SOUTH HOLLAND DISTRICT COUNCIL

Report of: **Development Manager**

To: **Planning Committee - 07 September 2022**

(Author: **David Grant - Planning Officer)**

Purpose: **To consider Planning Application H08-0964-21**

Application Number:	H08-0964-21	**Date Received:**	14 September 2021
Application Type:	OUTLINE		
Description:	Demolition of public house and outline permission for residential		
Location:	Duke Of York 106 Risegate Road Gosberton Risegate		
Applicant:	Ms S Goodenough	**Agent:**	Richards Architectural
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=H08-0964-21

1.0 REASON FOR COMMITTEE CONSIDERATION

1.1 The application was deferred at 22 June 2022 Planning Committee for further financial information to be sought from the applicant.

2.0 PROPOSAL

2.1 Outline permission with all matters reserved is sought for demolition of the Duke of York Public house to be replaced with residential development. The public house has been closed for two years. The Design and Access Statement states *"The site has an existing access that will be widened to allow off road parking for all dwelling houses, there is sufficient space for a safe turning area enabling vehicles to enter and leave the site in a forward gear. It is acknowledged that there is a public right of way adjacent to the site, this is to be maintained and it is proposed that the tree line that shelters the footpath and the site is to remain. Foul water sewage shall be dealt with by mains sewer and surface water disposal shall be by means of soakaways in accordance with Approved Document H1. The indicative site plan shows the terrace dwellings positioned 1m away from the neighbouring cottage. To the rear of the site are views of open countryside which shall remain enjoyable for future residents."*

2.2 Indicative plans submitted with the application show a terrace of 4 dwellings to the site frontage with a further 4 detached houses to the rear. The application is accompanied by a Preliminary Ecological Appraisal and a Design and Access Statement which appends a letter from the applicant's accountant dated August 2021, which gives the opinion that it would be uneconomical to re-open the pub. Following the deferment of the application at the June Planning Committee, the applicant has submitted accounts from 2015 to 2021 for the business as well as a renovation works quotation, structural survey costing and a woodworm survey. A full structural survey has not been provided due to the prohibitive costs quoted and the lack of money available to the applicant, due to the poor financial performance of the public house, and it's subsequent closure.

3.0 SITE DESCRIPTION

3.1 The public house is sited on the road frontage and adjoins a terrace of houses to the west. There are further detached properties to the east of the access which leads to the car park to the rear which is laid to gravel. There is then an area of grass and trees to the rear boundary. There is a public footpath that runs along the eastern boundary adjacent to a drain.

3.2 The vast majority of the site is within defined settlement limits save for the area of land to the south which is grassed and contains trees. The surrounding area is characterised by linear development of varying ages and designs. The site is in Environment Agency Flood Zone 1 and is not subject to increased flood hazard or depth on the 2115 South Holland Strategic Flood Risk Mapping.

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 10 - Meeting Assessed Housing Requirements
Policy 11 - Distribution of New Housing
Policy 17 - Providing a Mix of Housing
Policy 28 - The Natural Environment
Policy 29 - The Historic Environment
Policy 32 - Community Health & Wellbeing
Policy 36 - Vehicle and Cycle Parking
Appendix 6 - Parking Standards

National Guidance

National Planning Policy Framework (NPPF), 2021

Section 2 - Achieving sustainable development
Section 4 - Decision making
Section 5 - Delivering a sufficient supply of homes
Section 6 - Building a strong competitive economy
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 None

6.0 REPRESENTATIONS

6.1 Gosberton Parish Council

"*Overdevelopment of site - insufficient parking for 3 houses. Loss of amenity to village.*"

6.2 Ward Councillors

Councillor King

"Unfortunately these days some pubs are not viable businesses anymore and the buildings are left to fall into disrepair, we have had many of these in our area doing just this, as long as any new buildings are in keeping with the rest of the buildings in the area and is not overdeveloped I think this should be allowed, but ask that it go to committee to be fully discussed"

Councillor Walsh

"Any development needs to be in keeping with the area, in style of property and numbers allowed and particular attention needs to be paid to the amount of vehicles requiring parking and the affect this on neighbouring properties and maintaining highway access. If the sustainability of a "public house" is not possible then serious consideration needs to be given to this application."

Councillor Bingham

"I have concerns about the loss of this amenity to the village, once an amenity such as this is lost it is rarely replaced. Although covid has put serious strain on public houses as well as other businesses I cannot see sufficient evidence to be able to support redevelopment of this public house."

6.3 LCC - Historic Environment Officer

"The proposed development involves the demolition of a historic public house, the Duke of York Inn, which may be considered a non-designated heritage asset in the terminology of the National Planning Policy Framework. The Duke of York Inn has been recorded since at least 1820, when it was mentioned in the Stamford Mercury on Friday 07 July. Historically it was also associated with the nearby Surfleet Brewery run by the Smith family until its sale to Batemans of Wainfleet in 1951.

Although it is understood that the building has suffered a lack of maintenance and there have been some unsympathetic alterations in recent years it is clearly of traditional construction. It is understood that the inn is at least 200 years old and has contributed to the social history of the village during this period.

Historic inns such as this are an important element of the Lincolnshire landscape and contribute to the character and local distinctiveness of fenland towns and villages, providing evidence of rural industry and social life which have now largely disappeared. Many such historic inns are increasingly threatened with demolition and conversion as they become redundant."

Requests standard archaeological conditions.

6.4 LCC - County Highways & SUDS Officer

"The principle of development is acceptable. As this is an outline application with all matters reserved, access and layout have not been considered. Please make the applicant aware of the requirements for access, parking, visibility, turning and layout; as detailed within the Lincolnshire County Council Design Approach and Development Road Specification.

Additionally, please be advised of the comments received from the countryside team with regard to the public right of way.

Gosberton Public Footpath No. 5 is affected by the proposed development - plan attached. Please note that the footpath was unofficially diverted a number of years ago and the route on the ground now follows a different alignment to the legal alignment. It would appear that the footpath passes through plots 7 and 8 of the proposed layout. The footpath will therefore require diverting to enable development to take place or alternatively the development layout will require amending and the public footpath reinstating on the correct legal alignment.

Comments;
i/ It is expected that there will be no encroachment, either permanent or temporary, onto the right of way as a result of the proposal. Width to be retained 2m.
ii/ The proposed development should not pose any dangers or inconvenience to the public using the right of way.

iii/ If any existing gate or stile is to be modified or if a new gate (including gate posts) or stile is proposed on the line of the public rights of way, prior permission to modify or erect such a feature must be sought from the County Council.
iv/ The surface of the public footpath should not disturbed without the prior permission of the highway authority."

6.5 SHDC - Environmental Protection

No comments or objections.

6.6 Welland & Deepings Internal Drainage Board

"We acknowledge that this is only an outline planning application currently but if a full or reserved matters application were to be submitted to the current design, as detailed on the indicative site plan reference: RA/1219/21/05, then the Board would raise an objection.

The Board's Duke of York Arm Drain lies immediately adjacent to the site to the east. This drain is afforded the protection of a nine metre byelaw distance which the current proposed layout seriously contravenes.

Any future submitted site layout should take the above advice into account."

6.7 Lincolnshire Bat Group

"Thank you for referring this ecological assessment to Lincolnshire Bat Group. This is a good report and we would endorse the recommendations in section 5.5, particularly with having personal knowledge of this area, as records show that the linear development along the Risegate Eau and its associated gardens are used extensively by foraging bats, and the suggested improvements should enhance this."

6.8 Public

5 comments received, points made summarised as follows:

- Requests installation of swift bricks.

OBJECTING COMMENTS
- The pub should have been marketed for sale prior to an application being submitted.
- Loss of a public meeting place.
- The indicative plans are not in keeping - The plans are indicative.
- Loss of privacy - The plans are indicative.
- Insufficient off road parking spaces - The plans are indicative and the number of off road parking spaces accords with Appendix 6 of the SELLP.

SUPPORTING COMMENTS
- No amenity is lost as the pub is already closed.
- Reduction in disturbance, noise and traffic.
- Building is deteriorating and will cost a lot of money to repair.
- Site is unoccupied and there is a potential for children to play or squatters to live on site.
- New dwellings will enhance the appearance of the site.

7.0 CONSIDERATIONS

7.1 **PLANNING CONSIDERATIONS**

7.2 The main issues in this case are:
-Policy/principle;
-Character/appearance and heritage;
-The likely affect upon the amenity of nearby residents;
-Highway safety;
-Other material considerations, including flood risk, drainage, ecology and archaeology

7.3 Policy/principle

7.4 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 plan unless material considerations indicate otherwise.

7.5 The site is located within the settlement boundary for Gosberton Risegate as set out in the South East Lincolnshire Local Plan, 2019 (SELLP). Gosberton Risegate sits within the 'Other Services and Settlements' tier of the Spatial Strategy (Policy 1). Policy 1 states that: "Within the settlement boundaries of the Other Service Centres and Settlements (as shown on the Inset Maps) development will be permitted that supports their role as a service centre for the settlement itself, helps sustain existing facilities or helps meet the service needs of other local communities." Clearly the loss of a public house would not 'help sustain existing facilities' and would not support its 'role as a service centre for the settlement itself'. It would result in the loss of one of the few community facilities present in the village. However, the additional of new dwellings on a site within defined settlement limits would help to aid the sustainability of existing services, as well as environmental sustainability due to location of the proposed dwellings. The proposal is therefore considered to be in accordance to Policy 1 of the SELLP.

7.6 The loss of a community facility such as a public house is normally resisted by Policy 32 of the SELLP unless certain criteria are met. This policy sets out that:
"The redevelopment or change of use of an existing community facility will be permitted only if:
1. an assessment has been undertaken which has clearly shown that the facility is:
a. surplus to requirements; or
b. not economically viable; or
c. unfit for purpose"

7.7 Assessing the proposal against the above:

a. In other applications for change of use or demolition of public houses, communications from members of the public have been received lamenting the loss of a pub. Only one letter has been received lamenting its closure. There is another public house within Gosberton Risegate named The Black Horse. This pub is currently marketed for sale and can be seen on the website Rightmove with a price of £295,000. Speculation as to the reasons for sale, and financial performance of The Black Horse does not form part of the assessment of this application.

b. Accounts have been submitted for the years 2015 to 2021. These accounts show a gross profit circa £7,000 for 2015, 2016 and 2017, with a drop to £5,713 in 2018, £6,772 in 2019, a loss of £415 in 2020, and a profit of £8,707 in 2021. These accounts do not take into consideration costs to the applicants outside of the operation of the business. Mr Britten did not take a wage during this period, and had injected at least £17,384 of his own money to support the business. This information demonstrates that the pub has not been economically viable for a number of years and to financially regenerate the business by securing new management and significantly investing in the site is considered highly unlikely due to the lack of patronage over the years.

c. The supporting information argues that the building is not fit for purpose due to the repairs needed to the building internally and externally. The phrase 'unfit for purpose' is somewhat subjective. Officers can sympathise with the applicant's financial situation and apparent lack of help from the government financially for the business. Following the submission of accounts for the years 2015 to 2021 sufficient evidence is considered to have been provided to demonstrate that the proposal satisfactorily complies with Policy 32 of the SELLP.

7.8 In addition to the above, an applicant would normally be expected to show that a genuine attempt had been made to sell the facility as a going concern for at least a period of 12 months. Should the property be marketed the supporting information from the applicant's estate agent suggests that due to the unsustainable location and there being more lucrative locations in the district, they do not believe the property should be marketed further. An acceptable offer for the business may not be forthcoming given the poor performance of public houses across the nation due to the cost of alcohol, changing recreational activities, the Covid 19 pandemic, and the cost of living crisis.

7.9 Following the deferment of the application in June, a woodworm survey has been undertaken which reports the need for urgent repairs to the roof guttering and drainage system, floor boards, support beams and external walls. Supporting photos are shown in the report. A full structural survey has not been undertaken due to costs involved.

Whilst a small part of the site to the rear is outside of defined settlement limits, it is considered to the benefit of the proposal and surrounding area to support development on this area, which is in the same parcel of land as the public house and if left would likely deteriorate due to lack of maintenance.

7.10 Assessment against SELLP Policy 2 - Development Management and Policy 3 - Design of New Development

7.11 Matters of design, character and amenity cannot be accurately assessed against as this application is outline with all matters reserved. The proposal is not in an area of increased flood depth, so there would not be requirement to raise finished floor levels to address flood risk. The application site is served by a pavement to the front and a public right of way which should not be impacted by any future proposal.

7.12 A full examination of residential development of this site against Policies 2 and 3 would be made if a reserved matters or full planning application was forthcoming.

7.13 Assessment against South Holland District Council approach to change of use / demolition of public houses in the district

7.14 It is considered that financial records must be provided to demonstrate the performance of the public house, as well as details of marketing with estate agents on a variety of forms of media. Accounts have been provided for the years 2015 to 2021, however, the property has not been marketed for sale as a public house. The reasons given for non-marketing are poor financial performance of the business, the costs of renovation and repair and the building not attracting a price that a successful business well supported by the local community might generate.

7.15 A response from Ark Estate Agents states:

"Thank you for inviting us to inspect the above property to provide you with an up to date market appraisal. In an assessment of this nature it is impossible to be precise, however our advice is based on research into the current market and extensive local knowledge.

With this in mind, we believe that the business is not viable and that in current commercial circumstances would not attract interest due to the unsustainability of the area and business type.

In light of recent events we have seen a decline in the hospitality sector and within a 10 mile radius of this location there are other public houses available for sale in more lucrative locations. We therefore believe that it is not appropriate to market the property further."

A letter submitted by the accountancy company Bowers, Fleming & Co Limited states *"I fully expect that once the variable and fixed costs of the business for the year to 28 February 2021 have been taken into account that a significant loss will have occurred."* They advise that it would be un-economical to reopen the pub.

Support for the retention of community facilities is also provided at a national level in the National Planning Policy Framework (2021) (NPPF). Paragraph 84 of the NPPF sets out that planning policies and decisions should enable the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship. Paragraph 92 sets out that planning policies and decisions should aim to achieve healthy, inclusive and safe places which promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other. Lastly, Paragraph 93 states that to provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day to day needs; and ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community. The proposal would be at odds with these provisions.

7.16 Character/appearance and heritage

7.17 The existing public house is of some age and although currently painted green is a traditional building with a pantile roof and clearly forms a significant feature within both the history of the settlement and contributes to the character of the area. Although not listed, not within a conservation area or subject to an article 4 direction, the County Historic Environment Officer does consider it to be a non-designated heritage asset. This is clearly a material consideration, which needs to be taken into account in the determination of the application. The demolition of public houses is not permitted development and does require planning permission. Policy 28 of SELLP and Section 15 of the NPPF give a clear explanation and justification for the proposal in order for the harm to be weighed against public benefits.

7.18 In this case it is considered there is sufficient justification for the demolition of the public house and the public benefits of a new residential development outweigh the harm which would be caused by the further considerable deterioration of the site, and the impact on the visual amenity, security, and health and safety of nearby residents.

7.19 The likely impact upon the amenity of nearby residents

7.20 The present use is a public house. It could thus be argued its redevelopment for housing would have less of an impact upon the occupiers of nearby residential properties in terms of noise and general disturbance. This is subject to future dwellings being designed so as not to overlook neighbouring properties, which would be determined at reserved matters or full application stage.

7.21 Highway Safety

7.22 There is no objection from the Highway Authority. Matters of detail relating to parking layout and the access driveway would form of any future reserved matters or full application. This would also inform how the refuse/recycling would be collected.

7.23 Other Material Considerations

7.24 Flood Risk - The site is within Flood Zone 1 and within an area of no hazard.

7.25 Drainage - Foul and surface water can be addressed by means of a condition. The Internal Drainage Board have commented that the indicative layout submitted would not be acceptable as it sites dwellings within 9 metres of the drain.

7.26 Archaeology - as stated above, LCC Historic Environment has requested the imposition of archaeology conditions.

7.27 Ecology - Preliminary Ecological Assessment submitted and the findings welcomed by the Lincolnshire Bat Group. Recommendations of the report including ecological enhancements may be conditioned.

7.28 Planning Balance

7.29 In other applications for change of use or demolition of public houses, communications from members of the public have been received lamenting the loss of a pub. One such letter has been received for this application. Additionally another public house named The Black Horse remains in the defined settlement limits of Gosberton Risegate. Therefore it is considered that a community venue remains nearby within the settlement.

7.30 The principle of development is acceptable in this location, and the submitted indicative design does not generate material amenity or character concerns. Whilst a substantive structural survey has not been undertaken, it is considered that it has demonstrated that the Duke of York cannot once again become a viable business due to the level of financial investment required to bring the building back to an acceptable standard.

7.31 Conclusion

7.32 The planning balance is considered to be in favour of the proposal. It is therefore recommended that the application be approved.

7.33 **Additional Considerations**

7.34 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.

7.35 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.

8.0 RECOMMENDATIONS

8.1 **Grant permission subject to those conditions listed in Section 9.0 of this report.**

9.0 CONDITIONS

1. Application for approval of reserved matters must be made not later than three years beginning with the date of this permission, and the development must be begun before the expiration of two years from the final approval of reserved matters or in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: As required by Section 92 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:
RA/1219/21/07
Design and Access Statement (Prepared by Richards Architectural)
RA/1219/21/01
Application Form
Preliminary Ecological Appraisal (Prepared by Inspired Ecology Ltd - November 2021)

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

3. No development shall take place without the prior written approval of the Local Planning Authority of all details of the following matters:
i) the layout, scale and external appearance of the building(s) (including a schedule of external materials to be used);
ii) the means of access to the site; and
iii) the landscaping of the site (including boundary treatment).

The development shall be carried out as approved.

Reason: To meet the requirements of Section 92 of the Town and Country Planning Act 1990.

4. 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. 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 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 granted beyond oversite, full details of the proposed means of foul and surface water disposal to separate systems shall be submitted to and approved in writing by the Local Planning Authority and the details so approved shall be implemented in full before there are any flows into the receiving systems.

Reason: To ensure that the site is adequately drained, to avoid pollution, and to prevent increased risk of flooding.
This Condition is imposed in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 14 of the National Planning Policy Framework, 2021.

6. When application is made to the Local Planning Authority for approval of reserved matters, that application shall be accompanied by a scheme of landscaping and tree planting indicating (including screening of bin collection points), inter alia, the number, species, heights on planting and positions of all trees in respect of the land to which that application relates, together with details of post-planting maintenance and such a scheme shall require the approval of the Local Planning Authority before any development is commenced. Such scheme as is approved by the Local Planning Authority 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.

   Note: The applicant is recommended to employ a qualified and experienced landscape designer to produce a landscaping scheme for the development. The submitted landscaping proposals shall demonstrate that Biodiversity Net Gain will be achieved on site, using the Biodiversity Metric 3.1 (or any successor).

   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 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 and 3 of the South East Lincolnshire Local Plan, 2019.

7. Prior to its installation, details of the proposed boundary treatments, including a schedule of fencing levels, heights and materials, and details of the size and species of any hedging, shall be submitted to and approved in writing by the Local Planning Authority, and the details so approved shall be implemented in full before the development is first brought into use and retained thereafter.

   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: In the interests of the character and appearance of the development and the amenity of the area in which it is set including the amenity of nearby occupiers.
   This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

8. No development shall take place until a written scheme of archaeological investigation has been submitted to and approved in writing by the Local Planning Authority. This scheme should include the following and should be in accordance with the archaeological brief supplied by the Lincolnshire County Council Historic Environment advisor on behalf of the Local Planning Authority:

   1. An assessment of significance and proposed mitigation strategy (i.e. preservation by record, preservation in situ or a mix of these elements).
   2. A methodology and timetable of site investigation and recording
   3. Provision for site analysis
   4. Provision for publication and dissemination of analysis and records
   5. Provision for archive deposition
   6. Nomination of a competent person/organisation to undertake the work
   7. The scheme to be in accordance with the Lincolnshire Archaeological Handbook.
   The archaeological site work shall only be undertaken in accordance with the approved written scheme.

   Reason: To ensure the preparation and implementation of an appropriate scheme of archaeological mitigation in accordance with national guidance contained in Section 16 of the National Planning Policy Framework, 2021. 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 29 of the South East Lincolnshire Local Plan, 2019.

9. The applicant shall notify the Lincolnshire County Council Historic Environment Department in writing of the intention to commence at least fourteen days before the start of archaeological work required in connection with Condition 8 above in order to facilitate adequate monitoring arrangements.

Reason: To ensure satisfactory archaeological investigation and retrieval of archaeological finds in accordance with national guidance contained in Section 16 of the National Planning Policy Framework, 2021.
This Condition is imposed in accordance with Policy 29 of the South East Lincolnshire Local Plan, 2019.

10. A copy of the final report required in connection with Condition 8 above shall be submitted within three months of the work being carried out to the Local Planning Authority and the Lincolnshire Historic Environment Record. The material and paper archive required as part of the written scheme of investigation shall be deposited with an appropriate archive in accordance with guidelines published in The Lincolnshire Archaeological Handbook.

Reason: To ensure satisfactory arrangements are made for the recording of possible archaeological remains in accordance with national guidance contained in Section 16 of the National Planning Policy Framework, 2021.
This Condition is imposed in accordance with Policy 29 of the South East Lincolnshire Local Plan, 2019.

11. The development hereby permitted shall not be commenced before details of the means of storage and disposal of refuse and recycling, 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 fully implemented before the first occupation of relevant dwellings and shall thereafter be retained.

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 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 30 of the South East Lincolnshire Local Plan, 2019.

12. Before the commencement of the development hereby permitted beyond oversite full details of ecological biodiversity measures to be installed in conjunction with the development shall be submitted to and approved in writing by the Local Planning Authority. The measures shall be constructed and retained in accordance with the details so approved.

Note: Development can incorporate a number of simple, low-cost measures to deliver biodiversity benefits and enhance priority habitats and species such as the use of bat and barn owl roost boxes and integrating nesting opportunities into buildings. The use of swift bricks on new developments would help minimise the decline in swifts, a priority species.

Reason: To ensure that the development is able to deliver a net gain in biodiversity.
This Condition is imposed in accordance with Policy 28 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in the National Planning Policy Framework, 2021.

13. 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.

14. 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 subsequently determining to grant planning permission.

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

15. Gosberton Public Footpath No. 5 is affected by the proposed development - plan attached. Please note that the footpath was unofficially diverted a number of years ago and the route on the ground now follows a different alignment to the legal alignment. It would appear that the footpath passes through plots 7 and 8 of the proposed layout. The footpath will therefore require diverting to enable development to take place or alternatively the development layout will require amending and the public footpath reinstating on the correct legal alignment.

Comments;
i/ It is expected that there will be no encroachment, either permanent or temporary, onto the right of way as a result of the proposal. Width to be retained 2m.
ii/ The proposed development should not pose any dangers or inconvenience to the public using the right of way.
iii/ If any existing gate or stile is to be modified or if a new gate (including gate posts) or stile is proposed on the line of the public rights of way, prior permission to modify or erect such a feature must be sought from the County Council.
iv/ The surface of the public footpath should not disturbed without the prior permission of the highway authority.

Background papers:- Planning Application Working File

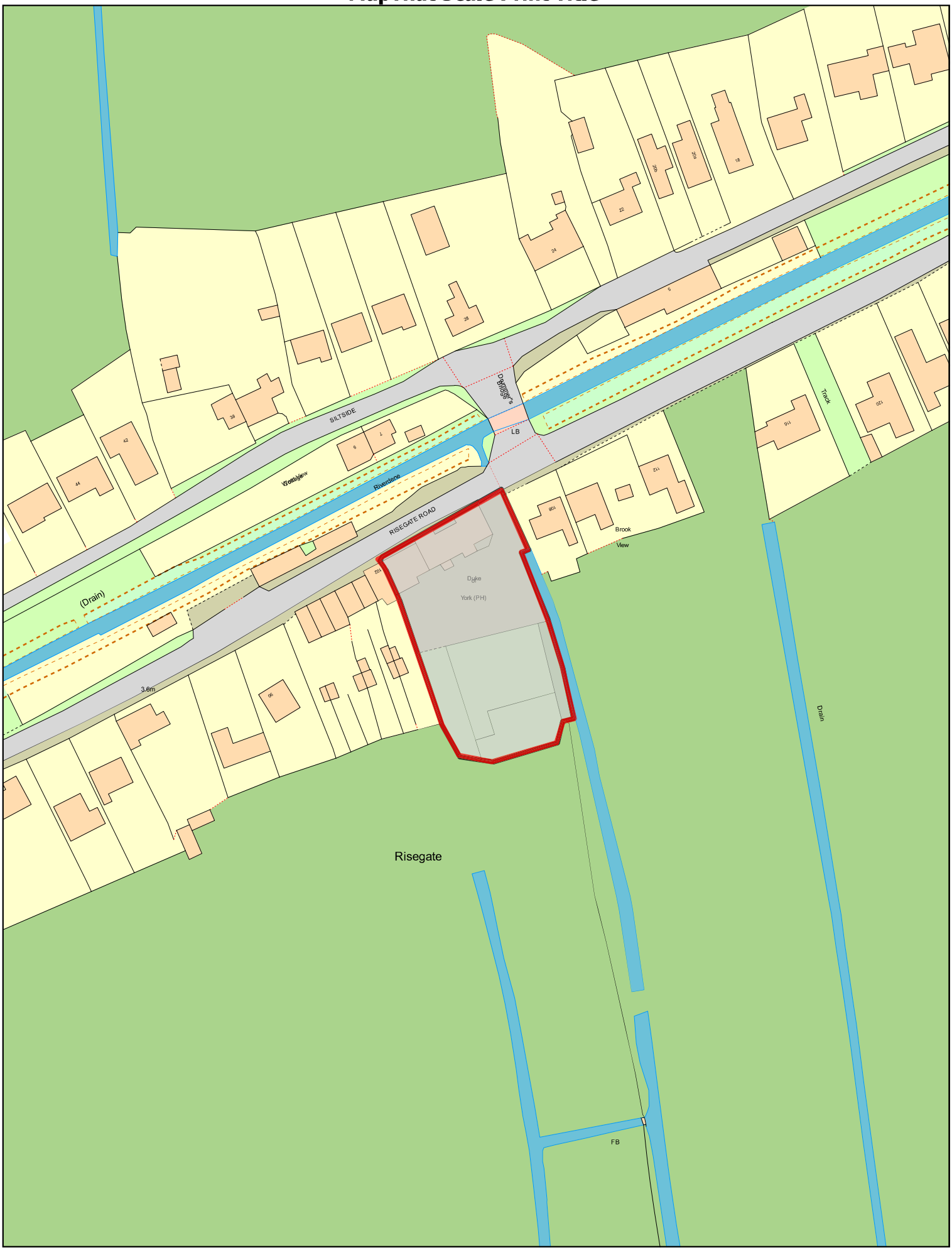
Lead Contact Officer

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Appendices attached to this report:

Appendix A Plan A

MapThat Scale Print Title



SOUTH HOLLAND DISTRICT COUNCIL

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