1.0 REASON FOR COMMITTEE CONSIDERATION

1.1 In order to update the resolution to approve to reflect the proposed revisions to the Section 106 agreement.

2.0 PROPOSAL

2.1 This is an outline application with all matters reserved. The application seeks to erect up to 46 dwellings on greenfield land which currently has an equestrian use as a private paddock area.

2.2 At the Planning Committee on 1 February 2017 it was resolved to grant conditional outline planning permission subject to the applicant entering into a Section 106 Agreement to secure 33.3% on-site affordable housing and the payment of an education contribution.

2.3 A copy of the previous report is appended.

3.0 SITE DESCRIPTION

3.1 As previous report.

4.0 RELEVANT PLANNING POLICIES

4.1 As previous report.

5.0 RELEVANT PLANNING HISTORY
7.0 MATERIAL CONSIDERATIONS

7.1 The key considerations are:
- whether the proposed revisions to the provision of on-site affordable housing is acceptable,
and
- an amendment to the indicative layout.

7.2 Affordable housing:

Following the submission of viability evidence, which the Council has independently verified, there is evidence to support the developer's assertion that policy compliant levels of affordable housing cannot viably be delivered. The evidence suggests that 10 affordable homes (21.74%) could be provided based on a total scheme of 46 homes. Strategic Housing support this view.

Affordable housing has the meaning as defined in Annex 2 of the National Planning Policy Framework 2012 or any amendment or supplemental guidance issued thereof. Usually the affordable contribution should be provided with a tenure split of 70% in favour of Affordable Rented housing and 30% Intermediate low cost home ownership dwellings. However, to improve the schemes viability and relying on the viability evidence Housing Strategy will seek 60% Affordable Rented dwellings and 40% Intermediate low cost home ownership dwellings.

7.3 For the viability assessment the following mix has been assumed for the affordable homes:
- Affordable rented- 6 homes, 4 x 2 beds and 2 x 3 beds;
- Intermediate low cost home ownership- 4 homes, 2 x 2 bed houses and 2 x 3 bed houses.

7.4 If the affordable and market mix is considerably different from this in the detailed planning application then there should be an opportunity for the viability to be reviewed. It would be preferable for the affordable housing to be secured through a s106 agreement. The s106 agreement should include an agreed affordable housing scheme detailing the tenure split, property types and sizes, plot numbers, internal floor areas, design standards and the phasing of the affordable housing units.

7.5 Ideally the affordable housing should be spread proportionately across the scheme to enable a mixed and sustainable community. The developer should also seek to secure a Registered Provider 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 developer require this.

7.6 An amendment to the indicative layout:

7.7 The revised indicative plan excludes the access to the south west of the site so that the applicant's own bungalow known as 25a High Street will continue to have a private drive. This access, and the garden immediately south of the bungalow, will no longer be included within the application site boundary.

7.8 There will now only be one vehicular access into and out of the site onto Boston Road, and one foot and cycle way providing access onto the High Street. The removal of one access impacts on plot 36 only which would now be on a smaller plot. Plots and layout are, however, purely indicative at this stage.

7.9 Conclusions
7.10 Whilst the development proposed is partly within and partly outside the development boundary for Gosberton, both for the current and emerging local plans, the Council's lack of a 5 year housing land supply means that the guidance within the NPPF takes precedence. Moreover, the development is considered to be sustainable in nature, compliant with NPPF guidance, and suitable for delivering much needed housing. With the additional benefits of this development providing a percentage of affordable housing and an education contribution this is a development which should go ahead without delay in accordance with the NPPF.

8.0 RECOMMENDATIONS

8.1 Authorised to grant permission subject to the applicant entering into a Section 106 Agreement to secure 21.74% on-site affordable housing, a financial contribution towards education provision and those Conditions listed at 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.


2. The development hereby permitted shall be carried out in accordance with the following approved plans:
   - dwg. no's. L-DEN-081-LP, L-DEN-081-SLPX revision 1,
   - Highway Access Appraisal (prepared by Local Transport Projects Ltd dated December 2016),
   - Great Crested Newt Survey (prepared by SLR Consulting Ltd - Version 1 July 2016),
   - Preliminary Ecological Appraisal (prepared by SLR Consulting Ltd - Version 2 May 2016), and
   - Flood Risk Assessment (prepared by RM Associates version 1 June 2016).

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

3. The following matters are reserved for subsequent approval by the Local Planning Authority and no development to which these matters relate shall be carried out until these matters have been approved, viz:
   i) detailed drawings of the estate layout to a scale of not less than 1:500 and including road and plot layouts;
   ii) detailed drawings to a scale of not less than 1:100 showing the siting, design and external appearance of each building, including a schedule of the materials to be used for external walls and roof;
   iii) the means of foul and surface water disposal;
   iv) details of landscaping and tree planting;
   v) the existing and proposed site levels and floor levels of the buildings and hard surfaced areas.
   vi) details of secure cycle storage for each dwelling;
   vii) details of the means of storage and disposal of refuse and recycling and arrangement for its on-going maintenance;
   viii) details of the design and positions of all external boxes for gas and electricity supplies and of any gas flues and soil vent pipes.

Reason: The application was submitted in outline only and the above details are required to enable the Local Planning Authority to assess the detailed design, scale, appearance and layout of the development as well as ensure that appropriate access and services are provided to serve the development.

This Condition is imposed in accordance with Policies SG12, SG13, SG14 and SG18 of the South Holland Local Plan, 2006 and national guidance contained in Section 10 of the National Planning Policy Framework, 2012.
4. 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, 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 in its entirety within a period of twelve months beginning with the date on which development is commenced. 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.

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 Policy SG18 of the South Holland Local Plan, 2006.

5. When application is made to the Local Planning Authority for approval of reserved matters, details of the proposed boundary treatment, including a schedule of 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.

Reason: In the interests of the character and appearance of the development and the visual amenity of the area in which it is set. This Condition is imposed in accordance with Policy SG14 of the South Holland Local Plan, 2006.

6. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (prepared by RM Associates, version 1 dated June 2016) and in particular the following mitigation measures:

- finished floor levels shall be set no lower than 150mm above existing ground level; and
- flood resilient construction measures shall be incorporated throughout the development to a minimum height of 300mm above the finished floor level.

The mitigation measures shall be fully implemented prior to occupation.

Reason: To ensure that the development does not increase the risk of flooding or be at risk of flooding. This Condition is imposed in accordance with national guidance contained in Section 10 of the National Planning Policy Framework, 2012.

7. Before each dwelling is occupied the roads and/or footways providing access to that dwelling, for the whole of its frontage, from an existing public highway, shall be constructed to a specification, to first be submitted to and approved by the Local Planning Authority, to enable them to be adopted as Highways Maintainable at the Public Expense, less the carriageway and footway surface courses. The carriageway and footway surface courses shall be completed within three months from the date upon which the erection is commenced of the penultimate dwelling.

Reason: To ensure safe access to the site and each dwelling/building in the interests of residential amenity, convenience and safety. This Condition is imposed in accordance with Policies SG14 and SG15 of the South Holland Local Plan, 2006.
No dwellings (or other development as specified) shall be commenced before the first 60 metres of estate road from its junction with the public highway, including visibility splays, as shown on drawings within the submitted Access Appraisal document dated December 2016 has been completed.

Reason: In the interests of safety of the users of the public highway and the safety of the users of the site and to enable calling vehicles to wait clear of the carriageway of Boston Road. 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 SG14 and SG15 of the South Holland Local Plan, 2006.

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

Reason: In the interests of safety of the users of the public highway and the safety of the users of the site. 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 SG14 and SG15 of the South Holland Local Plan, 2006.

No development shall take place until a surface water drainage scheme for the site, based on sustainable urban drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority.

The scheme shall:
  a) Provide details of how run-off will be safely conveyed and attenuated during storms up to and including the 1 in 100 year critical storm event, with an allowance for climate change, from all hard surfaced areas within the development into the existing local drainage infrastructure and watercourse system without exceeding the run-off rate for the undeveloped site;
  b) Provide attenuation details and discharge rates which shall be restricted to 1.4 litres per second per hectare;
  c) Provide details of the timetable for and any phasing of implementation for the drainage scheme; and
  d) Provide details of how the scheme shall be maintained and managed over the lifetime of the development, including any arrangements for adoption by any public body or Statutory Undertaker and any other arrangements required to secure the operation of the drainage system throughout its lifetime.

The development shall be carried out in accordance with the approved drainage scheme and no dwelling shall be occupied until the approved scheme has been completed or provided on the site in accordance with the approved phasing. The approved scheme shall be retained and maintained in full in accordance with the approved details.

Reason: To ensure that the site is adequately drained, to avoid pollution, and to prevent increased risk of flooding. 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 SG11 and SG12 of the South Holland Local Plan, 2006 and national guidance contained in Section 10 of the National Planning Policy Framework, 2012.
11. The development hereby permitted shall not be commenced until the following have been submitted to and approved in writing by the Local Planning Authority (LPA) and until the measures approved have been implemented:

i) a written method statement detailing the remediation requirements for land contamination and/or pollution of controlled waters affecting the site shall be submitted to and approved in writing by the LPA, and all requirements shall be implemented and completed to the satisfaction of the LPA. No deviation shall be made from this scheme. If during redevelopment contamination not previously considered is identified, then the LPA shall be notified immediately and no further work shall be carried out until a method statement detailing a scheme for dealing with the suspect contamination has been submitted to and agreed in writing by the LPA.

ii) two full copies of a full closure report shall be submitted to and approved in writing by the LPA. The report shall provide verification that the required works regarding contamination have been carried out in accordance with the approved Method Statement(s). Post-remediation sampling and monitoring results shall be included in the closure report to demonstrate that the required remediation has been fully met.

Note
The applicant is advised that the phased risk assessment required by the Contaminated Land Scheme Condition should be carried out in accordance with the procedural guidance of the Environmental Protection Act 1990 Part 11A.

The applicant's attention is also drawn to the document entitled "Developing Land Within Lincolnshire - A guide to submitting planning applications to develop land that may be contaminated", which can be obtained through the Local Environmental Health Department.

Reason: To assess whether the site is polluted and to address any pollution to ensure a satisfactory 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 SG13 of the South Holland Local Plan, 2006.

12. When application is made to the Local Planning Authority for the approval of reserved matters, that application shall be accompanied by the following details:

i) a plan providing the following information for each tree on site with a trunk diameter exceeding 100mm measured over the bark at a point 1.5 metres above ground level:
   - a reference number
   - its location
   - its species
   - an accurately drawn canopy and measurements of its radius
   - its approximate height
   - an assessment of its general state of health and stability;
ii) details of which trees are proposed to be removed;
iii) details of any proposed topping or lopping of any retained tree, or of any tree on land adjacent to the site.

None of the existing trees on the site shall be cut down, up-rooted, destroyed, topped or lopped until the above information has been submitted to and approved by the Local Planning Authority unless first agreed in writing by the Local Planning Authority.

Reason: To ensure the protection of those trees on the site which are of amenity value, in the interest of the visual amenity of the locality. This Condition is imposed in accordance with Policy SG18 of the South Holland Local Plan, 2006 and national guidance contained in Section 11 of the National Planning Policy Framework, 2012.

13. Prior to the commencement of the development hereby permitted there shall be submitted to and approved in writing by the Local Planning Authority details of a scheme for the provision of 5 bat boxes for the roosting of bats, and 5 nest boxes for breeding birds in accordance with the findings and recommendations of the approved Preliminary Ecological Appraisal (prepared by SLR Consulting Ltd - Version 2 May 2016). The approved scheme shall be implemented prior to the commencement of development hereby approved, and shall thereafter be retained.

Reason: To ensure that the loss of wildlife habitat is mitigated as part of the development. This Condition is imposed in accordance with Section 11 of the National Planning Policy Framework 2012.
14. Details of the design and positions of all external boxes for gas and electricity supplies and of any gas flues and soil vent pipes shall be submitted to and approved in writing by the Local Planning Authority prior to their installation and there shall be no variation from the details so approved.

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

This Condition is imposed in accordance with Policy SG14 of the South Holland Local Plan, 2006.

15. A detailed scheme of construction management to minimise disturbance during the construction process through noise, dust, vibration and smoke shall be submitted to and approved in writing by the Local Planning Authority before the development commences and the construction process shall be carried out in accordance with the scheme so approved. It shall also include a method statement, detailing how construction traffic, site personnel vehicles, materials deliveries and site accommodation will be managed to safeguard highway safety, free passage along Station Road and residential amenity.

Reason: In the interests of the amenity of local residents. 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 SG14 and SG17 of the South Holland Local Plan, 2006.

16. When application is made to the Local Planning Authority for the approval of reserved matters, that application shall be accompanied by a plan illustrating all areas of publicly accessible open space. The areas so approved shall be laid out and made available for use in accordance with a specification and phasing that shall first be agreed in writing by the Local Planning Authority, and shall thereafter be so maintained.

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

This Condition is imposed in accordance with Policies SG14 and HS11 of the South Holland Local Plan, 2006.

17. A management plan for the areas of publicly accessible open space and any outdoor play areas, including management responsibilities and maintenance schedules, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development hereby permitted beyond oversite. The management of these areas shall be carried out in accordance with the details so approved.

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

This Condition is imposed in accordance with Policies SG14 and HS11 of the South Holland Local Plan 2006.

18. 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

19. This planning permission is subject to an Agreement under Section 106 of the Town & Country Planning Act 1990 dated **** and can only be implemented as a consequence of meeting the provisions of that Agreement

Background papers:- Planning Application Working File
Lead Contact Officer
Name and Post: Richard Fidler, Development Manager
Telephone Number: 01775 764428
Email: rfidler@sholland.gov.uk

Appendices attached to this report:
Appendix A  Plan A
Appendix B  February 2017 Committee Report
1.0 REASON FOR COMMITTEE CONSIDERATION

1.1 Significant development including policy issues that warrant Committee consideration.

2.0 PROPOSAL

2.1 This is an outline application with all matters reserved. The application seeks to erect up to 46 dwellings on greenfield land which currently has an equestrian use as a private paddock area.

3.0 SITE DESCRIPTION

3.1 Part of the site is within the defined settlement area for Gosberton, but a large part of the site lies adjacent to the defined settlement limit, and not within it, as outlined by both the current Local Plan 2006 and the emerging South East Lincolnshire Local Plan.

3.2 The application site is located behind properties within High Street, and partly adjacent the highway along the B1397. The general character and appearance of the site area is of open land laid to grass, with some trees and bushes around the edges of the site. The site has residential properties to the north east, west and south with open land to the north of the site. The rear of some properties to the edge of the site are visible, but these are large properties on reasonably large plots.

3.3 The possible accesses onto the site are from Boston Road, which would be the main vehicular access, from the High Street which currently serves as an access to numbers 25 and 25a High Street, and a pedestrian access to the side of number 11 High Street.
4.0 RELEVANT PLANNING POLICIES

4.1 The Development Plan

South Holland District Local Plan, July 2006

The South Holland Local Plan 2006 was formally adopted on 18 July 2006. Following a direction from the Government Office for the East Midlands under paragraph 1(3) of Schedule 18 to the Planning and Compulsory Purchase Act 2004, as of 18 July 2009 only certain Local Plan policies have been extended and continue to form part of the development plan. In the context of those saved policies referred to below, it is considered that the Local Plan was adopted in general accordance with the Planning and Compulsory Purchase Act 2004 (albeit under the transitional arrangements). Those policies referred to below are considered to accord with the thrust of guidance set out in the National Planning Policy Framework, and in the context of paragraph 215 of the NPPF should therefore continue to be given substantial weight in the decision making process.

SG1 - General sustainable development
SG2 - Distribution of development
SG3 - Settlement hierarchy
SG4 - Development in the Countryside
SG6 - Community Infrastructure and Impact Assessment
SG11 - Sustainable Urban Drainage Systems (SUDS)
SG12 - Sewerage and development
SG13 - Pollution and contamination
SG14 - Design and layout of new development
SG15 - New development: facilities for road users, pedestrians and cyclists
SG17 - Protection of residential amenity
SG18 - Landscaping of new development
HS6 - New housing in the Group Centres (non allocated sites)
HS7 - New housing in the open countryside including other rural settlements
HS8 - Affordable housing
HS11 - Open space in new residential development

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.

4.2 National Guidance

National Planning Policy Framework (NPPF), March 2012

Paragraph 14 The presumption in favour of sustainable development
Paragraph 17 Core planning principles
Section 4 - Promoting sustainable transport
Section 6 - Delivering a wide choice of high quality homes
Section 7 - Requiring good design
Section 8 - Promoting healthy communities
Section 10 - Meeting the challenge of climate change, flooding and coastal change
Section 11 - Conserving and enhancing the natural environment

Planning Practice Guidance (PPG), 2014

5.0 RELEVANT PLANNING HISTORY

5.1 None

6.0 REPRESENTATIONS
6.1 **Highways**
Initially requested more information due to the degree of bend in Boston Road in respect of the required visibility splays for motorists to ensure highway safety. A Highway Access Appraisal was then submitted by the agent, which would result in a change in the access to ensure the best visibility for road users entering or leaving the site, and would allow safe access on and off the main road. Highways therefore have no issues regarding the suitability of the plot for residential development, given that a satisfactory solution is available to be secured via conditions and at the reserved matters stage.

6.2 **Gosberton Parish Council**
No objections

6.3 **Anglian Water**
Records show that there are no assets owned by Anglian Water or those subject to an adoption agreement within the development site boundary. However, should the proposed method of surface water management change to include interaction with Anglian Water operated assets, Anglian Water would wish to be re-consulted.

6.4 **Welland and Deepings Internal Drainage Board**
No objections. Comments confined to surface water disposal and the need to gain permission of riparian owners for increased outfall into a riparian system. Landscaping schemes should take into account the need for the detention basins and swales to be maintained in the future by suitable equipment. The Board’s written consent would be required for any surface water to be discharged into the drainage system.

6.5 **Environment Agency**
No objections, but suggested a condition to ensure finished floor levels are set no lower than 150mm above the existing ground level, and flood resilient construction measures to be incorporated to a minimum height of 300mm above the finished floor levels.

6.6 **Historic Environment Officer, LCC**
No archaeological input required

6.7 **Police Crime Prevention Officer**
No objections, standard information to be considered when finalising estate details for Reserved Matters stage.

6.8 **County Education**
Initially no education request was made from this application due to current capacity at local schools. However, following a request on another more recent outline application in Gosberton, where there was a need for additional places, they have been asked to reconsider. The formal response is awaited but a calculation based on the standard formula would suggest the requested contribution would be £237,419.

6.9 **SHDC Environmental Protection**
Requests the full contaminated land condition for this application as the ground investigation report provided does not supply the information required.
6.10 SHDC Housing Strategy

If the development is permitted the council will require 1/3 of the development to be provided as affordable housing to meet district wide housing needs. Affordable housing has the meaning as defined in Annex 2 of the National Planning Policy Framework 2012 or any amendment or supplemental guidance issued thereof. The type and tenure of the affordable homes should be discussed and agreed with the Council. It would be preferable for the affordable housing to be secured through a s106 agreement. The s106 agreement should include an agreed affordable housing scheme detailing the tenure split, property types and sizes, plot numbers, internal floor areas, design standards and the phasing of the affordable housing units, although I appreciate the detail may not be known at outline application stage. Ideally the affordable housing should be spread proportionately across the scheme to enable a mixed and sustainable community.

6.11 SHDC Environmental Services

Access roadways to residential properties should be constructed to an adoptable standard under an agreement with Lincolnshire County Council so that they will become public highways. This will enable refuse/recycling collections to be carried out from outside individual properties without the need for communal collection points. If not utilised correctly communal collection points become areas of dispute for residents of adjacent properties. Should it be agreed that communal collection points will form part of this development the position of those collection points should be made clear to the potential occupiers of the properties nearby. This should not just be to the properties that will need to use the collection points but also the ones who will have them outside their properties.

6.12 Public

9 objections and 2 letters of concern have been received from nearby residents. The points raised as objections are as follows:
- The access road to number 25A is also a right of way to number 25. The access was not designed or constructed for modern, heavier traffic which may also have a seriously detrimental effect on number 25;
- An increase in traffic along the High Street would not be desirable due to current congestion at peak times;
- There is a considerable bend in Boston Road which may restrict views for a new access onto this road, which would be dangerous with current speed limits;
- For such plots as 37-40, houses erected rather than bungalows, may cause overlooking, loss of privacy, loss of views;
- Extra surface water runoff may overwhelm existing open dyke drainage system,
- Construction would be a source of noise and dust;
- Too many new homes for this village. The size of development will not be in keeping with the village, and infrastructure would be unable to cope; and,
- Application is lacking in detail.

Comments made include the following:
- There may be bats roosting in the area;
- Would like bungalows for plots 27-29, to prevent overlooking and loss of privacy;
- Will impact on local services, and should include affordable housing;
- An assessment should be made by the IDB to prevent the risk of flooding;
- Existing boundary hedges should be retained to maintain privacy and support existing wildlife; and,
- Future maintenance of road drainage system would be helpful.

7.0 MATERIAL CONSIDERATIONS

7.1 Key issues for consideration regarding this application are:
- Policy considerations;
- Flood Risk and drainage;
- Issues of access and highway safety;
- Character and appearance;
- Likely impacts on residential amenity and local services;
- Protected species; and,
- Viability.
7.2 Policy considerations

The application has been submitted in outline with all matters reserved. The key material consideration in the determination of this application is the principle of development in this location.

7.3 The application site is part within and part adjacent to the current and emerging defined settlement boundaries for Gosberton outlined in the Local Plan 2006 and the emerging South East Lincolnshire Local Plan (Draft for public consultation July 2016). Therefore, although part of the site should normally be considered under Local Plan Policy HS6, the site should now be considered under Policy HS7 (new housing in the open countryside) as the majority of the site is outside the defined settlement boundary. The usual recommendation would therefore be to refuse.

7.4 However, paragraph 47 of the National Planning Policy Framework 2012 (NPPF) declares its aim is ‘to boost significantly the supply of housing’ and that local planning authorities should use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, identify and update annually a supply of specific deliverable sites sufficient to provide 5 years worth of housing against their housing requirements with an additional buffer of 5% to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land.

7.5 Paragraph 14 of the NPPF states that ‘At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking’. For decision-taking this means approving development proposals that accord with the development plan without delay where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole or specific policies within the NPPF indicate development should be restricted. This is further addressed within paragraph 49 of the NPPF which also states that ‘relevant local plan policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites’.

The Council cannot currently demonstrate a 5 year supply of deliverable housing sites as per the provisions of the NPPF. In the context of the objectively assessed need identified in the Council's strategic Housing Market Area Assessment (SHMA) and including a 20% buffer by virtue of a persistent under delivery of housing, the Council can only currently demonstrate a 3.3 year supply of deliverable sites (as of 31st December 2016). As per the provisions of Paragraph 49 of the NPPF, the Council's Local Plan Policies relevant to the supply of housing are considered out-of-date and the presumption in favour of sustainable development applies.
As part of the background work to the emerging South East Lincolnshire Local Plan, the South Holland Land Availability Appraisal was conducted to identify suitable sites for development. Where land was put forward which was considered to be available, achievable and suitable, the site was then classed as developable. The application site has been identified within this process as developable and identified as a potential preferred options site Gos024. The site was not chosen to go forward into the final development plan due to its ranking against other preferred options sites. However, within the SHLAA process, the site was considered as follows:

- Environmental - would not have adverse impacts on natural, built or historic assets. It would change the character and appearance of the area owing to it infilling a gap on Boston Road but it is bounded by development on most sides which reduces the overall impact;

- Infrastructure - it will not lead to the loss of, nor place undue burdens on, existing infrastructure such as open space, green infrastructure or community facilities;

- Location - it is accessible to the facilities in Gosberton and adjoins the existing built up area (defined settlement limit).

- Site characteristics - is located behind frontage development on High Street and Boston Road and will join up an isolated group of dwellings to the north. It would not extend the village out into the countryside; and

- Transport - services and facilities are potentially accessible on foot, bicycle and public transport.

Gosberton is defined as a Group Centre in the 2006 Local Plan and, as such, allows for restricted growth on brownfield sites within the settlement limits. However, taking into account Gosberton’s level of services and facilities, the emerging South East Lincolnshire Local Plan identifies the village as a ‘Minor Service Centre’, with a housing allocation of 270 between 2011 and 2036. Taking into account there have been 4 housing completions and 31 commitments since 1st April 2011, this leaves a residual requirement of 235 new dwellings at Gosberton up until 2036 (as of 30/12/16).

In light of all this information it is considered that a development of the size proposed is not out of keeping with the likely future role and function of Gosberton. As such, as per the provisions of the NPPF, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies outlined in the NPPF as a whole; or specific policies in the NPPF indicate that development should be restricted.

The remainder of this section of the report considers the other material considerations to be taken into account in determining whether any adverse impacts of granting permission for housing in this location would significantly and demonstrably outweigh the benefits of housing development, in this particular location, as per the provisions of the NPPF.

Flood Risk and drainage

The application site is shown, within the submitted Flood Risk Assessment (FRA), as being within Flood Zone 3a ‘High Probability’ as detailed on the Environment Agency’s Flood Zone Maps without defences. The FRA includes a commentary on the sequential rest, which the applicant considered is passed. The Environment Agency have not objected to the application, subject to a condition requiring a finished floor level of no lower than 150mm above the existing ground level, and flood resilient construction measures to be incorporated to a minimum height of 300mm above the finished floor levels.

In terms of surface water drainage, there have been no objections from the Local Lead Flood Authority (County Council) although they have included conditions which would include a comprehensive surface water drainage scheme has been approved for the site based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development. This would take into account the views of the Welland and Deepings Internal Drainage Board who commented on the site in terms of acceptable attenuation rates into a SUDS system. Anglian Water were unable to provide comments on the suitability of the surface water management scheme.
7.13 Subject to conditions there are no objections to the proposal on flood risk grounds.

7.14 Issues of access and highway safety

7.15 Local concerns have been raised with regards to highway safety. Highways also requested further information as the site was located on a bend with a 50 mile an hour speed limit. With the addition of the Highway Access Appraisal, which was prepared in response to Highways request for further information.

7.16 County Highways have made no objections on highway grounds subject to conditions. In the absence of an objection from County Highways, it is not considered that there is a defensible reason for refusal on highways grounds, particularly in the context of paragraph 32 of the NPPF, which states that “development should only be prevented or refused on transport grounds where the residual cumulative impacts are severe”.

7.17 Character and appearance

7.18 The site is adjacent the current settlement boundary for Gosberton. The layout and design would be determined at Reserved Matters stage. The number of units proposed would result in a development of approximately 21 dwellings to the hectare. This is considered to be appropriate for this location and corresponds to the assessment located in the SHLAA. While development would alter the character and appearance of the immediate area, there are not considered to be any fundamental concerns that cannot be resolved at Reserved Matters stage. The indicative layout provided demonstrates that up to 46 dwellings could be delivered in a way that would overcome any significant concerns with respect to impacts upon existing neighbouring amenity. It is considered that the suggested finished floor levels within the submitted Flood Risk Assessment of 600mm above existing ground levels (3.35 metres ODN) can be successfully accommodated due to distances between properties. This level is in excess of what was required by the Environment Agency to accommodate the preferred surface water drainage solution. Final levels would be finalised at the Reserved Matters stage.

7.19 Likely impacts on residential amenity and local services

7.20 It is considered that any issues relating to overlooking, overbearing, loss of privacy or overshadowing could be satisfactorily addressed at Reserved Matters stage. The indicative plan shows acceptable distances between proposed and existing properties.

7.21 Concerns relating to the provision, and strain on existing, infrastructure (utilities, services and facilities) are noted. However, there have been no objections from infrastructure providers. Furthermore, the emerging South East Lincolnshire Local Plan will be required to plan fully for the provision of all types of infrastructure to support the future growth of the District.

7.22 Protected species

The species report version 1 was undertaken purely to determine the impact on Great Crested Newts due to the presence of ponds in the locality, but not within the site itself. No Great Crested Newts were discovered during any fieldwork undertakings.

7.23 A local concern was raised about the possible siting of bats. The ecological appraisal version 2 was undertaken to take into account the potential habitats of badgers, bat roosts, water voles and reptiles. Although a number of bat records were studied, the majority of bat records were field observations from the village of Gosberton and outlying nearby settlement (Gosberton Bank). None of the roost records were identified as significant/ maternity roosts, and none of the records appear to relate to the Site itself. The main conclusions were that while results would not prevent development, as many of the trees and shrubs as possible should be retained and augmented by additional planting where appropriate, and that direct artificial lighting or hedgerows and adjacent ditches should be minimised, in order to retain suitable foraging and commuting corridors for bats. The use of boxes for both bats and breeding birds were suggested, but these can be provided through condition
7.24 Viability

7.25 The applicant accepts the requirement to provide affordable housing through an S106 agreement and the possibility of an education contribution that would be estimated in the region of £240,000 (£237,419). However, the application is in outline only, so the amount may vary. If any further financial obligations are requested, the applicant reserves the right to discuss the justification and level of these contributions, together with the option of undertaking and submitting a viability assessment should it be necessary at any time. NHS England were consulted but have not commented, hence there is no requirement for a financial contribution.

Conclusions

7.26 Ideally, the Council would wish to seek to identify new housing sites through the South East Lincolnshire Local Plan process. However, it is clear in the absence of a 5-year supply of deliverable housing sites that national guidance and recent appeal decisions nationally mean, that until a new Local Plan is adopted, the Council's ability to do this is somewhat weakened.

7.27 The main material consideration in this case is the lack of a 5-year supply of deliverable housing sites. In such a situation, Paragraph 14 of the NPPF is quite clear that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies outlined in the NPPF as a whole; or specific policies in the NPPF indicate that development should be restricted.

7.28 Part of the site is within the current settlement boundary. However, even though part is not, in this case it is not considered that any of the issues discussed above, either individually or cumulatively, result in an adverse impact significant enough to warrant refusal, particularly in the context of the location of the site adjacent the current settlement boundary, the likely future role and function of Gosberton and associated potential housing growth targets.

8.0 RECOMMENDATIONS

8.1 Authorised to Grant Permission subject to the applicant entering into a Section 106 agreement for the provision of one-third of the dwellings as on-site affordable housing units and a financial contribution towards education provision and those Conditions listed at 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.


2. The development hereby permitted shall be carried out in accordance with the following approved plans:
   dwg. no.'s.
   L-DEN-081-LP, L-DEN-081-SLPP revision 1, L-DEN-081-SLPX revision 1, Highway Access Appraisal (prepared by Local Transport Projects Ltd dated December 2016), Great Crested Newt Survey (prepared by SLR Consulting Ltd - Version 1 July 2016), Preliminary Ecological Appraisal (prepared by SLR Consulting Ltd - Version 2 May 2016), and Flood Risk Assessment (prepared by RM Associates version 1 June 2016).

Reason: For the avoidance of doubt and in the interests of proper planning.
3. The following matters are reserved for subsequent approval by the Local Planning Authority and no development to which these matters relate shall be carried out until these matters have been approved, viz:

i) detailed drawings of the estate layout to a scale of not less than 1:500 and including road and plot layouts;
ii) detailed drawings to a scale of not less than 1:100 showing the siting, design and external appearance of each building, including a schedule of the materials to be used for external walls and roof;
iii) the means of foul and surface water disposal;
iv) details of landscaping and tree planting;
v) the existing and proposed site levels and floor levels of the buildings and hard surfaced areas.
vi) details of secure cycle storage for each dwelling;
vii) details of the means of storage and disposal of refuse and recycling and arrangement for its on-going maintenance;
viii) details of the design and positions of all external boxes for gas and electricity supplies and of any gas flues and soil vent pipes.

Reason: The application was submitted in outline only and the above details are required to enable the Local Planning Authority to assess the detailed design, scale, appearance and layout of the development as well as ensure that appropriate access and services are provided to serve the development.

This Condition is imposed in accordance with Policies SG12, SG13, SG14 and SG18 of the South Holland Local Plan, 2006 and national guidance contained in Section 10 of the National Planning Policy Framework, 2012.

4. 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, 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 in its entirety within a period of twelve months beginning with the date on which development is commenced. 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.

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 Policy SG18 of the South Holland Local Plan, 2006.

5. When application is made to the Local Planning Authority for approval of reserved matters, details of the proposed boundary treatment, including a schedule of 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.

Reason: In the interests of the character and appearance of the development and the visual amenity of the area in which it is set.

This Condition is imposed in accordance with Policy SG14 of the South Holland Local Plan, 2006.
6. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (prepared by RM Associates, version 1 dated June 2016) and in particular the following mitigation measures:

- finished floor levels shall be set no lower than 150mm above existing ground level; and
- flood resilient construction measures shall be incorporated throughout the development to a minimum height of 300mm above the finished floor level.

The mitigation measures shall be fully implemented prior to occupation.

Reason: To ensure that the development does not increase the risk of flooding or be at risk of flooding.
This Condition is imposed in accordance with national guidance contained in Section 10 of the National Planning Policy Framework, 2012.

7. Before each dwelling is occupied the roads and/or footways providing access to that dwelling, for the whole of its frontage, from an existing public highway, shall be constructed to a specification, to first be submitted to and approved by the Local Planning Authority, to enable them to be adopted as Highways Maintainable at the Public Expense, less the carriageway and footway surface courses. The carriageway and footway surface courses shall be completed within three months from the date upon which the erection is commenced of the penultimate dwelling.

Reason: To ensure safe access to the site and each dwelling/building in the interests of residential amenity, convenience and safety.
This Condition is imposed in accordance with Policies SG14 and SG15 of the South Holland Local Plan, 2006.

8. No dwellings (or other development as specified) shall be commenced before the first 60 metres of estate road from its junction with the public highway, including visibility splays, as shown on drawings within the submitted Access Appraisal document dated December 2016 has been completed.

Reason: In the interests of safety of the users of the public highway and the safety of the users of the site and to enable calling vehicles to wait clear of the carriageway of ****. 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 SG14 and SG15 of the South Holland Local Plan, 2006.

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

Reason: In the interests of safety of the users of the public highway and the safety of the users of the site. 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 SG14 and SG15 of the South Holland Local Plan, 2006.
10. No development shall take place until a surface water drainage scheme for the site, based on sustainable urban drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority.

The scheme shall:

a) Provide details of how run-off will be safely conveyed and attenuated during storms up to and including the 1 in 100 year critical storm event, with an allowance for climate change, from all hard surfaced areas within the development into the existing local drainage infrastructure and watercourse system without exceeding the run-off rate for the undeveloped site;

b) Provide attenuation details and discharge rates which shall be restricted to ***** litres per second per hectare;

c) Provide details of the timetable for and any phasing of implementation for the drainage scheme; and

d) Provide details of how the scheme shall be maintained and managed over the lifetime of the development, including any arrangements for adoption by any public body or Statutory Undertaker and any other arrangements required to secure the operation of the drainage system throughout its lifetime.

The development shall be carried out in accordance with the approved drainage scheme and no dwelling shall be occupied until the approved scheme has been completed or provided on the site in accordance with the approved phasing. The approved scheme shall be retained and maintained in full in accordance with the approved details.

Reason: To ensure that the site is adequately drained, to avoid pollution, and to prevent increased risk of flooding. 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 SG11 and SG12 of the South Holland Local Plan, 2006 and national guidance contained in Section 10 of the National Planning Policy Framework, 2012.

11. The development hereby permitted shall not be commenced until the following have been submitted to and approved in writing by the Local Planning Authority (LPA) and until the measures approved have been implemented:

i) a written method statement detailing the remediation requirements for land contamination and/or pollution of controlled waters affecting the site shall be submitted to and approved in writing by the LPA, and all requirements shall be implemented and completed to the satisfaction of the LPA. No deviation shall be made from this scheme. If during redevelopment contamination not previously considered is identified, then the LPA shall be notified immediately and no further work shall be carried out until a method statement detailing a scheme for dealing with the suspect contamination has been submitted to and agreed in writing by the LPA.

ii) two full copies of a full closure report shall be submitted to and approved in writing by the LPA. The report shall provide verification that the required works regarding contamination have been carried out in accordance with the approved Method Statement(s). Post-remediation sampling and monitoring results shall be included in the closure report to demonstrate that the required remediation has been fully met.

Note
The applicant is advised that the phased risk assessment required by the Contaminated Land Scheme Condition should be carried out in accordance with the procedural guidance of the Environmental Protection Act 1990 Part 11A.

The applicant's attention is also drawn to the document entitled "Developing Land Within Lincolnshire - A guide to submitting planning applications to develop land that may be contaminated", which can be obtained through the Local Environmental Health Department.

Reason: To assess whether the site is polluted and to address any pollution to ensure a satisfactory 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 SG13 of the South Holland Local Plan, 2006.
12. When application is made to the Local Planning Authority for the approval of reserved matters, that application shall be accompanied by the following details:

i) a plan providing the following information for each tree on site with a trunk diameter exceeding 100mm measured over the bark at a point 1.5 metres above ground level:
- a reference number
- its location
- its species
- an accurately drawn canopy and measurements of its radius
- its approximate height
- an assessment of its general state of health and stability;
ii) details of which trees are proposed to be removed;
iii) details of any proposed topping or lopping of any retained tree, or of any tree on land adjacent to the site.

None of the existing trees on the site shall be cut down, up-rooted, destroyed, topped or lopped until the above information has been submitted to and approved by the Local Planning Authority unless first agreed in writing by the Local Planning Authority.

Reason: To ensure the protection of those trees on the site which are of amenity value, in the interest of the visual amenity of the locality.
This Condition is imposed in accordance with Policy SG18 of the South Holland Local Plan, 2006 and national guidance contained in Section 11 of the National Planning Policy Framework, 2012.

13. Prior to the commencement of the development hereby permitted there shall be submitted to and approved in writing by the Local Planning Authority details of a scheme for the provision of 5 bat boxes for the roosting of bats, and 5 nest boxes for breeding birds in accordance with the findings and recommendations of the approved Preliminary Ecological Appraisal (prepared by SLR Consulting Ltd - Version 2 May 2016). The approved scheme shall be implemented prior to the commencement of development hereby approved, and shall thereafter be retained.

Reason: To ensure that the loss of wildlife habitat is mitigated as part of the development.
This Condition is imposed in accordance with Section 11 of the National Planning Policy Framework 2012.

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

Reason: To ensure that the Local Planning Authority retains control over these details of the development in the interests of the character and appearance of the development and the visual amenity of the area in which it is set.
This Condition is imposed in accordance with Policy SG14 of the South Holland Local Plan, 2006.

15. A detailed scheme of construction management to minimise disturbance during the construction process through noise, dust, vibration and smoke shall be submitted to and approved in writing by the Local Planning Authority before the development commences and the construction process shall be carried out in accordance with the scheme so approved. It shall also include a method statement, detailing how construction traffic, site personnel vehicles, materials deliveries and site accommodation will be managed to safeguard highway safety, free passage along Station Road and residential amenity.

Reason: In the interests of the amenity of local residents. 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 SG14 and SG17 of the South Holland Local Plan, 2006.
16. When application is made to the Local Planning Authority for the approval of reserved matters, that application shall be accompanied by a plan illustrating all areas of publicly accessible open space. The areas so approved shall be laid out and made available for use in accordance with a specification and phasing that shall first be agreed in writing by the Local Planning Authority, and shall thereafter be so maintained.

Reason: To ensure that adequate open space provision is made available for the occupiers of the development hereby permitted and that provision is made for the management and maintenance of the open space.
This Condition is imposed in accordance with Policies SG14 and HS11 of the South Holland Local Plan, 2006.

17. A management plan for the areas of publicly accessible open space and any outdoor play areas, including management responsibilities and maintenance schedules, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development hereby permitted beyond oversite. The management of these areas shall be carried out in accordance with the details so approved.

Reason: To ensure that adequate open space provision is made available for the occupiers of the development hereby permitted and that provision is made for the management and maintenance of the open space.
This Condition is imposed in accordance with Policies SG14 and HS11 of the South Holland Local Plan 2006.

Background papers:- Planning Application Working File

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Appendices attached to this report:
Appendix A Plan A