

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H08-1183-21 **Applicant:** RTW Construction & Developments Ltd

Proposal: Proposed residential development comprising 20 dwellings

Location: Site Adjacent Silverdene Boston Road Gosberton

Terminal Date: 15th March 2022

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
04	Approach to Flood Risk
06	Developer Contributions
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
17	Providing a Mix of Housing
18	Affordable Housing
28	The Natural Environment
29	The Historic Environment
32	Community, Health and Well-being
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 2021

Section 2 - Achieving sustainable development
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

Representations:

	Object	Support	No Obj.	Comments
--	--------	---------	---------	----------

PARISH COUNCIL	1	0	0	0
WARD MEMBER	1	0	0	1
PLANNING LIAISON OFFICER - FLOOD RISK ASSESSMENT	0	0	0	1
HIGHWAYS & SUDS SUPPORT	0	0	0	1
IAN MARSHMAN, HISTORIC ENVIRONMENT OFFICER	0	0	0	1
WELLAND AND DEEPINGS INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	0	3
OTHER STATUTORY BODIES	1	0	0	4
RESIDENTS	5	0	0	2

CASE OFFICER ASSESSMENT

Proposal

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

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 also be used 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 5no. affordable units.

Site Description

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

Relevant History

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

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

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

Consultation Responses

Cllr King

Feel this is an overdevelopment and as the area has been left alone has become a haven for wildlife.

Cllr Walsh

Whilst a previous application H08-0866-18 was approved on this site it was for fewer properties and prior to the Environmental Act 2021 Biodiversity Net Gain legislation coming into effect. Consideration should now be given to this requirement. Also note needs to be taken of the Lincs Wildlife Trust comments and appraisal. A previous Archaeological survey condition also needs to be considered.

Gosberton Parish Council

Gosberton Parish Council wish to support the views of local residents in that this proposal should be refused on the grounds of the lasting environmental damage and loss of wildlife habitat it will cause by having no regard to latest legislative requirements.

The Rt Hon Sir John Hayes CBE MP

Letter dated 6th January 2022 - I note outline permission has already been granted for 18 dwellings under H08- 0866-18. I understand the site has been uncultivated for over 30 years creating a haven for wildlife and a source of carbon capture for the future. My constituents and I are concerned that if this land is developed the environmental benefits will be lost forever. As you will be aware, the Environment Act 2021 has set the aspiration for biodiversity net gains seeking at least a 10% improvement in time. Furthermore, I can see no justification for increasing the number of dwellings from 18 to 20. Our villages should not be overdeveloped. I would, therefore, be grateful if you could treat my letter as an objection to this planning application.

Letter dated 5th February 2022 - Further to my letter of 6th January objecting to the above proposal and bearing in mind the environmental significance of this application, I would be grateful if it could be determined by the Planning Committee.

NHS

Evidence backed financial contribution request of £13,200 towards expansion of capacity through remodelling/changes to layout or extension to existing facilities at the Gosberton Medical Centre, Beechfield Medical Centre, Munro Medical Centre, Swineshead Medical Group and Kirton Medical Centre.

Lincolnshire Police

No objections. Provides standard advice regarding crime prevention and safety.

SHDC Strategic Housing

Should the development be permitted the current policy requires about 25% of the development to be provided as affordable housing to meet district wide housing needs; for a development of 20 new homes this equates to 5 dwellings. I note from the site plan that the developer proposes to deliver 5 affordable homes, comprising of 3 Rented- 1 x 2 bed house and 2 x 3 bed houses and 2 Shared

Ownership- 1 x 2 bed house and 1 x 3 bed house. 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 house.

SHDC Environmental Protection (contaminated land)

I request the standard land contamination condition at this location.

SHDC Environmental Protection (noise and odour)

No objection.

LCC Historic Environment Officer

The previously approved plans for this site were subject to archaeological conditions (3, 4 & 5) to require a scheme of archaeological works. If permission is forthcoming, we would recommend that the same conditions be applied to this proposed development as well.

LCC Education

Requests a financial contribution of £67,965 towards additional secondary capacity at Donington Thomas Cowley.

LCC Highways/SUDS

Highway:

A shaded plan is required showing areas proposed for adoption by the Highway Authority. The general layout is acceptable in principle with the following changes:

- A construction management plan and method statement is to be provided
- In the interests of public amenity, the existing public footpath will require upgrading from the development site to the existing footway on Mill Lane for the safe and suitable provision of pedestrian access
- The visibility splays are incorrect and are to be amended in accordance with Manual for Streets for a 50mph carriageway. Please ensure you provide a drawing showing the full extent of the visibility splays

Further changes may be required upon receipt of the shaded plan showing proposed adoptable areas

Drainage:

As Lead Local Flood Authority, Lincolnshire County Council is required to provide a statutory planning consultation response regarding Drainage on all Major Applications.

In accordance with the NPPF, Local Planning Authorities should ensure that that flood risk is not increased elsewhere and the scheme "incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate" (NPPF Paragraph 165).

This application has not demonstrated how the proposed development will mitigate flood risk and meet SuDS principles. However, the applicant has only provided a Flood Risk Assessment and therefore, we would ask for the following information.

- Detailed development layout showing surface water drainage infrastructure in accordance with SuDS principles
- Detailed drainage strategy report with Geotechnical Interpretive reports (infiltration assessments, ground water tables, hydraulic calculations)
- Discharge and adoption agreements
- A flood exceedance routing plan. Please note we are aware that the finished floor levels and ground levels are to be raised which will affect surrounding properties and we would advise the existing ground levels of the site should not be raised above the level of any surrounding land unless measures are taken, to the satisfaction of the local planning authority, to prevent possible flooding or waterlogging of any neighbouring land or properties.
- Details of any attenuation basins

Lincolnshire Wildlife Trust

The application form does not recognise the proposed developments proximity to a Local Wildlife Site and nature reserve - Boston Road Brick Pits.

Recommend that an ecological appraisal is carried out by a suitably qualified ecologist.

The Environment Act 2021 mandates delivery of at least 10% biodiversity net gain (BNG) above the sites pre development baseline value of biodiversity using the biodiversity metric (DEFRA Metric 3.0). Public open spaces and landscaping should contribute to biodiversity net gain on site.

Whilst I can see an ecological improvement plan, the application doesn't include any detailed information on plant species, value for wildlife or long term maintenance.

We support the retention and enhancement of existing drains, ditches, hedges and mature trees. They provide connectivity and green corridors within the landscape and allow movement around and through developments.

Lighting overspill from the site should be avoided. Any street lighting should be functional, directional and conform to the current guidance 'Bats and artificial lighting in the UK' written by the Institution of Lighting Professionals and the Bat Conservation Trust.

In general, if a robust ecological appraisal has been carried out for a development and biodiversity net gains with positive outcomes for people and wildlife are suggested we would ask that these, along with any recommendations for further survey work, are conditioned and the LPA checks that these are undertaken.

Lincolnshire Bat Group

Phase 1 Habitat Survey and Protected Species Survey undertaken in September 2019 is out of date - see Executive Summary, which states that 'if a start has not been made by 1 September 2020, then the survey must be repeated'.

The biodiversity enhancement plan looks more or less OK. But when I compared it with the recommendations in the ecology survey I see there's little comparison, as the site layout is considerably different. This needs input from the ecologists to bring it fully in line with their recommendations, and I would also argue that an integral bat box being installed on the first property on the site, which is very close to the main road, is inappropriate. Bats are highly mobile animals and with Boston Brick Pits Nature Reserve across the road, which is a known foraging area, if this box is used there are risks that bats will be crossing the road, and be prey to collision with passing traffic and certain injury and death. The other boxes have been placed further into the site, so should be OK.

Welland and Deepings IDB

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.

Environment Agency

No objection subject to condition requiring development to be carried out in accordance with the recommendations of the submitted flood risk assessment.

Public (7 no. objections/comments received)

- Concern regarding highway safety

- Access is opposite a dwelling and resulting impact of car lights shining in windows
- Increase in number of dwellings from previous plan
- Boundary treatment should extend as far as Mill Lane Nursery and heavier planting along the edge between the fences and the drain to protect amenity
- Impact on wildlife and habitats on and off-site; no reference to Biodiversity Net Gain
- Far enough away from village centre that it shouldn't be allowed
- Up to 200 houses already proposed in area
- New access road required but not shown on plans
- Recommend the installation of 3 swift nest bricks per dwelling

Planning Considerations

Principle

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 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).

Detailed layout, scale and appearance

A variety of house types and designs are proposed, including a small terrace, semi-detached and detached dwellings. The application site is located on the edge of the village and would create its own character and would not be untypical of an edge of village development in South Holland in visual terms. With regard to external materials, 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. Hard landscaping details would be conditioned if permission were to be forthcoming.

In terms of scale, all properties would be 2 storey which is generally in keeping with the existing development in the vicinity. Finished floor levels are only required to be raised by approximately 300mm so there will be a minimal impact on the height of these properties in visual terms.

The public open space has been positioned relatively centrally meaning that all properties are within a reasonable distance.

A cul-de-sac layout with adoptable estate road is indicated with 2 short private drives off to the north and one to the south. This is considered to be an acceptable balance between estate and private roads.

Even with the increase of 2 dwellings, the overall density of the scheme is still only approx. 9/ha, which is extremely low and arguably underdevelopment of the site considering that the majority of schemes in villages are built at well over 20/ha.

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.

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.

Private drives

A recently published Council guidance note entitled 'Private Drives - Waste Vehicle Collection Service' sets out a hierarchy for developers to follow when considering waste collection arrangements and private drives. This guidance is not adopted planning policy and as such can only be given limited weight in planning terms. However, it is a material consideration. The relevant section of this guidance note states:

"The Council, as local planning authority, is obliged to take into account the Council's adopted waste collection policy when determining planning/condition compliance applications for waste collection details as it should avoid approving waste collection schemes which are not capable of being provided. The following guidance is therefore provided for developers when seeking planning permission for new developments. The guidance seeks to ensure that developers are fully aware of waste collection issues when submitting planning applications with a view to avoiding later problems, such as poor design under policy 3 of the South East Lincolnshire Local Plan (Adopted March 2019). The following does not constitute adopted planning policy.

1. It is firmly recommended that new developments should seek to minimise private drives when preparing and submitting planning applications. Access roadways to all residential properties should normally be constructed to an adoptable standard under an agreement with Lincolnshire County Council so that they will become public highways to enable refuse/recycling collections to be carried out from outside individual properties without the need for communal waste collection points at the point where private driveways adjoin public highways. This is the preferred solution of the Council as waste collection authority from an operational perspective. Furthermore, it avoids the potential impacts of unmanaged depositing of waste, which can lead to unacceptable impacts upon the visual and residential amenity of communities.

2. Where private drives are unavoidable, the Council would expect to see no more than 6 properties from any one private drive and a carrying distance of less than 30m. In order to judge the suitability of proposals to be served from private drives, the Council will apply a carrying distance of no greater than 30m measured from the nearest point of the plot adjacent to the private drive. This is reflective of Building Regulations Guidance on carrying distances for waste from households. Developers are advised to contact the waste collection service to determine the proposed collection point.

3. Should the proposal include a joint storage area for waste, this will serve no more than 6 properties and should be sited on land owned by a proprietor of the private drive. Storage areas should still allow for collection of the waste by the Council from the public highway. An area of 800mm x 800mm should be provided for each property using the collection point. Design and siting will be expected to take account of impact upon both visual and residential amenity and demonstrate how these impacts have been minimised. Definitive information on the on-going maintenance and responsibility for waste collection points will be required to protect against unmanaged depositing of refuse. The Council may take appropriate enforcement action if the waste collection point is not reasonably maintained.

4. Where private drives are included in a development proposal and the above criteria cannot be met then it may be possible to provide for a private waste collection from individual properties. This would avoid the impacts arising from unmanaged depositing of waste. This may necessitate the

developer entering into a section 106 agreement to ensure future delivery of the service.

5. If a private waste collection is not deliverable it is expected that private drives will be minimised through the design or re-design of the scheme to avoid the above concerns.

The Council will apply the above hierarchical approach to waste collection solutions on new developments. It will achieve this via negotiation at pre-application stage, during consideration of planning applications and the discharge of planning conditions. Standard conditions will be applied in relation to roads being constructed to adoptable standard and, on outline planning applications, securing details of waste collection. Full and reserved matters applications will be expected to include full details of the waste collection solution to be secured up-front.

Where all of the above measures have been reasonably exhausted, the Council may agree to collect waste from private drives in exceptional circumstances."

In terms of the above, clearly there are a small number of private drives proposed as part of the scheme (3 no.). No more than 6 properties are served by any private drive and all refuse/recycling collection points proposed are no greater than 30m from the nearest point of the plot adjacent to the private drive. The collection points shown accord with the 800mm x 800mm size that the guidance suggests should be provided for each property using the collection point, provided that Plot 10 would present kerbside given they are located adjacent to the adoptable highway. With regard to amenity, appropriate screening to minimise visual impact could be secured by condition. Details of the on-going management and maintenance of these points can also be secured by condition.

On this basis, officers are of the view that the proposed private drive and waste collection arrangements satisfactorily comply with the hierarchy and considerations outlined above.

Access, highways and parking concerns

Local concern has been raised regarding highway safety and the perceived unsuitability of the proposed access on to Boston Road. However, permission has previously been granted for an access in this location with no objection from the Highway Authority. The Highway Authority have however commented that the existing public footpath will require upgrading from the development site to the existing footway on Mill Lane for the safe and suitable provision of pedestrian access. This was not a condition that was imposed on the previous consent and it is therefore considered that it would be unreasonable to impose it if permission were to be granted on this occasion.

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.

A Construction Management Plan condition can be added 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.

Landscaping and open space

A large area of public open space is located close to the centre of the site, amounting to approx. 0.16ha. This is over four times 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.

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. Overall, this is considered to be a suitable landscaping scheme for the site. The proposed scheme therefore complies with Policy 3 of the Local Plan in respect of its provisions on landscaping.

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.

Drainage and Flood Risk

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.

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.

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.

The Local Plan has allocated sequentially preferable sites in terms of flood risk that are capable of meeting the identified housing targets for individual settlements. The site in question is not a housing allocation in the Local Plan and the allocated sites in Gosberton, in conjunction with other extant commitments and completions since 1st April 2011, are considered sufficient to meet the housing number identified for the village in the Local Plan.

The application 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.

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.

The applicant is proposing to connect into Anglian Water's existing system for foul drainage, whom are obliged to accept flows from new developments. Anglian Water have raised no objections previously.

Given the above, it is considered that the proposed drainage scheme accords with Policies 2, 3 and 4 of the Local Plan which require proposals to provide appropriate means of drainage.

Impact upon residential amenity

Concerns have been raised by nearby residents regarding impact upon their amenity.

Taking into account the separation distances between dwellings (existing and proposed) and the positioning of windows, it is not considered that there would be any significant overlooking, overshadowing or overbearingness issues. Plot 1 is the closest of the proposed dwellings to any existing property (approx. 8m from the neighbouring property to the north) and there are no side facing windows, therefore privacy would not be an issue. All other dwellings would be in excess of 21m apart from existing properties which is an acceptable distance in planning terms. Furthermore, given that the proposed properties are located to the north of existing dwellings, and taking into account separation distances, there should be no overshadowing issues taking into account the path of the sun.

Within the site itself, the proposed properties would have a normal estate road relationship and suitable separation distances. The majority of properties would sit within very large plots, with the exception of Plots 1-5. However, these are smaller properties so less external amenity space could

conversely be seen as acceptable.

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.

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.

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.

Developer contributions

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.

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 at the Gosberton Medical Centre, Beechfield Medical Centre, Munro Medical Centre, Swineshead Medical Group and Kirton Medical Centre
- £67,965 towards additional secondary capacity at Donington Thomas Cowley School.

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.

Affordable housing provision

Policy 18 of the Local Plan requires the provision of about 25% affordable housing on-site on market schemes in South Holland.

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. Given that there has been no significant pre-application engagement, the First Home requirement would apply in this instance.

The affordable housing scheme proposed does not accord with the above mix in that the proposal is for 3 x affordable rent and 2 x shared ownership, with no mention of First Homes. It is therefore contrary to the advice of colleagues in Strategic Housing, Policy 18 of the Local Plan and National Planning Practice Guidance on First Homes.

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.

Ecology

A number of objectors raise concerns about the potential for loss of habitat and impact on wildlife if the site were to be developed.

A Preliminary Ecological Appraisal has not been submitted as part of the application and that submitted with the previous application is now out-of-date. Therefore, if permission were to be granted, the submission and approval of a fresh appraisal would be required prior to the commencement of any development on site. This would also inform recommendations for enhancement and tie into calculations for Biodiversity Net Gain to satisfy the requirements of Policy 28 of the Local Plan.

Other matters

Revised plans have been submitted during the course of the application in order to try and address consultee and officer comments made. These have been considered in the context of the plans originally submitted and it is noted that minimal changes have been made. Given this, and the Council's view that there is a fundamental issue of principle, no further reconsultation has been undertaken.

Planning balance

Whilst the proposal is considered to be generally acceptable on character, highways and amenity grounds, there is a fundamental issue of principle that is considered to outweigh these matters. The site sits outside of the settlement boundary for the village and it would be inappropriate to issue a further consent given that the original 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). Furthermore, the proposed affordable housing mix does not accord with the expectations of Strategic Housing colleagues, Policy 18 of the Local Plan or National Planning Practice Guidance on First Homes and the application site is less sequentially preferable than others in the village in flood risk terms.

The planning balance is therefore considered to be against the proposal.

Additional Considerations

Public Sector Equality Duty

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

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

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

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

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

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

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

Human Rights

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

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

Conclusion

There is a fundamental issue of principle given the present policy context, the Council's ability to demonstrate 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). Furthermore, the proposed affordable housing mix does not accord with the expectations of Strategic Housing colleagues, Policy 18 of the Local Plan or National Planning Practice Guidance on First Homes and the application site is less sequentially preferable than others in the village in flood risk terms. It therefore also conflicts with Policy 4 of the Local Plan.

The recommendation is therefore for a delegated refusal.