

# Public Document Pack



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Joint Chief Executive  
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My ref: AM/KR/Planning 10.01.23

Please ask for: Karen Rist, Democratic Services Officer (Direct number Tel 01205 314226)

Monday, 2 January 2023

## **NOTICE OF MEETING OF THE PLANNING COMMITTEE**

Dear Councillor

You are invited to attend a meeting of the Planning Committee

**on Tuesday, 10 January 2023 at 10.00 am**

in the Committee Room Municipal Buildings West Street Boston

A handwritten signature in black ink, appearing to read 'Rob Barlow'.

**ROB BARLOW**  
Joint Chief Executive

Chairman: Councillor Tom Ashton

Vice Chair: Councillor Alison Austin

Councillors: Peter Bedford, David Brown, Katie Chalmers, Deborah Evans, Paul Goodale, Jonathan Noble, Frank Pickett, Paul Skinner, Yvonne Stevens, Peter Watson and Judy Welbourn

### ***Note(s) for Members of the Committee:***

In order to vote on a planning application committee Members must be present for the entire presentation and discussion on the item.

When an official site visit is undertaken which forms part of the decision making at Committee, only Members who have attended the site visit and received full representation will be able to debate and decide the application.

**Members of the public are welcome to attend the committee meeting as observers except during the consideration of exempt or confidential items.**

**This meeting may be subject to being recorded.**

# A G E N D A

## PART I - PRELIMINARIES

### **A APOLOGIES**

To receive apologies for absence and notification of substitutes (*if any*).

### **B MINUTES**

1 - 4

To sign and confirm the minutes of the last meeting.

### **C DECLARATION OF INTERESTS**

To receive declarations of interests in respect of any item on the agenda.

### **D PUBLIC QUESTIONS**

To answer any written questions received from members of the public no later than 5 p.m. two clear working days prior to the meeting – for this meeting the deadline is 5 p.m. on 5<sup>th</sup> January 2023.

## PART II - AGENDA ITEMS

### **1 PLANNING APPLICATION B 22 0309**

5 - 22

**Full Planning Permission**

**Demolition of existing buildings and proposed residential development of 6no dwellings with associated works.**

**Land to rear of Bridge House, Donington Road, Kirton End, Boston, PE20 1NX**

**Mr & Mrs Mark & Anne Pinder**

***Note: A planning decision comes into effect only when the decision notice and associated documents are despatched by the Local Planning Authority and not when the Committee makes its decision.***

**Notes:**

**The Human Rights Act 1998**

It is implicit in these reports that the recommendations to and the consideration by Committee will take into account the Council's obligations arising out of the Human Rights Act and the rights conferred by Articles 6,8,14 and Article 1 of the First Protocol of the European Convention on Human Rights (ECHR). These are the rights to a fair hearing, respect for family and private life, the prohibition against discrimination and the peaceful enjoyment of possessions, respectively. The ECHR allows many to be overridden if there is a sufficiently compelling public interest.

In simple terms the Act requires a person's interest be balanced against the interests of the community. This is something that is part of the planning system and that balancing is a significant part of the consideration of issues identified to Committee by officer reports. Provided that those issues are taken into account, the Convention will be satisfied.

The person to contact about the agenda and documents for this meeting is Karen Rist, Democratic Services Officer, Municipal Buildings, Boston, Lincolnshire, PE21 8QR, Tel 01205 314226, e-mail: karen.rist@boston.gov.uk.

Council Members who are not able to attend the meeting should notify Karen Rist, Democratic Services Officer as soon as possible giving the name of the Council Member (*if any*) who will be attending the meeting as their substitute.

**Alternative Versions**

Should you wish to have the agenda or report in an alternative format such as larger text, Braille or a specific language, please contact Democratic Services on direct dial (01205) 314226

**Emergency Procedures**

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## PLANNING COMMITTEE

23 AUGUST 2022

Present:

Chairman: Councillor Tom Ashton

Vice-Chairman: Councillor Alison Austin

Councillors: Katie Chalmers, Deborah Evans, Paul Goodale,  
Jonathan Noble, Frank Pickett, Paul Skinner,  
Yvonne Stevens and Judy Welbourn

Officers: Deputy Development Manager, Planning Officer and  
Democratic Services Officer

### 136 APOLOGIES

Apologies for absence were tabled by Councillors Peter Bedford and Peter Watson with Councillors Stephen Woodliffe and Neill Hastie substituting respectively.

### 137 MINUTES

The Chairman signed the minutes of the previous meeting held on the 26th July 2022.

### 138 DECLARATION OF INTERESTS

Standing declarations of interest are tabled for the following members of the planning committee in their respective roles:

Members of Lincolnshire County Council Councillors Tom Ashton, Alison Austin and Paul Skinner.

Members of the South East Lincolnshire Joint Strategic Planning Committee Councillor Tom Ashton

Representatives of the Internal Drainage Boards Councillors Tom Ashton, and Paul Skinner.

Personal declarations of interest were tabled as below:

Councillor Paul Skinner noted that whilst the applicant had been known to him many years previously, he would consider and determine the application with an open mind on the information provided.

Councillor Stephen Woodliffe stated he had a communication from Councillor Peter Bedford whom he was substituting for and would raise it in the meeting when appropriate.

Councillor Jonathon Noble noted that whilst he had liaised with Mr Clive Wickes, the applicants' agent, on a personal matter at his own residence, he had not proceeded with Mr Wickes services and he would consider the application on the information provided with an open mind.

## 139 PUBLIC QUESTIONS

None tabled.

## 140 PLANNING APPLICATION B 22 0103

**Erection of one pair of semi-detached single storey dwellings including associated site works & alteration & improvements to the existing vehicular access following demolition of existing double garage**

**Land to rear of Fern House, Spalding Road, Sutterton, Boston, PE20 2ET**

**Mr Gary Stray, C/O Clive Wicks Associates**

*It is noted that two additional pieces of information submitted in objection to the application, including photographic evidence, which had been circulated in the first instance via email, were provided in hard copy for all committee members' reference if required during the meeting.*

The Planning Officer presented the report as tabled and provided an overview with visual supporting information of the site, and summarised the key material planning matters and explained the reasons for the recommendation. The Planning Officer also confirmed that the application had been called in by Councillor Spencer for the reasons noted within the report.

The application site consisted of a two storey detached house set towards the front of a plot with a frontage of c.18m and a maximum depth of c.60m. A large double garage is situated on the west boundary. There were residential neighbours on either side and opposite fronting the B1397 Spalding Road. The area was primarily residential in character, with some non-residential premises including an agricultural machinery supplier to the west and a fish and chip shop and GP surgery to the east. To the north was land on which permission had been granted in 2017 for change of use to a touring caravan site (20 caravans) plus excavation of fishing lake, erection of WC/wash facility building, new internal roads and parking areas and associated landscaping. The site and the surrounding area were flat. The location was in Flood Risk Zone 3a (FRZ3), and was also within the Coastal Hazard Zone with part of the site being categorised by the Environment Agency as Danger For Some and part categorised as Danger For Most. The scheme had formally been described as 'Erection of one pair of semi-detached single storey dwellings including associated site works & alteration & improvements to the existing vehicular access following demolition of existing double garage'. That would see the existing plot divided and the large detached garage removed, and the new dwellings erected in what was now the back garden. Access for these would be along the western boundary through the area now occupied by the garage with some improvements being made to the highway access point.

**Representation was received by Mr Clive Wickes the applicant's agent: which included:**

Points of clarification were advised in that the objectors' garden room was set higher than the applicants' site with the objector actually overlooking the applicant, not the

other way around. The applicants' wall was 6ft as against the objectors' wall which was 4ft. Window to window at bedroom level was in fact 12.8m and not 3.6m as stated and the obtuse angle would not enable overlooking. Referencing the 5 dwellings at McLaughlin Way which had been overturned by the Planning Inspector, and the 3 bungalows at Meadow View, Mr Wickes noted both had been referred to as small estates and suggested that the application for the two bungalows alongside the host building could also be classed as a small estate. The two bungalows proposed would replace the existing ugly garage and enhance the area and improve the street scene which the Inspector had deemed to be an eclectic mix of properties with no dominant style. The site was well within the Sutterton curtilage and there was a need to provide a mix of housing including bungalows, none of which were to be provided within other new developments. It was recognised that the site was within the blue zone for flood risk along with the rest of the borough, but there were no other areas within the village within a lower risk category. The proposal was set 850mm above ground level with footpaths and gardens set at existing ground level and the wall would prevent water run-off into neighbouring properties and surface water would go to soak-away and by percolation to the ditch at the rear. The flood report had been produced by one of the leading flood consultants in the area which confirmed that the site was not in an unacceptable location with the bungalows being above any water ingress to the village with a flood risk level of 3.66 ODN, a rise of the floor slab of 860mm. The development would contribute to the local economy both during construction and post occupation.

No questions were asked of Mr Wickes by committee members. The Planning Officer replied to Mr Wickes comments and advised that the statement that there were no lower risk flood zones within the village, was incorrect. He advised committee that the Environment Agency clearly identified that the site across the road from the application site was at a lower level of flood risk.

**Member comment and deliberation followed which included:**

Some members voiced their support of the application stating that they felt the design looked very pleasing and would sit well within the area. They further noted it would benefit the community, its' residents would not be isolated and it would constitute another small estate is keeping with others along the road. However, a number of members noted they felt it to be a finely balanced application. Many were concerned at the potential for flooding, albeit tidal flooding being the primary concern, and they recognised the directives of the various planning policies and the officer recommendation and reasons based on those policies.

Committee also acknowledged the objections of the Parish Council which they agreed was a key consideration. Further concern was noted that the Sequential Test had not been successful with alternative sites available within the area in lower flood risk zones.

Members also recognised that the proposal was fundamentally 'back-land' development which historically the Council had not supported and further concern noted that the proposed builds would be bungalows which in the event of flooding, had no escape route or upper floor for safety.

It was moved by Councillor Tom Ashton and seconded by Councillor Stephen Woodliffe that the application be refused in line with officer recommendation for the reasons contained therein.

Vote:            6 In favour.                            3 Against.                            2 Abstentions.

**RESOLVED:**

That the planning committee refuse the application in line with officer recommendation for the following reasons:

1. The proposal would result in the erection of two units of market housing in an area of unacceptably high flood risk. The proposal is not supported by a successfully completed Sequential Test to demonstrate that sites at lower risk of flooding are not available, when allocated sites which have not been built out are located nearby. The proposal does not demonstrate that it is capable of passing the Exception Test. The proposal does not demonstrate how consequential harm to neighbouring properties through the displacement of water will be avoided, especially in times of flood. The proposal is therefore contrary to policies 2, 3 and 4 of the South East Lincolnshire Local Plan 2019 and to Section 14 of the National Planning Policy Framework 2021 with particular reference to paragraphs 152, 159, 161, 162, 163, 164, 165 and 167.
2. The proposal would result in the erection of two dwellings in a tandem location contrary to the grain of the existing built environment and by reason of the form, scale, layout and design of the scheme and the constraints of the site would overdevelop the site. The proposal therefore does not accord with the distinctive character of the locality and is contrary to policies 2 and 3 of the South East Lincolnshire Local Plan 2019 and to the National Planning Policy Framework 2021 with particular reference to paragraphs 126, 130 and 134.
3. The development would, by reason of its form, scale, layout and design and the constraints of the site, have unacceptably harmful impacts on the residential amenities of future occupants and of the occupants of neighbouring dwellings through overlooking and massing. As such the proposal is contrary to policies 3 and 4 of the South East Lincolnshire Local Plan 2019 and to the National Planning Policy Framework 2021 with particular reference to paragraph 130

The communication referenced by Councillor Stephen Woodliffe during the preliminary item for declaration of interests had no relevance in respect of the planning agenda tabled and as such was not tabled in the meeting.

The Meeting ended at Time Not Specified



# PLANNING APPLICATION B/22/0309

## **Planning Application:**

Full Planning Permission  
Demolition of existing buildings and proposed residential  
development of 6no dwellings with associated works

## **Location:**

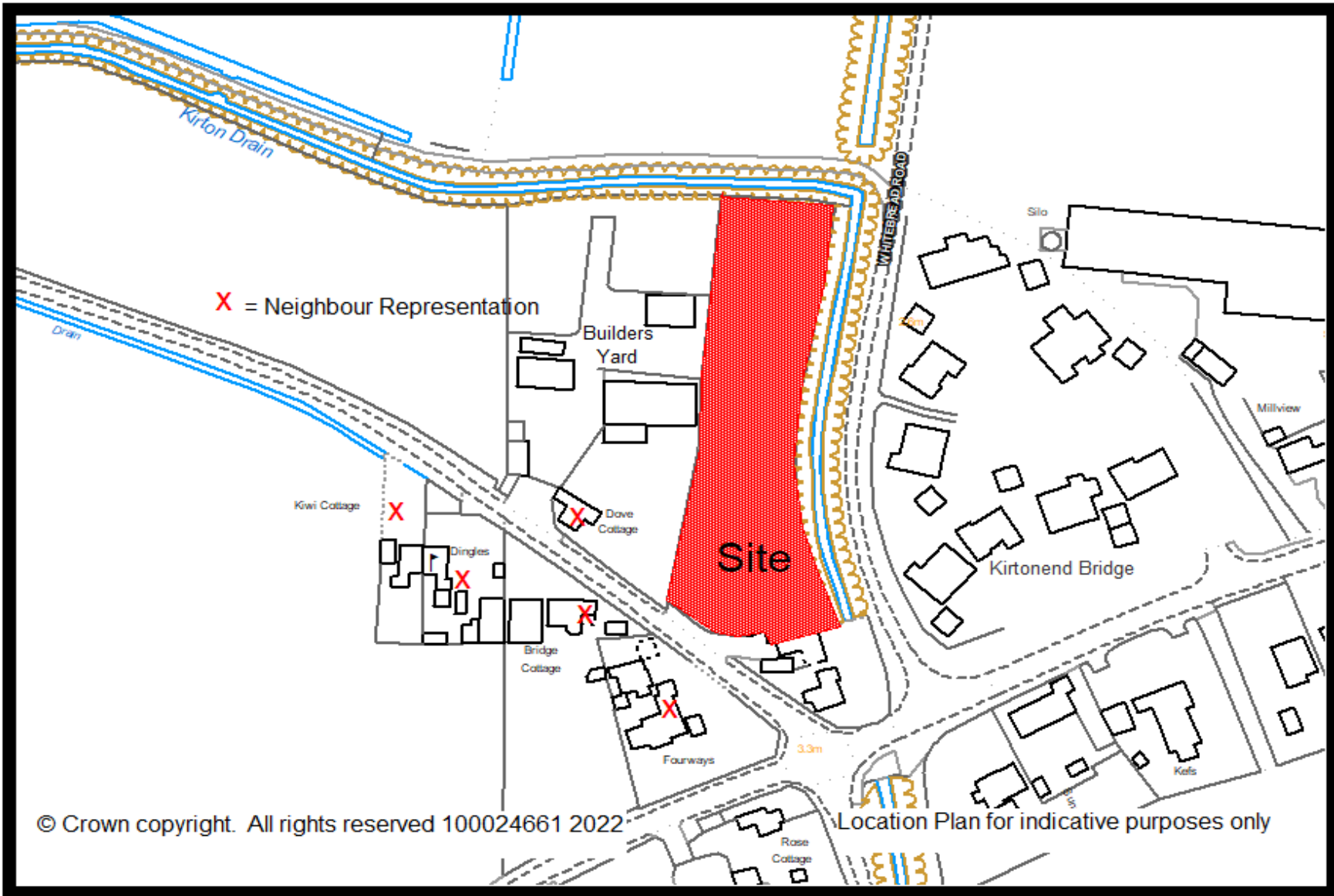
Land to rear of Bridge House, Donington Road, Kirton End,  
Boston, PE20 1NX

## **Applicant:**

Mr & Mrs Mark & Anne Pinder

## **Agent:**

Clive Wicks, Clive Wicks Associates



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Location Plan for indicative purposes only

# BOSTON BOROUGH COUNCIL

## Planning Committee – 10<sup>th</sup> January 2023

Reference No: B/22/0309

Expiry Date: 23-Sept-2022

Extension of Time: 18 Jan 2023

Application Type: Full Planning Permission

Proposal: Demolition of existing buildings and proposed residential development of 6no dwellings with associated works

Site: Land to rear of Bridge House, Donington Road, Kirton End, Boston, PE20 1NX

Applicant: Mr & Mrs Mark & Anne Pinder

Agent: Clive Wicks, Clive Wicks Associates

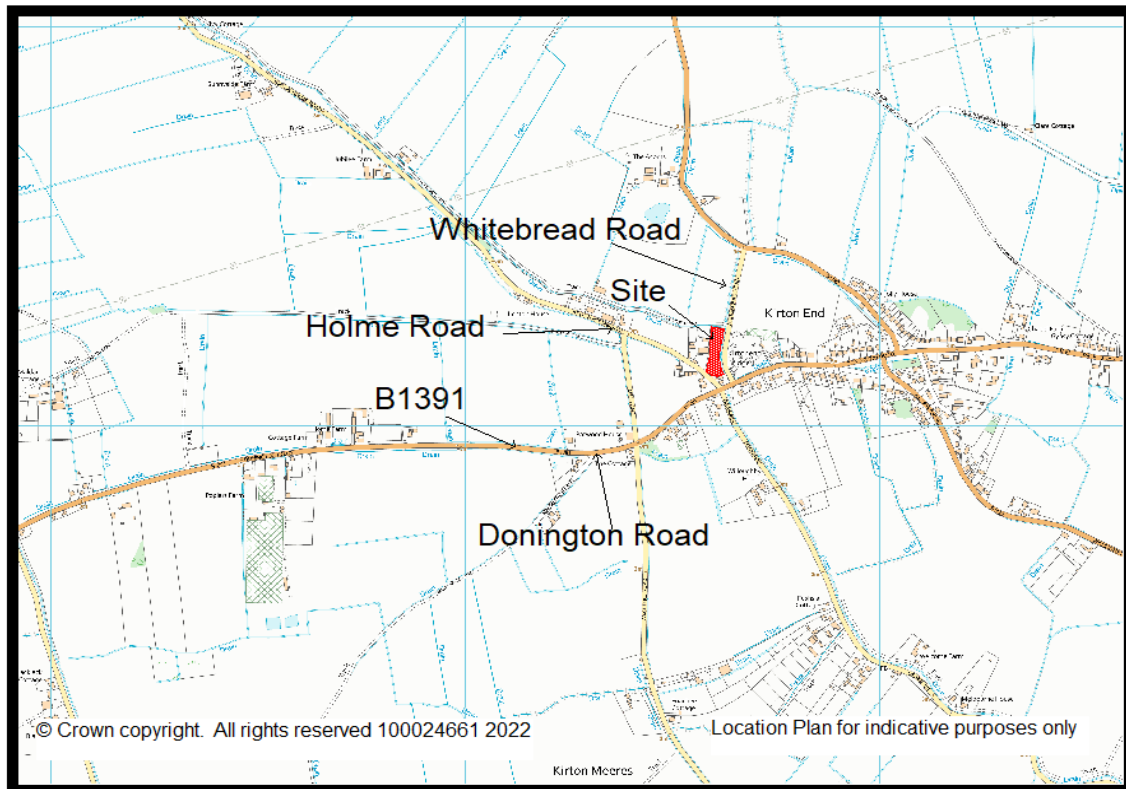
Ward: Kirton & Frampton

Parish: Kirton Parish Council

Case Officer: Lewis Humphreys

Third Party Reps: 7

**Recommendation: Approval**



## **1.0 Reason for Report**

- 1.1 This application is presented to the Planning Committee following a call-in request from the ward member, Cllr Watson, for the following reasons:
- The number of objections from local residents
  - The objections from Lincolnshire Wildlife Trust
  - The number, location and access of proposed dwellings in a relatively small community with few services makes this application unsustainable
  - Proposal is contrary to the Local Plan's settlement boundary
  - Could avoidably set an unfavourable precedent
  - Large vehicles turning already cause problems on the very narrow Holme Road and construction traffic would exacerbate issue
  - Likely number of vehicles at the proposed dwellings would possibly overload access onto Holme Road and the 5-way junction at Donnington Road
  - If the footway takes part of the road, this would result in the road being too narrow and creating a bottleneck

## **2.0 Application Site and Proposal**

- 2.1 The application site is in the village of Kirton End, accessed off Kirton Holme Road. The site lies beyond the settlement boundary as set out on Inset Map 50 of the Local Plan. The site lies partially within flood zone 3, with an area of flood zone 2 in the south west of the site. The site lies in a pocket beyond the flood hazard mapping, i.e. it is not at risk.
- 2.2 The site was last in use by South Lincolnshire Caravans for the sale and display of caravans. A large building sits in the middle of the site, agricultural in appearance. A second building sits towards the south east of the site. Also agricultural in appearance. The remainder of the site is hardstanding.
- 2.3 Access is in the south west, with a 1m brick wall with iron railings above forming the roadside boundary. There is mature trees and hedges around the remaining boundaries, with some gaps, most notably on the eastern boundary. These gaps create some occasional views into the site from Whitebread Road. Whitebread Road runs the length of the eastern boundary and a green lane runs along the northern boundary. There is a large ditch around the eastern and northern boundaries, separating the site from those lanes.
- 2.4 To the south east of the site is a dwelling, Bridge House, which lies beyond the site boundary. That dwelling fronts Donington Road in the south, with outbuildings to the rear accessed close to the site entrance. There are further dwellings on the opposite side of Kirton Holme Road and a low intensity haulage site with dwelling to the west of the site.
- 2.5 The proposal would see the existing buildings demolished and 6 detached dwellings erected in a linear pattern the length of the site. Plot

1 would be in the south east corner, facing the access to the south, and Plot 2 would sit adjacent to it. A private drive is proposed that would run between plots 1 and 2 and then continue along the eastern edge of the site. Plots 3, 4, and 5 would be arranged in a row behind plot 2, facing east. Plot 6 would sit at the northern end of the site, facing south.

- 2.6 The application was amended to include a footway along Kirton Holme Road at the request of Highways, connecting the existing site access with Donington Road and connecting with the wider village footway network. This footway would involve the removal of existing roadside hedges on highway land that sit along the boundary with Bridge House.

### **3.0 Relevant History**

- 3.1 B/10/0069 - Change of use of land and buildings, erection of conservatory, entrance for reception and siting of a log cabin for an office for the sale and display of caravans – Approved 07/04/2010

- 3.2 Also of relevance are planning permissions on land to the east of the application site.

- B/18/0346 - Outline application for residential development (up to 8 dwellings) with all matters reserved for later approval – Refused and allowed at appeal
- B/21/0097 - Application for Approval of Reserved Matters (Access, Appearance, Landscaping, Layout and Scale) following Outline Approval B/18/0346 - Approved

### **4.0 Relevant Policy**

#### **4.1 South East Lincolnshire Local Plan**

- Policy 1 – Spatial Strategy
- Policy 2 – Development Management
- Policy 3 – Design of New Development
- Policy 4 – Approach to Flood Risk
- Policy 17 – Providing a Mix of Housing
- Policy 28 – The Natural Environment
- Policy 30 – Pollution
- Policy 31 – Climate Change and Renewable and Low Carbon Energy
- Policy 32 – Community, Health and Well-being
- Policy 33 – Delivering a More Sustainable Transport Network
- Policy 36 – Vehicle and Cycle Parking

#### **4.2 National Planning Policy Framework**

- Section 2 – Achieving sustainable development
- Section 4 – Decision-making
- Section 5 – Delivering a sufficient supply of homes
- Section 11 – Making effective use of land
- Section 12 – Achieving well-designed places

- Section 14 – Meeting the challenge of climate change, flooding and coastal change

## 5.0 **Representations**

5.1 As a result of publicity, 7 letters of representation were received. For the initial scheme four letters of representation were received from addresses primarily within the village, and a further letter has been received from an address outside the Borough raising the following issues;

- Recommend making installation of 3 swift nesting bricks per house a condition of any approval
- Proposed site lies a considerable distance from any facilities including shops, schools and public transport
- Occupants would be reliant on a private car
- Contrary to Policy 1 and 2 of the Local Plan and the environmental dimensions of sustainable development within the NPPF
- Site is outside settlement boundary
- Would set a precedent for other landowners and promote an unsustainable pattern of development in this area and any benefits would be significantly and demonstrably outweighed by its adverse impacts
- Similar to application B/19/0065 and B/20/0080 that were dismissed at appeal
- Proposal should cause less traffic and inconvenience than previous business
- Previous business suffered damaged entrance and verges due to narrowness of road
- Concerns about capacity of foul water system to cope with additional capacity
- Concerns about access to the site and weekend working during construction
- Adjoining site is semi-commercial with trucks entering and leaving the site. Concerns residential development will result in complaints regarding this neighbouring business
- Concerns about overlooking of dwelling to the west

5.2 Following amendments to provide the proposed footway a further two comments were received raising the below new issues:

- How can a pathway be added that encroaches on someone else's property?
- The road is only 4m wide at its narrowest and verges are used to pass each other. Adding a footway will push traffic on to opposite verge churning it to mud
- Unclear how large vehicles will navigate road with addition of footway
- Footway would result in a bottleneck and existing junction can already be dangerous at times
- Provision of pedestrian crossing close to 3 junctions onto Donington Road is dangerous

## **6.0 Consultations**

- 6.1 Parish Council – None received
- 6.2 Environmental Health – No objections in principle, as the site is brownfield would recommend contaminated land conditions.
- 6.3 LCC Highways/SuDS – Request imposition of conditions and informatives related to technical specifications, maintenance, and the provision of the proposed 1.8m footway.  
Initial response requested details of 1.8m footway subsequently received as amendments
- 6.4 Black Sluice IDB – Surface water proposals welcomed by board, consent of board is required to discharge to watercourse and details should be secured by condition. Adjoining watercourses are board maintained and a byelaw requires boards written consent for development within 9m of that watercourse, an application to relax this byelaw has been received by the IDB and is being considered. Further comments on maintenance responsibilities.
- 6.5 Lincolnshire Wildlife Trust – Holding objection for further ecological information including a Habitats Regulations Assessment and demonstration of mandated 10% Biodiversity Net Gain with a 30-year management plan

## **7.0 Planning Issues and Discussions**

- 7.1 The key issues in the determination of this application are:
- The principle of residential development in this location
  - Flood risk and drainage
  - Highway safety and the proposed footway
  - Quality of design and impact on the character of the area and neighbour amenity

### **The principle of residential development in this location, including flood risk**

- 7.2 Planning law requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise. The site lies outside the settlement boundary for Kirton End as defined on Inset Map 50 of the Local Plan.
- 7.3 As the site lies outside the settlement boundary it is considered to be within the countryside. The spatial strategy set out in Policy 1 indicates that in the countryside development will be permitted where it is necessary to such a location and/or where it can be demonstrated that it meets the sustainable development needs of the area.
- 7.4 No evidence has been included to demonstrate how the proposal would satisfy Policy 1 and the proposal would appear to be contrary to that

policy. Policy 23 of the Local Plan supports the reuse of buildings in the countryside for residential use, however, as the proposal would not retain the existing buildings and as such does not comply with that policy

- 7.5 The National Planning Policy Framework (NPPF) is a material consideration in the determination of applications. Paragraph 120 of the Framework states decisions should 'give substantial weight' to the value of using suitable brownfield land within settlements. Brownfield land is land that has been previously developed, as the last use was for the sale and display of caravans this site would be considered to meet that definition and should be considered brownfield.
- 7.6 The Local Plan does not include any specific policies regarding the development of brownfield sites in rural areas and there is no specific need to demonstrate that a site is vacant, not in use, or has been previously marketed. Notwithstanding that, it is noted that the last business to occupy the site ceased trading in October 2021 and the site has been unused since that time.
- 7.7 Paragraph 120 of the Framework, described above, gives weight to brownfield sites within settlements. It is noted above that the site lies beyond the defined settlement boundary for the Kirton End. However, to the east of the site is an ongoing development granted planning permission at appeal (ref B/18/0346). This development alters the form of the village such that the site is no longer separated from the main built form of the village.
- 7.8 It should be noted that the consideration of that appeal was made prior to the adoption of the current local plan and at a time when a 5 year housing supply could not be demonstrated. As such, it is not considered that application represents a direct comparison to this proposal and the development of that site is considered to be relevant to this proposal only in terms of the visual context and wider character of the site.
- 7.9 A full assessment of the visual impacts of the proposal is below but, in brief, the site shares a closer visual relationship with the village than with the wider countryside. The site has existing development to the west, south and most recently to the east and itself contains existing buildings. It is not considered that the settlement boundary is out of date, or that the assessment in terms of Policy 1 should be as part of the settlement rather than as countryside. It is, however, considered that the pattern and form of the sites surroundings are a matter that should also be given weight as a material consideration in the determination of this application. Taking this into account it is considered that weight should be given to the site's development in accordance with paragraph 120 of the Framework.
- 7.10 Consideration should be given to the scale of development within the village, particularly within the context of the level of services in the village, as raised by objectors. Policy 1 of the Local Plan identifies that Kirton End itself as an 'Area of development restraint' and that development will normally be limited to committed sites and infill locations. It does not seek



to limit the quantum of development, simply that the development be of a scale to sustain existing facilities and support the settlement itself.

- 7.11 While there is on-going development on the neighbouring site, it is not considered that the development of 6 dwellings in this location would undermine the aims of the spatial strategy or the role of Kirton End within that strategy.
- 7.12 Comments have been received comparing the site to other developments, most notably B/20/0080, also outside of Kirton End. However, there are key differences between the two proposals, notably that application was for greenfield development as such it is not considered to be directly comparable with this proposal which comprises previously developed land.
- 7.13 Overall, the proposal is considered to be contrary to the Spatial Strategy set out in Policy 1 but the redevelopment of a vacant brownfield site is a material consideration that should be afforded substantial weight given the site relates more to the village than open countryside and is no longer detached from the built form of the village due to the ongoing development to the east.

#### **Flood Risk and Drainage**

- 7.14 This site, along with much of the Borough, lies within Flood Zone 3 with an area to the south west of the site within flood zone 2 but is not considered to be at risk based on the flood hazard mapping. The Framework advocates a sequential approach to flood risk, with preference given first to the development of sites at a lower risk. As the site is outside of a settlement boundary, Policy 4 of the Local Plan requires a borough-wide search for sites at lower risk.
- 7.15 The flood hazard mapping does not have the site shaded, i.e. it is at less than the low risk identified in green on those plans. As such, the site is considered to be sequentially preferable to most of the Borough and the sequential test is considered to be satisfied.
- 7.16 Notwithstanding that, as the site is in Flood Zone 3 an exceptions test is also required. Part 1 of that test requires that development provide wider sustainability benefits. The Flood Risk Assessment (FRA) submitted with the application identifies modest benefits arising from the supply of houses, the economic benefits of construction, and the redevelopment of a brownfield site. While these are not substantial given the minimal nature of risk associated with this site, it is considered that these benefits would outweigh flood risk in this scenario.
- 7.17 Part 2 of that test requires that development be safe for its lifetime. The proposed floor levels and flood resilient construction techniques are considered to be sufficient to mitigate flood risk at this risk level.
- 7.18 The FRA also provides a drainage statement, with surface water proposed to drain to the watercourse adjoining the site. The IDB have

confirmed their agreement in principle to such an approach. While a condition securing details has been recommended by the IDB, such a condition is not considered necessary given the detail provided within the FRA.

- 7.19 Foul water is proposed to be discharged to a mains sewer. While comments have raised concerns about capacity, Anglian Water have a duty to accept the flows and applications will need to be made to them prior to connecting to the network. No further details are considered to be necessary in this case.

### **Highway safety and the proposed footway**

- 7.20 The application makes use of an existing access that served the previous business. Concerns have been raised by neighbours, particularly regarding the width of Kirton Holme Road at the junction with Donington Road. Given the existing use of the site and the vehicle movements associated with the delivery of caravans to and from site, it is not considered that the proposed residential use would have a harmful impact above the previous use. Furthermore, LCC as Highway Authority have raised no concerns regarding the access or vehicle proposals.
- 7.21 The proposals include 2 parking spaces for each dwelling, with an additional single garage and car port for plots 3 and 4 and a double garage for plots 5 and 6. This complies with the standards set out in Annex 6 of the Local Plan and required by Policy 36 of the Local Plan. The standards also require a space for cycle parking for each dwelling, this could be secured by condition. The planning and design statement also indicates the proposals will include EV charging but full details are not provided, this could be secured by condition.
- 7.22 The application was amended following comments received from the Highway Authority regarding the lack of pedestrian access to the wider village. Following discussions between the agent and LCC a 1.8m footway was proposed along Kirton Holme Lane to the junction with Donington Road and including a tactile crossing point to connect with the footway system on the south side of Donington Road.
- 7.23 Concerns have been raised regarding this aspect of the proposal due to the potential impact on vehicles passing. This proposal will not encroach on to the highway itself and would not reduce the width of the carriageway. As this is a request of the Highway Authority it is clear they do not consider such a proposal would harm highway safety and the proposal is considered acceptable in that regard.
- 7.24 Concerns have been raised relating to ownership of the land to provide the footway. Such a matter is not explicitly a planning one, however, LCC have confirmed that the land is highway land and no comments have been received from the homeowner disputing this. The LPA can therefore consider the application as proposed.

## **Quality of design and the impact on the character of the area and neighbour amenity**

- 7.25 As discussed above, the site is currently disused. It has two large agricultural buildings on it and it is heavily screened and landscaped. It has a narrow road frontage on to Kirton Holme Road, which forms part of a small cluster of development in this part of the village with a rural and verdant character and a mix of styles, orientations and building types.
- 7.26 The eastern boundary runs along Whitebread Road which heads into the open agricultural countryside north of the site. When travelling south down this road, the landscaping on the northern boundary is a clear feature, with views of the existing buildings on site beyond. The development to the east is also clearly visible, with greenhouses to the east of that and the wider village beyond. As such, the site is more clearly associated with the village character than the open arable countryside.
- 7.27 The proposal would see the existing buildings demolished and 2no. three bedroom bungalows erected at the front of the site. The layout of the proposal at this entrance to the site would respect that character and would sit comfortably within the street scene.
- 7.28 The backland nature of plots 3-6 is at odds with the prevailing character of the village. However, there is a long boundary with Whitebread Road to the east that plots 3, 4 and 5 would face. While the level of landscaping and the watercourse clearly separate the proposal from this street, that does help to connect to the proposal to the wider village and the proposal would not be completely hidden away.
- 7.29 The dwellings themselves would have a more contemporary appearance with a clear design link but sufficient differentiation that the site as a whole retains the individualism associated with the village character. Details regarding the materials and landscaping have not been provided in full and these could be secured by condition. The proposed dwellings would have a good relationship with each other, with a good standard of amenity space, and limited overlooking concerns.
- 7.30 Plots 3, 4, and 5 back on to a dwelling to the rear and concerns have been raised about the relationship between these two sites. There would be views west from these plots at first floor level but there is a significant landscape buffer and these dwellings would back on to the commercial part of the site.
- 7.31 A neighbouring dwelling sits at the front of the site, with a modest curtilage, the land to the rear is primarily associated with the business use. Given the orientation and scale of plots 1 and 2 at the front of the site there is no potential for harmful overlooking arising here.
- 7.32 The commercial use also has the potential to impact upon the future occupants of the proposal, which in turn may limit the business. However, the operation of that commercial site was granted by planning permission B14/0064/90 that included, amongst other things, conditions limiting the

operation to no more than 4 vehicles and trailers and limiting occupation to the named business. This would limit the noise impact and further consents would be required for an alternative occupier of the site. As such these two uses are considered compatible.

### 7.33 **Other matters**

7.34 Objections have been raised from Lincolnshire Wildlife Trust regarding the need for additional ecological information in relation to the habitats regulations assessments and a 10% biodiversity net gain on site. The requirements of the Habitats regulations assessment extend only to major housing applications, as set out in Policy 28 of the Local Plan.

7.35 Policies 28, 31 and the NPPF all seek to secure a net gain for biodiversity in development, while the Environment Act 2021 will require a minimum 10% measurable gain, this has not yet been brought into force. Given the site is primarily hardstanding, the ecological potential of the site is limited. In this case, and in line with Policy 28, biodiversity enhancements on the site can be sought through appropriate conditions.

## 8.0 **Summary and Conclusion**

8.1 The site lies in the countryside, beyond the defined settlement boundary of Kirton End set out in the Local Plan and is contrary to Policy 1 of the Local Plan. Given the development of the land to the east, the site is now part of the main built form of Kirton End and it is no longer visually separated from the village and is more clearly associated with the village than the open arable land to the north. Paragraph 120 of the Framework gives substantial weight to the redevelopment of brownfield sites for housing within settlements. Furthermore, the site is a sequentially preferable location in terms of flood risk, being outside the hazard risk zones. Taking the Framework, physical layout of the village and visual relationship of the site and the nearby housing cumulatively, it is considered substantial weight should be given to the site's redevelopment and this would outweigh the harm arising from the non-conformity with Policy 1 and the principle of residential development on this site is considered to be acceptable.

8.2 The proposed development would be well-designed and sit comfortably within the street scene and wider character of the area and is not anticipated to harm neighbour amenity. The proposal is considered to be acceptable in all other technical aspects and the proposal is recommended for approval subject to conditions.

## 9.0 **Recommendation**

9.1 It is recommended that Committee Approve the application subject to the below conditions:

1.	The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this permission.
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	<p><b>Reason:</b> To take account of the present restrictions on implementing permissions, in order to assist the recovery and in order to comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.</p>
2.	<p>The development hereby permitted shall only be undertaken in accordance with the following approved plans;</p> <ul style="list-style-type: none"> <li>▪ Drawing No. 21-2572-LP Rev. A Location Plan</li> <li>▪ Drawing No. 21-2572-01 Rev. C Proposed Site Plan</li> <li>▪ Drawing No. 21-2572-02 Rev. A Plot 1</li> <li>▪ Drawing No. 21-2572-03 Rev. A Plot 2</li> <li>▪ Drawing No. 21-2572-04 Rev. A Plot 3</li> <li>▪ Drawing No. 21-2572-05 Rev. A Plot 4</li> <li>▪ Drawing No. 21-2572-06 Rev. A Plot 5</li> <li>▪ Drawing No. 21-2572-07 Rev. A Plot 6</li> </ul> <p><b>Reason:</b> To ensure that the development is undertaken in accordance with the approved details, in the interests of residential amenity and to comply with Policies 2 and 3 of the South East Lincolnshire Local Plan (2019).</p>
3.	<p>Prior to commencement of the development hereby approved a detailed construction management plan shall be submitted to and approved in writing by the Local Planning Authority. The construction management plan shall include:</p> <ul style="list-style-type: none"> <li>▪ Method statement detailing how construction traffic, site personnel vehicles, materials deliveries and site accommodation will be managed to safeguard highway safety and residential amenity.</li> <li>▪ Phasing of development to include access construction, parking and construction compounds</li> <li>▪ Details of measures to minimise disturbance during the demolition and construction process through noise, dust, vibration and smoke</li> <li>▪ Proposed hours and days of working</li> </ul> <p>The development shall thereafter be carried out in accordance with approved construction management plan.</p> <p><b>Reason:</b> In the interests of the amenity of local residents in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan (2019).</p>
4.	<p>The development hereby approved shall not be commenced until details of a comprehensive contaminated land investigation has been submitted to and approved by the Local Planning Authority and until the approved scope of works have been implemented. The assessment shall include the following measures unless the LPA dispenses with any such requirement in writing:</p>

	<ul style="list-style-type: none"> <li>▪ A Phase 1 desk study carried out to identify and evaluate all potential sources of contamination and the impacts on land and/or controlled waters, relevant to the site. The desk study shall establish a 'conceptual model' of the site and identify all plausible pollutant linkages. Furthermore the assessment shall set objectives for the intrusive site investigation works/quantitative risk assessment. A copy of the desk study and non-technical summary shall be submitted to the Local Planning Authority.</li> <li>▪ A site investigation shall be carried out to fully and effectively characterise the nature and extent of any land contamination and/or pollution of controlled waters. It shall specifically include a risk assessment that adopts the source-pathway-receptor principle and take into account the sites existing status and proposed new use. A copy of the site investigation and findings shall be submitted to the Local Planning Authority.</li> </ul> <p><b>Reason:</b> To ensure potential risk arising from previous site uses have been fully assessed and to accord with Policies 2 and 3 of the South East Lincolnshire Local Plan 2019.</p>
5.	<p>Where the risk assessment identifies any unacceptable risk or risks, a detailed remediation strategy to deal with land contamination and/or pollution of controlled waters affecting the site shall be submitted to and approved in writing by the Local Planning Authority. No works, other than investigative works, shall be carried out on the site prior to receipt of written approval of the remediation strategy by the Local Planning Authority.</p> <p>Remediation shall be carried out in strict accordance with the approved remediation strategy.</p> <p><b>Reason:</b> To ensure the proposed remediation plan is appropriate and to accord with Policies 2 and 3 of the South East Lincolnshire Local Plan 2019.</p>
6.	<p>If during development contamination not previously considered is identified, then the Local Planning Authority shall be notified immediately and no further work shall be carried out until a method statement detailing a scheme for dealing with suspected contamination has been submitted to and approved in writing by the Local Planning Authority.</p> <p><b>Reason:</b> To ensure all contamination within the site is dealt with and to accord with Policies 2 and 3 of the South East Lincolnshire Local Plan (2019).</p>

7.	<p>Prior to development above ground level a schedule of external materials for buildings and hard surfaced areas and details of proposed boundary treatments shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the materials so approved.</p> <p><b>Reason :</b> In the interests of the appearance and character of the development and the visual amenity of the area in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.</p>
8.	<p>Prior to development above ground level a scheme of landscaping and tree planting for the site shall be submitted to and approved in writing by the Local Planning Authority. The details shall include, inter alia, the number, species, heights on planting and positions of all the trees, together with details of post-planting maintenance. Such scheme as approved by the Local Planning Authority shall be carried out and completed in its entirety during the first planting season following practical completion of the development. All trees, shrubs and bushes shall be maintained 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.</p> <p><b>Reason:</b> To ensure that the development is adequately landscaped, in the interests of visual amenity and character in accordance with Policies 2, 3 and 28 of the South East Lincolnshire Local Plan, 2019.</p>
9.	<p>Prior to development above ground level, details of measures to enhance biodiversity on the site shall be submitted to and agreed in writing by the Local Planning Authority. Measures to improve biodiversity should, where appropriate, include:</p> <ul style="list-style-type: none"> <li>▪ Planting a range of native trees, shrubs and flowers</li> <li>▪ Green roofs</li> <li>▪ Wild flower meadows and grasslands</li> <li>▪ Installation of bird and bat boxes, swift bricks and hedgehog gaps</li> </ul> <p>The details approved shall be implemented prior to occupation of the development and shall be maintained thereafter.</p> <p><b>Reason:</b> In the interests of biodiversity and in accordance with Policy 28 of the South East Lincolnshire Local Plan (2019).</p>

10.	<p>Prior to the commencement of the development above slab level, details showing the arrangements for bin and cycle storage shall be submitted to and approved in writing by the Local Planning Authority. The approved arrangement shall be implemented prior to the occupation of the dwellings and retained thereafter.</p> <p><b>Reason:</b> In the interested of amenity in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan (2019).</p>
11.	<p>The development hereby permitted shall not be occupied before a 1.8 metre wide footway, to connect the development to the existing footway network, including pedestrian crossing points with tactile paving, has been provided in accordance with details as shown on drawing number: 21-2572-01-C dated July 2022, that shall first have been submitted to, and approved in writing by, the Local Planning Authority. The works shall also include appropriate arrangements for the management of surface water run-off from the highway.</p> <p><b>Reason:</b> To ensure the provision of safe and adequate pedestrian access to the permitted development, without increasing flood risk to the highway and adjacent land and property.</p>
12.	<p>The development hereby approved shall be undertaken in complete accordance with the Flood Risk and Drainage Assessment, including:</p> <ul style="list-style-type: none"> <li>▪ proposed flood mitigation and flood resilient construction techniques</li> <li>▪ proposed surface water drainage arrangements</li> <li>▪ proposed foul water arrangements</li> </ul> <p>The mitigation measures shall be fully implemented prior to occupation and subsequently remain in place.</p> <p><b>Reason:</b> In the interest of reducing flood risk in accordance with Policy 4 of the South East Lincolnshire Local Plan (2019).</p>
13.	<p>The water consumption of any dwelling hereby permitted should not exceed the requirement of 110 litres per person per day (as set out in Part G of the Building Regulations 2010 and the South East Lincolnshire Local Plan, 2019). The person carrying out the work must inform the Building Control Body that this duty applies. A notice confirming the requirement for the water consumption has been met shall be submitted to the Building Control Body and Local Planning Authority, no later than five days after the completion of each individual dwelling.</p>



	<p><b>Reason:</b> To protect the quality and quantity of water resources available to the Borough, in accordance with Policy 31 of the South East Lincolnshire Local Plan (2019).</p>
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**Informative notes for decision**

<p>The permitted development requires the formation of a new/amended vehicular accesses. These works will require approval from the Highway Authority in accordance with Section 184 of the Highways Act. The works should be constructed in accordance with the Authority's specification that is current at the time of construction. Relocation of existing apparatus, underground services or street furniture will be the responsibility of the applicant, prior to application. For application guidance, approval and specification details, please visit <a href="https://www.lincolnshire.gov.uk/licences-permits/apply-dropped-kerb">https://www.lincolnshire.gov.uk/licences-permits/apply-dropped-kerb</a> or contact <a href="mailto:vehiclecrossings@lincolnshire.gov.uk">vehiclecrossings@lincolnshire.gov.uk</a></p>
<p>Please contact the Lincolnshire County Council Streetworks and Permitting Team on 01522 782070 to discuss any proposed statutory utility connections and any other works which will be required within the public highway in association with the development permitted under this Consent. This will enable Lincolnshire County Council to assist in the coordination and timings of these works. For further guidance please visit our website via the following links: Traffic Management - <a href="https://www.lincolnshire.gov.uk/traffic-management">https://www.lincolnshire.gov.uk/traffic-management</a> Licences and Permits - <a href="https://www.lincolnshire.gov.uk/licences-permits">https://www.lincolnshire.gov.uk/licences-permits</a></p>
<p>The road serving the permitted development is approved as a private road which will not be adopted as a Highway Maintainable at the Public Expense (under the Highways Act 1980). As such, the liability for the future maintenance of the road will rest with those who gain access to their property from it.</p>
<p>The highway improvement works referred to condition 11 are required to be carried out by means of a legal agreement between the landowner and the County Council, as the Local Highway Authority. For further guidance please visit our website; <a href="http://www.lincolnshire.gov.uk/highways-planning/works-existing-highway">www.lincolnshire.gov.uk/highways-planning/works-existing-highway</a></p>
<p>In accordance with Section 59 of the Highways Act 1980, please be considerate of causing damage to the existing highway during construction and implement mitigation measures as necessary. Should extraordinary expenses be incurred by the Highway Authority in maintaining the highway by reason of damage caused by construction traffic, the Highway Authority may seek to recover these expenses from the developer.</p>

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