DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H08-1335-21**	**Applicant:**	**D & R Homes (Gosberton) Ltd.**
Proposal:	Residential Development - 28 dwellings. Outline Approval H08-1216-17		
Location:	Land Off Spalding Road Gosberton Spalding		
Terminal Date:	18th November 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
30	Pollution
31	Climate Change and Renewable and Low Carbon Energy
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

NPPF 2021

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	1	0	0	0

WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
WELLAND AND DEEPINGS INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	0	3
OTHER STATUTORY BODIES	0	0	0	2
RESIDENTS	1	0	0	3

CASE OFFICER ASSESSMENT

PROPOSAL

Residential Development - 28 dwellings. Outline Approval H08-1216-17.

Specifically the original scheme proposes 4 x semi detached one- bedroom bungalows, 12 x semi detached two-bedroom bungalows, 5 x detached two-bedroom bungalows and 7 x detached three-bedroom bungalows.

Access is proposed from Spalding Road.

An existing range of agricultural buildings are proposed to be demolished to facilitate the development. The removal of these buildings was accepted within the outline consent (H08-1216-17 refers). This is discussed further below.

The application is supported by a Tree survey. There is a Holm Oak tree covered by a TPO to the immediate southern boundary.

The application is also supported by a Maxey Grounds Viability Assessment, and has been considered in detail. This is set out below, and despite the conclusions of the submitted Assessment, the application now offers full policy compliant affordable housing and other developer contributions, in accordance with the S106 on the land. As a result the application has been amended to provide 7 affordable homes, comprising of 5 x Rented dwellings: 2 x 1 bed bungalows (Plots 6 and 7), 2 x 2 bed bungalows (Plots 27 and 28) and 1 x 3 bed bungalow (Plot 13) and 2 x Shared Ownership 2 bed bungalows (Plots 25 and 26), together with financial contributions to the NHS and for education provision.

Public open space and an attenuation pond are proposed on the south of the site. It is proposed that equipment is to be provided on site in the form of outdoor 'gym' equipment that offers reduced resistance for older users. The equipment is likely to consist of 'Tai Chi wheels', a 'Double Bench', a 'Double pulldown', a 'Twister ski' and a 'gym triangle'. The equipment is proposed to be located on the area identified as open space and surface water attenuation; however, the surface water is contained within an area which is fenced off as shown on drawings which have been submitted.

An area of land that currently provides access to the site is excluded from this reserved matters scheme and it is intended, as explained by the agent, that this land will be offered to the adjoining

garage owner. It is used incidentally now and will therefore change little from how it is at present. This is annotated on the amended plan.

An acoustic fence is proposed to the side of the garage and alloy wheel refurbishment business. This is discussed further below.

The agent's has provided further information as follows:

"The entire POS/surface water attenuation pond will form part of a management company to include the new outdoor exercise equipment, the other areas of POS on the site and the private drives. These management areas are shown on the attached plan sent in response to the highway's comment in July.

The functional area of the surface water attenuation area is fenced off from where the outdoor equipment is being located, in accordance with ROSPA guidance.

We have all the details of the outdoor equipment and I have attached these here for you. The equipment is to be installed by the same company that also did the recent upgrade to the children's equipped area in the village. As mentioned previously, we feel that the proposed equipment on the site is better related to the likely demographic of the occupants of the development, as set out in the reason for the condition on the outline permission."

SITE DESCRIPTION

The application site measures 1.7ha. It is rectangular in shape, with mature hedgerow and trees to the east, west and southern boundaries. The land is essentially flat agricultural land.

The north of the site is characterised by a group of old agricultural buildings, which vary in age and condition, and a bungalow. There is an existing access from Spalding Road that serves both the existing bungalow (7 Spalding Road) and the agricultural land and buildings beyond. In the northern corner of the site there is a further access track from Spalding Road, which is also used to access the field to the south.

A track runs between the commercial unit (garage) to the north west. There is a Grade II Listed Church to the south east and a Grade II Listed milestone on the opposite side of Spalding Road.

The application site abuts the current settlement boundary and there is existing residential development along the western boundary.

Gosberton Primary School, the village shops, employment opportunities and bus stop are all a short walk from the application site.

RELEVANT HISTORY

H08-1216-17. OUTLINE. Proposed residential development of up to 38 dwellings. APPROVED 17-01-19, with S106 legal agreement - minimum of 25% affordable dwellings, education contribution and healthcare contribution.

This outline consent is subject to conditions covering, inter alia, the submission of foul water treatment requirements on and off site, boundary treatments, a detailed scheme of construction management, precautions to be taken to prevent the deposit of mud on public highways, an Estate Street Phasing and Completion Plan, future management and maintenance of the proposed streets, drainage, street lighting and constructional details of the streets proposed for adoption, a surface water drainage scheme, contamination of land or pollution of controlled waters, an equipped children's play area, publicly accessible open space, archaeological investigation and details of the means of storage and disposal of refuse and recycling. All of these matters require submission. The decision notice for this outline consent can be viewed at this link. https://planning.sholland.gov.uk/OcellaWeb/showDocuments?reference=H08-1216-17&module=pl

REPRESENTATIONS

Gosberton Parish Council

Original scheme

Gosberton Parish Council wishes to object to this planning application due to an unsuitable exit.

Revised scheme 1

Objections. The site is over developed, with very little extra parking for visitors, ambulances etc.

Current revised scheme - No response received at the time of writing this report.

SHDC Conservation Officer

Raise no objection to this proposal from a built-heritage conservation perspective. The proposed site is adjacent to the Grade II listed Gosberton Baptist Church. However, the proposed layout and scale of the proposed new bungalows offer an acceptable degree of separation and visual subservience such as to not present a risk of appearing to encroach upon or overbear the listed structure.

Furthermore, the proposed residences make good use of appropriate and high-quality external materials including brickwork to match the general theme of both the wider area and the darker hue of the adjacent listed building, as well as natural roof coverings (slate and clay pantile). Whilst it is proposed that doors and windows will be UPVC, this site is not within a conservation area, and the effect of UPVC accoutrements would not be so severe as to present a risk to the adjacent listed building.

Recognises that the existing historic barn building facing the street frontage, which it will be necessary to demolish to create access to the site, could easily be considered to be a non-designated heritage asset in its own right, being a relatively well preserved and attractive example of its type. As such, would advise that any approval be accompanied with a condition requiring the undertaking of a full photographic recording of that structure.

SHDC Trees & Nature Conservation Officer

Very keen that the young holm oak tree in G2 does not become overlooked, as some day it will be a fine tree.

Similarly as you are aware from the Outline Application when I surveyed the site there was much activity obvious from a certain mammal which again was not picked up in the Protected Species Report.

From the plans not 100% sure which tree is in close proximity to the proposed garage/parking space at Plot 5, from memory maybe a poplar or maple. Only a small percentage of Root Protection Area encroached on. Otherwise should use no-dig methods. May in future have complaints with regard to 'sticky stuff' on cars parked in space closest to tree. The more space between the better.

Think Carpinus betulus must be the species referred to Ornamental hedge planting.

All trees/hedgerows (and those which overhang the site) to be protected to British Standard BS 5837: 2012 before works commence.

Buildings to be checked for Protected species immediately before demolition.

SHDC Housing Strategy

The Outline consent benefits from a s106 Agreement that secures a minimum of 25% of the total number of dwellings as affordable housing. The s106 Agreement also requires the applicant to submit an affordable housing scheme for approval detailing the tenure, mix, size and location of the affordable dwellings.

Within this Reserved Matters application I cannot find what the applicant is proposing for the affordable housing scheme, therefore I request that this is sought from them. To meet needs and adhere to local and national policy the applicant should consider delivering 7 affordable homes, comprising of 5 x Rented (2 x 1 bed bungalows, 2 x 2 bed bungalows and 1 x 3 bed bungalow) and 2 x Shared Ownership (2 x 2 bed bungalows).

It would be preferable for the homes to be built to the 'Nationally Described Space Standards', with the dwellings at least: 1 bed 2 person 2 storey, 2 bed 4 person 2 storey and 3 bed 5 person 2 storey. The policy also encourages homes that are capable of adaptation over time, state whether meet M42/M43 standards. It would also be useful to understand if the homes are proposing any low carbon use or emissions initiatives, again encouraged in the Local Plan but not a policy requirement.

The applicant should seek to secure a Registered Provider (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.

SHDC Environmental Services

No response received.

LCC Highways & Lead Local Flood Authority

Original scheme

Requests additional information regarding the extent of highway proposed for adoption by the Highway Authority and drainage matters.

Also suggest that a construction management plan and method statement is to be provided and turning indicators to facilitate refuse trucks and fire tenders around turning heads.

Revised scheme

All roads within the development hereby permitted must be constructed to a satisfactory 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.

No objection subject to standard conditions regarding a Construction Management Plan and Method Statement, the road junction being completed prior to occupation and the submission of a surface water drainage scheme, and informatives.

Latest revision

Having discussed the proposal to instal the exercise equipment within an area of the attenuation basin with the agent in more detail and, with my planning colleagues, please be advised that we have no objection to this proposal, as it will not have a detrimental effect to the storage of the surface water drainage system.

Welland and Deepings Internal Drainage Board

Original Plans

In line with current recommendations, the use of SUDS (Sustainable Urban Drainage Systems) should be considered as a first approach to dealing with surface water run-off. Lincolnshire County Council as Lead Local Flood Authority will have a key input into any SUDS or surface water disposal strategy. I would advise early engagement of discussions with them.

Preliminary discussions have been held with the engineering consultants dealing with the surface water drainage for the site. Various scenarios were discussed around the principles of SUDS and a restricted discharge from the site through third-party land before entering the Board's system.

To date we have not received any firm drawings or surface water discharge proposals from the site. These should be provided at the earliest convenience to enable the Board to fully comment and to

provide figures of the development contribution that would be due. Without these the Board cannot provide a full response to this application.

If any watercourses are proposed to be altered e.g. piped for creating accesses then consent would be required from the Board under the Land Drainage Act 1991.

Revised Plans

The Board have held informal discussions with the consulting engineer who has informed us that they will be designing the SUDS system with a submerged outfall. This is agreeable with the Board in principle, subject to an application being made if planning permission is gained which is subject to the agreement of technical details, payment of the application fee as well as the relevant development contribution.

During discussions, the Board also agreed in principle to a proposed 5 litres per second total flow surface water discharge from the site, subject to the relevant application being made to the Board should planning permission be granted. The application would be subject to the agreement of technical details, payment of the application fee and payment of the relevant development contribution.

Amendment 4 - Inclusion of Adult Play Equipment on POS (1308-5_PL_DD04, 1308-5_PL_PP01C, 1308-5_PL_PP02D & 1308-5_PL_SP02D) - confirm that Welland & Deepings IDB have no further comments to make with regard to this application.

Latest revision

Confirm that Welland & Deepings IDB have no further comments to make with regard to this application.

Police Crime Prevention Design Advisor

Lincolnshire Police do not have any objections to this application.

Public

Original scheme

One objection received:

Increased traffic and accidents.
Why build more houses in this small village and take away countryside.
This road is bad enough, no lights.

Three comments received:

Parking spaces for visitors and services: development offers opportunity to serve the local community by making provision for parking for nearby uses (school, church, a small supermarket, a fast-food takeaway outlet, and a hairdressing salon).

The potentially hazardous access/exit onto the Spalding Road.

The tree and hedgerow survey was carried out in 2017. Tree 2, 3 and 4 are contained within the survey and are positioned on adjacent property; would like assurances that the trees will not be included in the proposal.

Asbestos in buildings to be removed. Would like assurances from the developer and would like to be informed when such work to demolish/remove the farm building will take place so that appropriate precautions can be put in place in adjacent household (if required). Is this an option/consideration the developer would agree to regarding communication of the works regarding this building?

The hedgerows will be removed and we have an abundance of wildlife living in them hedgehogs etc and possibly bats.

Revised scheme 1

One comment received:

Demolition of farm buildings - asbestos.
Location of entrance and possible moving the speed limit sign to slow traffic.

Current revised scheme - No responses received at the time of writing this report.

CP Viability

Recommendation remains that the full planning policy provision should be provided here (albeit the M4(2) standards cannot be met, as previously set out). The full assessment can be viewed at the following link: https://planning.sholland.gov.uk/OcellaWeb/showDocuments?reference=H08-1335-21&module=pl

PLANNING CONSIDERATIONS

The following matters are considered to be appropriate in the consideration of this application:

Principle of Development and Sustainability
S106 Obligation Requirements and Viability
Impact upon the character and appearance of the area
Impact on Heritage Assets (Listed Buildings)
Landscape Impact and Trees
Impact upon residential amenity
Provision of an equipped children's play area
Site Access, Highways and Parking Considerations
Flood risk and drainage
Biodiversity

Principle of Development and Sustainability

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 development plan unless material considerations indicate otherwise.

The principle of the development of this site for up to 38 dwellings is accepted by the outline consent H08-1216-17 referred to above.

Gosberton is considered within the South East Lincolnshire Local Plan 2019 to be a Minor Service Centre. Within the settlement boundaries of the Minor Service Centres 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. Development will normally be limited to Allocated and Committed sites and infill.

S106 Obligation Requirements and Viability

This application was accompanied by a viability appraisal case prepared by Maxey Grounds. This viability case concluded that a full policy compliant scheme for a site of 28 units with 25% affordable housing plus S106 full cash contributions would not be viable. This report goes on to set out the opinion that a scheme of 28 units with 10.7% affordable housing and reduced cash S106 contributions of £3,000 results in viable scheme.

This was reviewed independently by CP Viability and that independent review concluded that the scheme is deemed to be viable with full policy compliant developer contributions deliverable, specifically 25% on site affordable housing, and £97,525 in education and health contributions.

The applicant clarified that they do not agree with the independent assessment undertaken, however, in order to secure the consent, they will accept the affordable housing and contribution amounts contained therein. The application is therefore being considered on that basis.

Impact upon the character and appearance of the area

The development of this site is accepted in principle by the grant of outline consent, set out above.

The proposed layout would provide a development of 28 detached and semi detached bungalows, set within private garden areas, with access provided from Spalding Road via an adopted road, with limited private driveways being indicated.

The layout would provide an urban form, with bungalows facing the adopted highway. An open area is proposed to the south to provide an attenuation basin.

It is considered that the form of development would be low key in nature that would be appropriate to the location and form of the site, taking in to account adjoining dwellings and other uses. It is considered that the development would accord with Policies 2 and 3 of the SELLP in this regard.

Impact on Heritage Assets

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in considering whether to grant planning permission for development which affects a listed building or its setting, the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

The impact of the principle of the development of this site and the demolition of buildings on the site was specifically addressed by officers at the time of the consideration of the outline consent at which time the interim Conservation Officer supported the proposal, on the basis that the opening up of the setting around the listed Church will be a betterment to its setting and to the ability of the public to appreciate the heritage asset.

The proposed layout and scale of the proposed new bungalows offer an acceptable degree of separation and visual subservience such as to not present a risk of appearing to encroach upon or overbear the listed structure.

Furthermore, the proposed residences make good use of appropriate and high-quality external materials including brickwork to match the general theme of both the wider area and the darker hue of the adjacent listed building, as well as natural roof coverings (slate and clay pantile). Whilst it is proposed that doors and windows will be UPVC, this site is not within a conservation area, and the effect of UPVC accoutrements would not be so severe as to present a risk to the adjacent listed building.

It is considered that the existing historic barn building facing the street frontage, which it will be necessary to demolish to create access to the site, could easily be considered to be a non-designated heritage asset in its own right, being a relatively well preserved and attractive example of its type. As such, would advise that any approval be accompanied with a condition requiring the undertaking of a full photographic recording of that structure.

The proposed development would not cause any harm to the significance of the heritage assets and there are evident benefits to the listed building. There is no harm to the heritage assets and is therefore considered to be justified in the terms of the NPPF.

The proposal is considered to compliment the character, setting, significance and experience of the Grade II Listed Gosberton Baptist Church and the local setting by openness around the Listed Building (the church), providing significant public benefit and therefore accords with chapter 12 of the National Planning Policy Framework, and policies of the Local Plan.

Landscape Impact and Trees

At the time of the submission of the outline application a tree and hedgerow survey report was submitted, that identified trees on or about the site, and identified that one hedgerow on the eastern site boundary is considered to be an "important hedgerow" and the other on the western boundary did not reach this assessment standard.

The layout would provide for private gardens for each property, with some fencing added for child/animal safety and security. The existing field boundaries, consisting of hedging and some trees, are to remain.

Since original submission the fencing proposed to the eastern and western boundaries have been

revised to a "hit and miss" style of timber fencing that would allow light and air through to the hedges beyond.

The Holm Oak that is covered by a TPO is to be retained at the south of the site and a protection area is shown.

The attenuation area and open space would contribute to the retention of a sense of space on the site.

Impact upon residential amenity

The bungalows are placed upon the layout in such a way that existing dwellings to the west and north/east would not be overlooked to such a degree that consent could be withheld. Details of boundary fencing have been submitted to address relationships and are considered to be acceptable.

In order to protect future occupiers of this development from potential disturbance from the existing businesses to the west, an acoustic fence is proposed to the side of the garage and alloy wheel refurbishment business. This would serve to reduce the potential for disturbance, in accordance with Polices 2 and 3 of the SELLP as well as para. 187 of the NPPF 2021, which addresses 'agent of change' matters.

Provision of an equipped children's play area

It is a conditional requirement of the outline consent that an equipped children's play area is provided. Condition 17 states:

An equipped children's play area shall be provided within the site. The timing of the implementation, location, detailed design, layout, specification of the equipment, and the management and maintenance regime of the play area shall be submitted to and approved in writing by the Local Planning Authority. The play area shall be provided in accordance with the details so approved, and thereafter so maintained.

The applicant advises that it is their view that due to the nature of the development being bungalows, that an equipped play area is not necessary, and instead proposed the payment of a sum to the Parish Council for provision elsewhere. This offer is now not on the table, and it is proposed that equipment be provided on site in the form of outdoor 'gym' equipment that offers reduced resistance for older users. The equipment is likely to consist of 'Tai Chi wheels', a 'Double Bench', a Double pulldown', a 'Twister ski' and a 'gym triangle'. The equipment is proposed to be located on the area identified as open space and surface water attenuation; however, the surface water is contained within an area which is fenced off as shown on drawings which have been submitted.

Site Access, Highways and Parking Considerations

The access proposed by this reserved matters application is in exactly the same location as that on the indicative plan submitted as part of the outline permission. It is an access point that would achieve adequate sight lines and standards. It is to be noted that LCC Highway Service does not raise objection to this scheme.

Flood risk and drainage

A Flood Risk Assessment and Surface Water Drainage Strategy was submitted to support the outline application, which shows the site is safe from flooding and that there would be no impact on other land uses or land users. The proposal will incorporate a sustainable drainage system, which will ensure surface water run-off is limited to Greenfield run-off rates.

Although the site lies within Flood Zone 3, the hazard mapping for the area in the updated South Holland Strategic Flood Risk Assessment shows that the site is sequentially preferable than other sites being promoted in the Local Plan.

There are not considered to be any significant adverse impacts relating to flood risk or drainage that warrant refusal of this application in the context of presumption in favour of sustainable development. Conditions are appended to the outline consent requiring the submission of details of

foul and surface water drainage schemes (conditions 5, 14 and 15 refer).

The flood risk assessment set finished floor levels and this is controlled by condition 7 of the outline consent.

Biodiversity

It has been raised that a walk over of the site found evidence of activities but nothing further. Also, a resident has raised the possibility of bats using the site. This is covered off by condition 6 of the outline consent, and the approved tree and hedgerow survey report.

The site is not big enough to establish wildlife corridors under a management plan, even if we had the land under our control. The wildlife corridor that exists at present, ie along the ditches will remain as they are at present. The scheme shows close board fencing to 1.5m high and 300mm trellis on top to provide suitable privacy and security where necessary. All the trees on site are to be retained as are the hedges.

Other Matters

Contaminated land - a condition is set on the outline consent requiring the submission and approval of a scheme to deal with any contamination of land or pollution of controlled waters and the scheme being implemented in accordance with those details (condition 16 refers).

A resident has raised the potential for asbestos removal being needed during the demolition of the farm buildings on this site. This is a matter covered by separate legislation and is not within the control of the Local Planning Authority.

Planning Balance

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 development plan unless material considerations indicate otherwise.

The proposal generally accords with Policies 1, 2, 3, 4, 6, 10, 11, 17, 28, 29, 30, 31, 32, 36 and Appendices 6, 8 and 9 of the adopted South East Lincolnshire Local Plan (SELLP, 2019) plus advice within the National Planning Policy Framework (NPPF, 2021). There are no other material considerations that indicate planning permission should not be granted in this instance.

Conclusion

That planning permission be granted subject to conditions.

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.

RECOMMENDATION

The recommendation is for a delegated approval.

The application was considered by Chairman's Panel on 11/11/22 and a delegated decision was accepted.