the capacity of infrastructure in the village. Contributions will be secured towards education and healthcare provision through a s106 agreement. A 25% on-site affordable housing contribution will also be secured through this.

Anglian Water have requested a condition requiring the details on the means of foul water disposal to be submitted.

Surface water drainage will be dealt with via condition.

Conclusion

Taking the above into account, it is considered that the proposal accords with Policies SG1, SG14 and SG17 of the South Holland Local Plan (2006), Policies 2, 3 and 4 of the South East Lincolnshire Local Plan (2019) as well as Sections 5, 12 and 14 of the National Planning Policy Framework (2019).

The recommendation therefore is for a delegated approval.