

SOUTH HOLLAND DISTRICT COUNCIL

Report of: Development Manager

To: Planning Committee - 14 December 2022

(Author: Lucy Buttery - Principal Planning Officer)

Purpose: To consider Planning Application H08-0870-22

Application Number: H08-0870-22

Date Received: 01 September 2022

Application Type: FULL

Description: Proposed residential development comprising 20 dwellings (Re-submission of H08-1183-21)

Location: Site Adj. Silverdene Boston Road Gosberton

Applicant: RTW Construction & Developments Ltd

Agent: Studio 11 Architecture

Ward: Donington, Quadring and Gosberton

Ward Councillors: Cllr H J W Bingham
Cllr S C Walsh
Cllr J L King

You can view this application on the Council's web site at

<http://planning.sholland.gov.uk/OcellaWeb/planningDetails?reference=H08-0870-22>

1.0 REASON FOR COMMITTEE CONSIDERATION

1.1 Objections received and policy issues merit Committee consideration.

2.0 PROPOSAL

2.1 This is a full planning application for a proposed residential development of 20 dwellings on land adjacent to Silverdene, Boston Road, Gosberton.

2.2 The proposed scheme comprises of 15 market units and 5 affordable units. A variety of house types and designs are proposed, including a small terrace, semi-detached and detached dwellings. A relatively central area of public open space is proposed which can function as an attenuation basin in heavy rainfall. There is a single vehicular access point into the site from Boston Road. The main estate road is adoptable with two private drives off to the north, serving a single large dwelling and 2 dwellings respectively, and one at the southern end of the site serving the 5 no. affordable units.

2.3 Background

2.4 Outline planning permission was granted for residential development of the site (18 dwellings) in 2019 under planning application ref. H08-0866-18. This included a condition that application for the approval of reserved matters must be made not later than one year beginning with the date of the permission, rather than the usual three. Such an approach was taken on that occasion because the site was located outside of the defined settlement limit for Gosberton in the South Holland Local Plan (2006) and was only to be granted by virtue of the absence of a 5-

year housing land supply at that time.

- 2.5 An application for the Reserved Matters in relation to the above was made just within the one year time frame and subsequently approved in July 2020 under application ref. H08-0218-20.
- 2.6 This current application is a re-submission of a full planning application (ref. H08-1183-21) made by a different applicant to the above. That application sought permission for an additional 2 units on site, as well as an alternative layout and house types, but was refused in March 2022 for the following reasons:
- 2.7 *"1. Planning permission was granted for residential development of the site (18 dwellings) under planning application ref. H08-0866-18 with 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 that was determined, the South East Lincolnshire Local Plan (March 2019) has been adopted. The site continues to be 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 already long been met. In addition, the Council has the benefit of a published 5-year housing land supply (8.5 years as at 31st March 2021) and it has also not been demonstrated that the proposal is necessary to this location.

Whilst it is acknowledged that there is a Reserved Matters consent that could still be implemented until 27th July 2022, the present policy context and 5-year housing land supply are material considerations that carry substantial weight in the decision-making process. It is not considered that it would be appropriate to issue a further consent 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, 2021).

2. The proposed affordable housing scheme is contrary to the advice of South Holland District Council's Strategic Housing Team, the mix set out in Policy 18 of the South East Lincolnshire Local Plan, 2019, and subsequent National Planning Practice Guidance on First Homes.

3. The application site is located within Environment Agency Flood Zone 3 and the South East Lincolnshire Strategic Flood Risk Assessment (March 2017) identifies the site as sitting within an area of no hazard and depth. The site is reasonably comparable to the allocated site Gos023 in flood risk terms, but less sequentially preferable than the other three, parts of which fall within Flood Zones 1 and/or 2, rather than entirely within Zone 3. It therefore does not pass the sequential test and is contrary to Policy 4 of the South East Lincolnshire Local Plan, 2019, in flood risk terms."

3.0 SITE DESCRIPTION

- 3.1 The site is a greenfield site of approx. 2.2ha. 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 and a small number of frontage dwellings opposite. The site is bounded by drains to the north and west.

4.0 RELEVANT PLANNING POLICIES

4.1 The Development Plan

South East Lincolnshire Local Plan, March 2019

If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, Section 38 (6) to the Town and Country Planning Act as amended by the 2004 Act states that the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Policy 1 - Spatial Strategy
Policy 2 - Development Management
Policy 3 - Design of New Development
Policy 4 - Approach to Flood Risk
Policy 5 - Meeting Physical Infrastructure Needs
Policy 6 - Developer Contributions
Policy 10 - Meeting Assessed Housing Requirements
Policy 11 - Distribution of New Housing
Policy 17 - Providing a Mix of Housing
Policy 18 - Affordable Housing
Policy 28 - The Natural Environment
Policy 29 - The Historic Environment
Policy 30 - Pollution
Policy 32 - Community, Health and Well-being
Policy 36 - Vehicle and Cycle Parking
Appendix 6 - Parking Standards
Appendix 8 - Developer Contributions for Education Facilities
Appendix 9 - Developer Contributions for Health Care Facilities

National Guidance

National Planning Policy Framework (NPPF), 2021

Section 5 - Delivering a sufficient supply of homes
Section 8 - Promoting healthy and safe communities
Section 9 - Promoting sustainable transport
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

Planning Practice Guidance (PPG)

5.0 RELEVANT PLANNING HISTORY

- 5.1 H08-1183-21 - Full - Proposed residential development comprising 20 dwellings (refused March 2022)
- 5.2 H08-0218-20 - Reserved Matters - Residential Development of 18 Dwellings - outline approval H08-0866-18 (approved July 2020)
- 5.3 H08-0518-19 - Outline - Residential development (re-submission of H08-0866-18) (refused July 2019)
- 5.4 H08-0866-18 - Outline - Residential development - for up to 18 dwellings (approved March 2019)

6.0 REPRESENTATIONS

6.1 The Rt Hon Sir John Hayes CBE MP

I was disappointed to learn that the developer has submitted a further speculative application to increase the number of properties from 18 to 20.

I have been contacted by nearby residents who are extremely concerned that this latest proposal sees the replacement of bungalows with two storey dwellings which will see a loss of

their amenity and privacy. More needs to be done to mitigate the impact this development will have on its' neighbours. Clearly, this application is not an improvement.

As you know, this site is outside of the settlement boundary for Gosberton in the South East Lincolnshire Local Plan (March 2019) and, is in a location where development would typically be restricted. Furthermore, the housing need identified in the Local Plan for Gosberton has long been met so, there is no reason to increase the number of dwellings.

I remain concerned about the loss of this haven for wildlife which has been uncultivated for over 30 years, providing a source of carbon capture for the future which will be lost forever.

I would, therefore, be grateful if you could treat my letter as an objection to this planning application.

6.2 SHDC Building Control

Please ensure the turning head is of sufficient size to facilitate a Fire Appliance along with the private drive to plots 12-14.

6.3 Welland and Deepings IDB

Designs do not seem to have changed certainly in a way that would affect the Board since I last saw proposals under planning application H08-1183-21. Because of this my comments dated 6th January 2022 under planning application H08-1183-21 remain relevant.

Comments from H08-1183-21:

I am pleased to see that the 9 metre easement to the Boards Moses Cut drain (on the northern boundary) has been clearly marked and is being observed with no structures, fencing, landscaping etc within the strip. I am also pleased to see that a clear 6 metre easement strip has been now added to the watercourse on the western boundary of the site. This watercourse is not Board adopted but we currently undertake routine maintenance on it to ensure that it functions correctly and brings water away from upstream areas of Gosberton village. The Board would be willing to discuss future adoption of this watercourse if the developer so wished. SUDS should be considered in the first instance as the method to dispose of surface water from the site and the early engagement with Lincolnshire County Council as the Lead Local Flood Authority is advised. Any surface water flows will need to be kept as near to the Greenfield rate as possible. I note from the submitted drawings that a total flow, restricted to 5 litres/second is proposed. This is acceptable to the Board in principle subject to confirmation of the total impermeable area discharging to the Board system, application for consent to discharge surface water, agreement of technical details and payment of any development contributions due.

6.4 LCC Education

Requests a financial contribution of £76,509 towards additional secondary places at Kirton Thomas Middlecott Academy.

6.5 LCC Highways/SUDS

No objection subject to standard highway and drainage related conditions, plus a condition requiring the upgrade of the existing adjacent Public Right of Way in a westerly direction to connect with Mill Lane.

6.6 Anglian Water

The foul drainage from this development is in the catchment of Gosberton Water Recycling Centre that will have available capacity for these flows. Development will lead to an unacceptable risk of flooding downstream. Anglian Water will need to plan effectively for the proposed development, if permission is granted. We will need to work with the applicant to ensure any infrastructure improvements are delivered in line with the development. The applicant has indicated on their application form that their method of surface water drainage is via SuDS. If the developer wishes Anglian Water to be the adopting body for all or part of the proposed SuDS scheme the Design and Construction Guidance must be followed.

6.7 NHS

Requests a financial contribution of £13,200 towards the expansion in capacity through remodelling/changes to layout or extension to existing facilities within the South Lincolnshire Rural and Boston Primary Care Networks (PCNs) at Gosberton Medical Centre, Kirton Medical Centre and/or Swineshead Medical Group. Alternatively the funding may, where appropriate, be used to support expansion in capacity at an alternative general practice site as required to meet the local population health need.

6.8 SHDC Strategic Housing

Dated 15th September 2022:

Should the development be permitted the current policy requires 25% of the development to be affordable housing described in Annex 2 of the National Planning Policy Framework dated July 2021, or any Planning Policy Statement Guidance Notes or Circular which may amend, supplement, or supersede this. From 28 June 2021, a home meeting the criteria of a First Home will also be considered to meet the definition of affordable housing for planning purposes.

The applicant's planning application indicates to 20 homes. 5 affordable homes, 3 Affordable rented 1 x 2 bed and 2 x 3 bed house and 2 Shared ownership 1 x 2 bed and 1 x 3 bed house. It is noted, Housing Strategy advised the applicant of housing needs on previous planning application H08-1183-21 20 dwellings, 5 affordable homes on 30th November 2021. Housing Strategy stated, 'To meet needs and adhere to local and national policy the applicant should consider amending the plans to deliver 4 Rented homes comprising of 2 x 1 bed houses and 2 x 2 bed houses, 1 First Home or Shared Ownership if the exemptions above apply, comprising of 1 x 2 bed'.

To meet current local housing need and adhere to local and national policy the applicant should consider the S106 contribution to deliver an affordable housing mix of 5 affordable homes as set out below:-

4 Affordable Rented Homes

2 x 1 bed houses

2 x 2 bed houses

1 Intermediate Affordable Home (First Homes)

2 x 2 bed house

Dated 24th October 2022:

Housing Strategy provided an affordable housing mix for 5 affordable dwellings on 15th September 2022. The applicant has subsequently submitted Amendment 1 Amendments to the Affordable housing, landscaping and layout.

The applicant proposes providing 5 affordable dwellings, as indicated on drawings 525.SL.01 Rev F Site Layout - Amendment 1 and 525.AHP.01 Rev C Affordable Housing Plan - Amendment 1.

4 Affordable Rented Dwellings

2 x 1 bed houses, The Robin, Plots 10&11

2 x 2 bed houses, The Starling Plots 12&13

1 First Home Dwelling

1 x 2 bed house, The Starling Plot 14

The applicants housing mix concurs with the housing mix provided by Housing Strategy on 15th September 2022 and we welcome the provision of much needed affordable housing.

The applicant should also seek to secure a RP for the affordable dwellings at the earliest opportunity. The Strategic Housing Team can provide a list of RPs with stock in the local area should the applicant require this. The applicant and RP should be prepared to enter into a Nominations Agreement with the Council to ensure that the rented homes are let to households from the Council's Housing Register.

6.9 SHDC Environmental Protection (contaminated land)

I have previously reviewed the Ground Engineering reports ref C15602 Desk Study Report

dated March 2022 & C15602A Site Investigation Report dated May 2022 and following clarification on some points I had recommended discharge of the land contamination condition. This application does not differ significantly from a receptor standpoint, and so I make no further comment with respect to land contamination.

6.10 Public - 3 comments / objections received (summarised)

- Plan shows south-eastern boundary to be positioned away from edge of Mill Lane, thus leaving an unallocated area of land between Mill Lane and the rear boundaries of Plot 3, 4, 5 and part of 6
- Concern re potential loss of screening if trees are removed
- No provision for trees to be planted in rear gardens of plots bordering Mill Lane
- Impact of traffic noise and vehicle lights on property opposite entrance to development
- Concern re highway safety
- Impact on wildlife
- No Biodiversity Net Gain
- Already a number of building proposals in the area
- How can an extra 2 houses be allowed
- New application is all two storey houses whereas previously scheme included bungalows and chalets
- Less garages so more cars parked on road which will detract from look of the development
- Overlooking
- Resubmission relies heavily on old applications, both of which have been made redundant by adoption of the SELLP
- SHDC now has a 5-year housing land supply and H08-1183-21 was refused for that reason
- Work on achieving supply has started with 46 new homes on Boston Rd and planning applications pending on at least a further 100 homes on two less environmentally sensitive sites

7.0 CONSIDERATIONS

7.1 Planning Considerations

7.2 Background

- 7.3 Outline planning permission was granted for residential development of the site (18 dwellings) in 2019 under planning application ref. H08-0866-18. This included a condition that application for the approval of reserved matters must be made not later than one year beginning with the date of the permission, rather than the usual three. Such an approach was taken on that occasion because the site was located outside of the defined settlement limit for Gosberton in the South Holland Local Plan (2006) and was only to be granted in the context of the absence of a 5-year housing land supply at that time. An application for the Reserved Matters was made just within the one year time frame and subsequently approved in July 2020 under application ref. H08-0218-20.
- 7.4 Subsequent to this, a different applicant applied for full planning permission for 20 units (thus representing an increase in 2 units) with an amended layout and house types. This application was refused in March 2022 with the primary reason for refusal revolving around the fact that the site remained outside of the settlement boundary for the village in the new South East Lincolnshire Local Plan (2019) and the Council was now capable of demonstrating a five-year housing land supply.
- 7.5 Following on from this, the developer implemented the extant Outline / Reserved Matters consent in July of this year by virtue of excavating a foundation, and has proceeded to submit the current live application with some alterations to Plots 10-14.
- 7.6 Policy Considerations
- 7.7 In accordance with Paragraph 47 of the National Planning Policy Framework (2021) (NPPF), 'Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise'.

- 7.8 The site is located outside of, but adjacent to the settlement boundary for Gosberton, as defined within the South East Lincolnshire Local Plan (2019) (SELLP). It is therefore in the countryside in Planning policy terms.
- 7.9 Policy 1 of the Local Plan states that development in the countryside will only 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.
- 7.10 Paragraph 80 of the NPPF advises that local planning authorities should avoid the development of isolated homes in the countryside unless certain circumstances apply such as an essential need for a rural worker, enabling development to secure a heritage asset, re-use of redundant or disused buildings, sub-division of an existing dwelling or the design is of exceptional quality.
- 7.11 Whilst the application site is considered to be located in the countryside as it is outside the settlement boundary of Gosberton, it is not considered to be in an isolated location in the context of Paragraph 80 of the NPPF. The site is immediately adjacent to the built up area and there is a pedestrian track immediately to the south of the site that provides pedestrian access to the village.
- 7.12 The 'Fall-back Position'
- 7.13 Clearly there is a policy of development restraint outside of settlement boundaries as per Policy 1 of the Local Plan and the default position would generally be to seek to resist this form of development in this type of location. However, in this case, the implemented Outline / Reserved Matters consent could be considered to represent a fall-back position and that can be treated as a material planning consideration in the determination of this application. Case law has established that in order for a fall-back position to be taken into account, the alternative scheme only has to have a more than "theoretical prospect" of occurring. Once a fall-back position has been determined, the second question for the decision-maker is the weight to be attached to it. Court judgments have not dictated the level of weight that should be attached to such matters in the assessment of planning applications, therefore it is for the Council (in this case Committee members) to determine this.
- 7.14 Addressing the above, there is an extant permission for 18 dwellings on the application site. Given that this has been implemented, and there is a clear desire from the landowner to develop the site for residential purposes, this can be considered sufficient to demonstrate that there is a real prospect of the alternative occurring, and is therefore a valid fall-back position that can be afforded significant weight.
- 7.15 Detailed layout, scale and appearance
- 7.16 The fall-back position in regards to the current proposal - the permitted development of 18 dwellings - is set out above. As there is a reasonable prospect of this development taking place, this is a material consideration and therefore the design of the proposal should not be considered from a baseline of no development within the site, but instead, in comparison to the consent already in place.
- 7.17 The proposal seeks to retain a layout that is generally similar to the approved Reserved Matters, but the 5 x affordable units are relocated at the south-western corner of the site from the Boston Road frontage. The orientation of the dwellings at the south-western corner have also been altered such that the foul pumping station is no longer located behind dwellings and access can be made to the pedestrian track that immediately adjoins the site and provides more direct access to the centre of the village. The proposal includes an additional 2 dwellings, but the overall density of the scheme is still only approx. 9/ha, which is extremely low in comparison to other village sites. The number of dwellings fronting Boston Road has been reduced and would be an improvement in visual terms on the consented scheme.
- 7.18 As a result of the change in house types, there are no longer any bungalows on site, but the overall footprint covered by dwellings remains similar. Whilst it would be preferable for some bungalows to be provided, the Local Plan is not prescriptive in this regard. The application site is located on the edge of the village and would effectively create its own character. Solely two

storey development on the edge of villages is not untypical.

- 7.19 The public open space remains in the same position as previously approved.
- 7.20 The submitted Flood Risk Assessment recommends that finished floor levels should be approximately 300mm above the existing ground level on the site, and a minimum level of 2.95m OD. Based on a topographical survey, 2.95m OD would be around 300mm above ground level at the boundaries of the site close to any neighbouring property. Raising levels by this extent would have a minimal impact on the height of these properties in visual terms.
- 7.21 Materials details do not appear to have been formally agreed previously. In this case a combination of red and cream brick types are proposed, alongside red concrete pantiles and slate-like roof tiles. These materials are acceptable in the context of the varied appearance of existing development in the locality.
- 7.22 The lengths of the private drives comply with SHDC's guidance note entitled 'Private Drives - Waste Vehicle Collection Service'. A collection point is indicated opposite Plot 2 for Plots 1 and 2. No collection point is currently indicated for Plot 12-14 but this is a matter that can be addressed by condition. Details of the on-going management and maintenance of these points can also be secured by condition.
- 7.23 A 2-bed unit is shown above the garage to Plot 20. It is assumed that this is intended to act as an annexe to that dwelling and a condition restricting it to such a use would be imposed if permission were to be granted.
- 7.24 Taking the above into account, it is concluded that the layout, scale and external appearance of the proposed scheme accords with Policies 2 and 3 of the Local Plan. Policy 2 of the Local Plan requires development proposals to take into account sustainable development considerations such as: quality of design; and size, scale, layout, density, impact on character and appearance of the area and the relationship to existing development. Policy 3 requires development proposals to respect the density, scale and massing of neighbouring buildings and the landscape character of the location.
- 7.25 Access, highways and parking concerns
- 7.26 Local concern has been raised regarding highway safety and the perceived unsuitability of the proposed access on to Boston Road. However, the vehicular access for the extant permission is sited in the same location and the Highway Authority maintain no objection to this arrangement. Highways have however requested a condition requiring the upgrade of the existing adjacent Public Right of Way in a westerly direction to connect with Mill Lane. A similar request was made in respect of the previous applications on this site, but the condition was omitted from the final decision notice in error. This has created an unfortunate situation whereby if the condition were now to be introduced, it could be considered unreasonable behaviour since a permission already exists without such a condition, and the developer could challenge the condition on that basis.
- 7.27 Appendix 6 of the Local Plan sets out parking standards for residential dwellings and states that 2 vehicle parking spaces are required for dwellings with up to 3 bedrooms and 3 vehicle parking spaces are required for dwellings with 4 or more bedrooms. The proposed vehicle parking arrangements are in accordance with this.
- 7.28 A Construction Management Plan can be conditioned in order to secure details of the precautions to be taken to prevent the deposit of mud on the public highway during construction and to ensure safe working arrangements and highway conditions during the construction period.
- 7.29 Landscaping and open space
- 7.30 The arrangements for public open space remain as per the existing consent. A large area of public open space is located close to the centre of the site, amounting to approx. 0.16ha. This is

significantly more than the 0.03ha required by Policy 32 of the Local Plan. However, the open space is multifunctional and, as well as providing recreation and visual amenity benefits, it would also act as an attenuation basin, functioning as part of the overall drainage strategy for the site. The area at the south western corner of the site marked as public open space on the site layout plan has not been included in the calculation because of its limited size and functionality.

- 7.31 A scheme of landscaping and tree planting is proposed throughout the site. Given the lower density of the proposed development, a large proportion of the site will be grassed. In addition to the tree planting, small hedges and ornamental shrubs will be planted to the front of properties. The intention is to remove the existing trees along the boundary with the track as they are in poor condition and have been unmanaged for some time. New trees would be planted in their place along this boundary.
- 7.32 Overall, there is considered to be a suitable landscaping scheme for the site. The proposed scheme therefore complies with Policy 3 of the Local Plan in this regard.
- 7.33 Details of the management and maintenance of the open space, private drives, surface water drainage features, landscaping and refuse collection points can be secured by condition.
- 7.34 Drainage and Flood Risk
- 7.35 The National Planning Policy Framework (2021) 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.
- 7.36 The South East Lincolnshire Strategic Flood Risk Assessment (March 2017) (SFRA) 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 Section 14 of the NPPF.
- 7.37 The site is located within Environment Agency Flood Zone 3 and the South East Lincolnshire Strategic Flood Risk Assessment (March 2017) identifies the site as sitting within an area of no hazard and depth.
- 7.38 Given that there is the fall-back position of the consent that has been implemented, it would be reasonable to conclude that the sequential test need not be applied in this instance. Subject to the mitigation measures recommended in the submitted Flood Risk Assessment being conditioned, the development should be safe for its lifetime.
- 7.39 In terms of surface water drainage, the proposal is discharge to the IDB watercourse which runs along the north-western boundary. An attenuation basin will accommodate water in a storm event prior to discharge to that drain. Infiltration is not a viable option due to the high water table in this location. Water will be conveyed by a new surface water sewer system, which is to be offered to Anglian Water for adoption. The IDB have raised no objections to the proposal to discharge into that watercourse and have advised that, in principle, they would accept a flow rate of 5 litres/second. The applicant/developer will be required to enter into a s38 agreement with the Lead Local Flood Authority to agree the technical details of the surface water scheme.
- 7.40 The applicant is proposing to connect into Anglian Water's existing system for foul drainage. Anglian Water have commented that the development will lead to an unacceptable risk of flooding downstream. However, they go on to say that they will need to plan effectively for the proposed development, if permission is granted, and they will need to work with the applicant to ensure any infrastructure improvements are delivered in line with the development.

- 7.41 Subject to conditions, therefore, the development is considered to comply with Policies 2, 3 and 4 of the Local Plan. These require proposals to provide appropriate means of drainage and flood defence.
- 7.42 Impact upon residential amenity
- 7.43 *Impact upon existing residents*
- 7.44 Whilst the proposal introduces two-storey dwellings in place of bungalows on some plots, given the separation distances between dwellings (existing and proposed) and the siting of fenestration, it is not considered that there would be any significant overlooking, overshadowing or overbearing issues. Plot 1 is the closest of the proposed dwellings to any existing property (approx. 8m minimum and 10m maximum from the neighbouring property to the north, known as 'Arosfa'), but would be sited further away from the boundary than in the permitted scheme and there are no side facing windows to that plot. Arosfa has a side facing window and conservatory to the rear. The window is approx. 10m from the side elevation of Plot 1 and, given that the conservatory has windows on two other sides, it is not considered that there would be a material overbearing or loss of light impact. All other dwellings would be in excess of 21m apart from existing properties. This is an acceptable distance in planning terms. Furthermore, given that the remainder of the proposed properties are located to the north of existing dwellings, and taking into account separation distances, there should be no overshadowing issues in view of the path of the sun.
- 7.45 A Construction Management Plan condition can be added if permission were to be granted, which would enable the Local Planning Authority to control working hours and consider the details of measures for controlling noise, vibration, dust and mud.
- 7.46 One objector has raised concerns regarding vehicle lights shining into windows at night and vehicle noise disturbance. Although it is accepted that there would be some increase in vehicle noise, it would not be a material change to the existing background noise level and these are concerns which only carry minimal weight in the planning balance.
- 7.47 *Amenity of new residents*
- 7.48 The proposed dwellings would be in a normal estate road relationship with appropriate separation distances. The majority of properties would sit within very large plots. Those on more modest plots are smaller properties so less external amenity space could conversely be seen as acceptable. To have a smaller garden is also somewhat a personal choice.
- 7.49 Overall, there are not considered to be any significant or demonstrable adverse impacts relating to residential amenity that would warrant refusal of this proposal. The proposal is considered to accord with Policies 2, 3 and 30 of the Local Plan in respect of their provisions on residential amenity.
- 7.50 Developer contributions
- 7.51 Policy 18 of the Local Plan requires the provision of about 25% affordable housing on-site on market schemes in South Holland where developer contributions can be sought. In addition, Policy 6 states that developer contributions will be sought that relate to the provision of education and health facilities.
- 7.52 As such, requests for financial contributions have been made by the NHS and Education Authority, as below:
- £13,200 towards expansion of capacity through remodelling/changes to layout or extension to existing facilities within the South Lincolnshire Rural and Boston Primary Care Networks (PCNs) at Gosberton Medical Centre, Kirton Medical Centre and/or Swineshead Medical Group. Alternatively the funding may, where appropriate, be used to support expansion in capacity at an alternative general practice site as required to meet the local population health need.
- £76,509 towards additional secondary capacity at Kirton Thomas Middlecott Academy.

- 7.53 The applicant has not sought to challenge the requested contributions on viability grounds and these contributions would be secured via a legal agreement if permission were to be granted.
- 7.54 Affordable housing provision
- 7.55 Policy 18 of the Local Plan requires the provision of about 25% affordable housing on-site on market schemes in South Holland.
- 7.56 For a development of 20 dwellings, this requirement equates to 5 affordable dwellings. Strategic Housing's preferred affordable mix is 4 x affordable rent (2 x 1-bed and 2 x 2-bed) and 1 x shared ownership or First Home (1 x 2 bed). Given that there has been no significant pre-application engagement, the First Home requirement would apply in this instance.
- 7.57 The affordable housing scheme proposed accords with this mix.
- 7.58 Whilst it is preferable for affordable dwellings to be distributed across a site, similar numbers of units have been accepted clustered together on other schemes in the district and the previous application was consented with a cluster of 5.
- 7.59 Ecology
- 7.60 Concern has been raised regarding the potential for loss of habitat and impact on wildlife if the site were to be developed.
- 7.61 Ecological Surveys have been conducted and their results submitted in support of the application. These surveys recorded the presence of water vole in adjoining watercourses and identified that the site provides moderate suitability habitat for foraging and commuting bats due to its connectivity to wider habitats such as the ponds. In short, there are no issues identified that would preclude development of the site.
- 7.62 The ecologists recommend the installation of bird and bat boxes, hedgehog homes and hedgehog friendly fencing and a 5 metre buffer zone for water voles. These recommendations will be conditioned.
- 7.63 The proposal satisfactorily accords with Policy 28 of the Local Plan in this regard.
- 7.64 Other matters
- 7.65 Each plot will be fenced along their title line with the plot occupiers maintaining their rear gardens and the footpath to the south/south-east being maintained by the County Council. The new trees would be the responsibility of the individual plot owners by virtue of them being within the boundary line.
- 7.66 Planning balance
- 7.67 The site is located outside of, but adjacent to, the settlement boundary for Gosberton and is therefore classed as being in the countryside in planning policy terms. This is an area of development restraint and the default position would generally be to seek to resist this form of development in this type of location. However, in this case, officers are of the opinion that the implemented Outline / Reserved Matters consent can be considered to represent a legitimate fall-back position that can be treated as a material planning consideration, and afforded significant weight, in the determination of this application.
- 7.68 When compared to the fall-back scheme, the proposal is acceptable in design terms and can be considered an improvement in certain regards. Whilst an increase in 2 no. units is proposed, the overall density would remain low. No highway safety concerns have been raised by the Highway Authority and the proposal would not have an unacceptable impact on neighbouring amenity. There are no identified ecology issues that would preclude development of the site.

The affordable housing scheme proposed satisfactorily accords with the mix requested by Strategic Housing. Flood risk is capable of being appropriately mitigated and outstanding drainage details can be addressed by condition.

7.69 In light of the above, the planning balance is considered to sit in favour of permitting the development.

7.70 **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.

7.71 **Conclusion**

7.72 In light of the above considerations, the proposal is considered to be in general accordance with Policies 2, 3, 4, 6, 10, 11, 18, 28, 30, 32 and 36 of the South East Lincolnshire Local Plan (2019), as well as guidance in the National Planning Policy Framework (2021).

8.0 **RECOMMENDATIONS**

8.1 **Authorised to Grant Permission subject to the applicant entering into a Section 106 Agreement to secure the delivery of 25% affordable housing on-site, an education contribution of £76,509 and an NHS contribution of £13,200, and those Conditions listed at Section 9.0 of this report.**

9.0 **CONDITIONS**

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: As required by Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

525.LP.01
525.SL.01 Rev H
525.AHP.01 Rev E
525.BT.01 Rev F
525.DS.01 Rev G
525.EIP.01 Rev F
525.EMP.01 Rev F
525.HAA.01 Rev B
525.LD.01 Rev E
525.LD.02 Rev F
525.LD.03 Rev F
525.Gol.01
525.Kin&Her.01
525.Mal.01
525.Rav.P.01
525.SG.P.01
525.Sky.01
525.Sta.P.01
525.Swa&Her.01
525.Swan.P.01
525.Rob.P.01 Rev A
525.P20.01
525.P20.02
525.P20.03
525.P20.04
525.TDG.P.01
525.DG.P.01
525.TS.01

Desk Study Report (prepared by Ground Engineering Limited, dated March 2022)

Site Investigation Report (prepared by Ground Engineering Limited, dated May 2022)

Flood Risk Assessment (prepared by S M Hemmings, dated 3rd August 2018)

Ecological Surveys of Land at Boston Road (prepared by Hillier Ecology Limited, dated June 2022)

Written Scheme of Investigation for Archaeological Monitoring and Recording (prepared by Archaeological Project Services, dated March 2022)

Reason: For the avoidance of doubt and in the interests of proper planning.

3. Details of the precautions to be taken to prevent the deposit of mud on public highways by vehicles travelling from the site during construction of the development shall be submitted to and approved in writing by the Local Planning Authority before the development commences. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority. These precautions shall be made available before commencement of the construction of the development and be kept available and in full working order until such time as the Local Planning Authority agrees in writing to their withdrawal or the completion of the development.

Reason: In the interests of highway safety during the construction process. This issue is integral to the development and therefore full details need to be finalised prior to the commencement of works.

This Condition is imposed in accordance with Policy 3 of the South East Lincolnshire Local Plan, 2019.

4. Prior to the construction above damp proof course, a scheme for on-site foul water drainage works, including connection point and discharge rate, shall be submitted to, and approved in writing by, the Local Planning Authority. Prior to the occupation of any phase, the foul water drainage works relating to that phase must have been carried out in complete accordance with the approved scheme.

Reason: To prevent environmental and amenity problems arising from flooding.
This Condition is imposed in accordance with Policies 3 and 4 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 14 of the National Planning Policy Framework, 2021.

5. Before the commencement of the development hereby permitted, full details of the existing and proposed site levels and proposed floor levels of the buildings, hard surfaced areas and garden/amenity areas, including any mitigation measures arising as a consequence (for example increased height of boundary treatment), shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed and retained in accordance with the details so approved.

Note: Where levels are raised above existing ground levels, the submission shall be supported by cross-sectional drawings showing the relationship with adjoining uses and buildings to enable the Local Planning Authority to be satisfied that sufficient mitigation measures will be in place.

Reason: To reduce the risk of flooding of the development and to ensure that the Local Planning Authority retains control over the finished site and floor levels of the development, in the interests of the amenity of adjacent residents and its visual and architectural relationship with adjacent development. This issue is integral to the development and therefore full details need to be finalised prior to the commencement of works.
This Condition is imposed in accordance with Policies 2, 3 and 4 of the South East Lincolnshire Local Plan, 2019.

6. The development hereby permitted shall be carried out in accordance with the measures set out in the Flood Risk Assessment (prepared by S M Hemmings, dated 3rd August 2018) forming part of this planning application, unless otherwise agreed in writing by the Local Planning Authority, in particular the following measures shall be fully implemented before the property is first occupied:

- Finished floor levels shall be set at a minimum of 300mm above the existing ground level on the site, and a minimum level of 2.95m OD

Reason: To ensure that the development does not increase the risk of flooding or be at risk of flooding.
This Condition is imposed in accordance with Policies 3 and 4 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 14 of the National Planning Policy Framework, 2021.

7. The development hereby permitted shall be undertaken in accordance with a Construction Management Plan and Method Statement that shall first be submitted to, and approved in writing by, the Local Planning Authority.

The Construction Management Plan and Method Statement shall indicate measures to mitigate against the adverse impacts of vehicle movements and vehicle parking and shall include;

- the phasing of the development to include access construction;
- the parking of vehicles of site operatives and visitors;
- the loading and unloading of plant and materials;
- the storage of plant and materials used in constructing the development;
- wheel washing facilities;
- a strategy stating how surface water run off on and from the development will be managed during construction;
- measures to minimise disturbance during the construction process through noise, dust, vibration and smoke

Reason: In the interests of the safety and free passage of those using the adjacent public highway and to ensure that the permitted development is adequately drained without creating or increasing flood risk to land or property adjacent to, or downstream of, the permitted development during construction.

This Condition is imposed in accordance with Policies 2, 3 and 4 of the South East Lincolnshire Local Plan, 2019.

8. Before the access is brought into use all obstructions exceeding 0.6 metres high shall be cleared from the land within the visibility splays illustrated on drawing number 525.HAA.01 Re B and thereafter the visibility splays shall be kept free of obstacles exceeding 0.6 metres in height.

Reason: In the interests of safety of the users of the public highway and the safety of the users of the site.

This Condition is imposed in accordance with Policy 2 of the South East Lincolnshire Local Plan, 2019.

9. Before any dwelling is occupied, all of that part of the estate road and associated footways that forms the junction with the main road and which will be constructed within the limits of the existing highway, shall be laid out and constructed to finished surface levels in accordance with details to be submitted and approved by the local planning authority.

Reason: In the interests of safety, to avoid the creation of pedestrian trip hazards within the public highway from surfacing materials, manholes and gullies that may otherwise remain for an extended period at dissimilar, interim construction levels.

This Condition is imposed in accordance with Policy 2 of the South East Lincolnshire Local Plan, 2019.

10. The permitted development shall be undertaken in accordance with an Estate Road Phasing and Completion Plan, which shall first be approved in writing by the Local Planning Authority. The Plan shall set out how the construction of the development will be phased and standards to which the estate roads on each phase will be completed during the construction period of the development.

Reason: To ensure that a safe and suitable standard of vehicular and pedestrian access is provided for residents throughout the construction period of the development.

This Condition is imposed in accordance with Policy 2 of the South East Lincolnshire Local Plan, 2019.

11. The permitted development shall be undertaken in accordance with a surface water drainage scheme which shall first have been approved in writing by the Local Planning Authority.

The scheme shall:

- be based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development;
- provide flood exceedance routing for storm event greater than 1 in 100 year;
- provide details of how run-off will be safely conveyed and attenuated during storms up to and including the 1 in 100 year critical storm event, with an allowance for climate change, from all hard surfaced areas within the development into the existing local drainage infrastructure and watercourse system without exceeding the run-off rate for the undeveloped site;
- provide attenuation details and discharge rates which shall be restricted to 1.4 litres per second, unless other rates agreed by IDB;
- provide details of the timetable for and any phasing of implementation for the drainage scheme; and
- provide details of how the scheme shall be maintained and managed over the lifetime of the development, including any arrangements for adoption by any public body or Statutory Undertaker and any other arrangements required to secure the operation of the drainage system throughout its lifetime.

No dwelling shall be occupied until the approved scheme has been completed or provided on the site in accordance with the approved phasing. The approved scheme shall be retained and maintained in full, in accordance with the approved details.

Reason: To ensure that the permitted development is adequately drained without creating or increasing flood risk to land or property adjacent to, or downstream of, the permitted development.

This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 14 of the National Planning Policy Framework, 2021.

12. The scheme of landscaping and tree planting shown on dwg. no's. 525.LD.01 Rev E, 525.LD.02 Rev F and 525.LD.03 Rev F shall be carried out and completed in its entirety during the first planting season following practical completion of the development. All trees, shrubs and bushes shall be maintained by the owner or owners of the land on which they are situated for the period of five years beginning with the date of completion of the scheme and during that period all losses shall be made good as and when necessary.

Reason: To ensure that the development is adequately landscaped, in the interests of its visual amenity and that of the area in which it is set.

This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

13. Prior to the occupation of Plot 1, details of additional boundary treatment for the northern boundary (to extend from the rear boundary of Arosfa as far as the front elevation of the dwelling) shall be submitted to, and approved in writing by, the Local Planning Authority. The approved boundary treatment shall be installed prior to the occupation of that dwelling.

Reason: In the interest of residential amenity.

This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

14. Prior to the commencement of the development hereby permitted beyond oversight, a plan illustrating all areas of publicly accessible open space shall be submitted to and approved in writing by the Local Planning Authority. The areas so approved shall be laid out and made available for use in accordance with a specification and phasing that shall first be agreed in writing by the Local Planning Authority, and shall thereafter be so maintained.

Reason: To ensure that adequate open space provision is made available for the occupiers of the development hereby permitted and that provision is made for the management and maintenance of the open space.

This Condition is imposed in accordance with Policy 32 of the South East Lincolnshire Local Plan, 2019.

15. Before the commencement of development hereby permitted, details of the management and maintenance schedule for the areas of landscaping, incidental open space, refuse/recycling collection points and parking courts/private drives shall be submitted to and approved in writing by the Local Planning Authority. Thereafter these areas shall be maintained in accordance with the approved details.

Reason: To ensure that adequate provision is made for the management and maintenance of the those areas.

This Condition is imposed in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019.

16. Plots 12 - 14 shall not be occupied before details for a refuse/recycling collection point adjoining the public highway, as well as appropriate management and maintenance, have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the occupation of these plots.

Note: For residential development, reference should be made to the Council's published PRIVATE DRIVES - WASTE VEHICLE COLLECTION SERVICE - GUIDANCE NOTE when submitting these details.

Reason: To ensure that adequate facilities are made available for refuse storage and disposal to avoid pollution, to protect residential amenity, and in the interests of the appearance of the site and the area within which it is set.

This Condition is imposed in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019.

17. Details of the design and positions of all external boxes for gas and electricity supplies and of any gas flues and soil vent pipes shall be submitted to and approved in writing by the Local Planning Authority prior to their installation and there shall be no variation from the details so approved.

Reason: To ensure that the Local Planning Authority retains control over these details of the development in the interests of the character and appearance of the development and the visual amenity of the area in which it is set.

This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

18. The annexe accommodation hereby permitted to Plot 20 shall be and shall remain incidental to the use of that dwelling, shall not be sold or let off separately, and shall be used only by members of the family of the occupier of that dwelling.

Reason: The Local Planning Authority consider that the proposed annexe would be inappropriate for occupation independent of the main dwelling by virtue of the substandard level of accommodation of the annexe and the physical relationship between the annexe and the main house which would create inadequate levels of residential amenity for the occupiers of both.

This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

19. The development hereby permitted shall be carried out in accordance with the recommendations set out in Section 8.0 of the submitted Ecological Surveys of Land at Boston Road (prepared by Hillier Ecology Limited, dated June 2022).

Reason: In the interests of biodiversity.

This Condition is imposed in accordance with Policy 28 of the South East Lincolnshire Local Plan, 2019.

20. The water consumption of each dwelling hereby permitted should not exceed the requirement of 110 litres per person per day (as set out as the optional requirement in Part G of the Building Regulations 2010 and the South East Lincolnshire Local Plan, 2019). The person carrying out the work must inform the Building Control Body that this duty applies. A notice confirming the requirement for the water consumption has been met shall be submitted to the Building Control Body and Local Planning Authority, no later than five days after the completion of each individual dwelling.

Reason: To protect the quality and quantity of water resources available to the district.
This Condition is imposed in accordance with Policy 31 of the South East Lincolnshire Local Plan, 2019.

21. The Local Planning Authority has acted positively and proactively in determining this application by assessing it against all material considerations, including national guidance, planning policies and representations that have been received during the public consultation exercise, and by identifying matters of concern within the application and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal.

This decision notice, the relevant accompanying report and the determined plans can be viewed online at <http://planning.sholland.gov.uk/OcellaWeb/planningSearch>

22. In accordance with Section 59 of the Highways Act 1980, please be considerate of causing damage to the existing highway during construction and implement mitigation measures as necessary. Should extraordinary expenses be incurred by the Highway Authority in maintaining the highway by reason of damage caused by construction traffic, the Highway Authority may seek to recover these expenses from the developer.

23. All roads within the development hereby permitted must be constructed to an acceptable engineering standard. Those roads that are to be put forward for adoption as public highways must be constructed in accordance with the Lincolnshire County Council Development Road Specification that is current at the time of construction and the developer will be required to enter into a legal agreement with the Highway Authority under Section 38 of the Highways Act 1980. Those roads that are not to be voluntarily put forward for adoption as public highways, may be subject to action by the Highway Authority under Section 219 (the Advance Payments code) of the Highways Act 1980. For guidance, please refer to <https://www.lincolnshire.gov.uk>

24. The existing ground level of the site must not be raised above the ground level of any surrounding land without further consultation with the Lead Local Flood Authority and Local Planning Authority, to consider suitable mitigation measures to ensure that surface water flood risk is not created or increased to land adjacent to the permitted development.

25. Please contact the Lincolnshire County Council Streetworks and Permitting Team on 01522 782070 to discuss any proposed statutory utility connections and any other works which will be required within the public highway in association with the development permitted under this Consent. This will enable Lincolnshire County Council to assist in the coordination and timings of these works.

For further guidance please visit our website via the following links:
Traffic Management - <https://www.lincolnshire.gov.uk/traffic-management>
Licences and Permits - <https://www.lincolnshire.gov.uk/licences-permits>

Background papers:- Planning Application Working File

Lead Contact Officer

Name and Post:	Richard Fidler , Development Manager
Telephone Number:	01775 764428
Email	rfidler@sholland.gov.uk

Appendices attached to this report:

Appendix A Plan A

MapThat Scale Print Title

