

# BOSTON BOROUGH COUNCIL

## Planning Committee – Tuesday 18<sup>th</sup> July 2023

Reference No: B/23/0046

Expiry Date: 31-Mar-2023

Extension of Time: 25-Jul-2023

Application Type: Full Planning Permission

Proposal: Proposed 1no two storey dwelling with parking

Site: The Corner Bungalow, Puttock Gate, Fosdyke, Boston PE20 2BX

Applicant: Mr & Mrs Howell

Agent: Mrs Jenny McIntee, JMAD Architecture

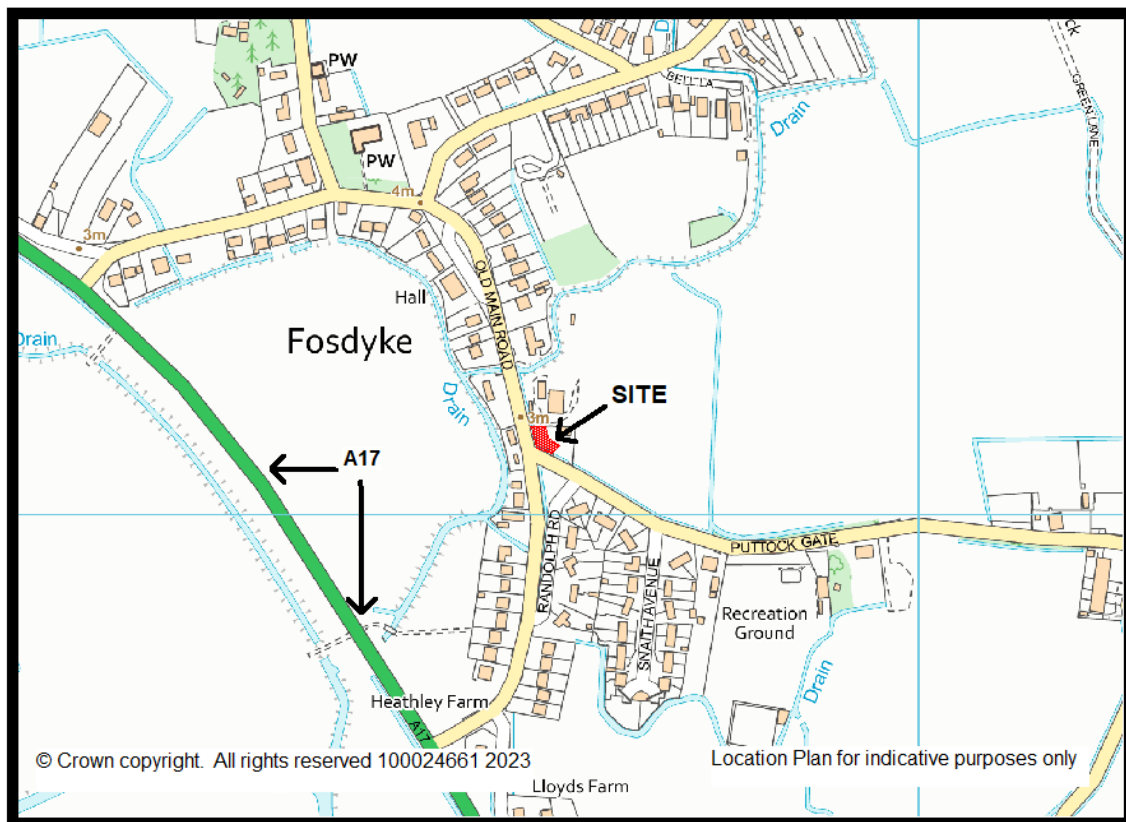
Ward: Five Village

Parish: Fosdyke Parish Council

Case Officer: Simon Eldred

Third Party Reps: 3

**Recommendation: Approve with Conditions**



## **1.0 Reason for Report**

1.1 This item has been called in for consideration by the Planning Committee by Councillor David Brown on the basis that the proposal will be incongruous to its surroundings.

## **2.0 Application Site and Proposal**

2.1 The application site is located at the corner of Puttock Gate and Old Main Road, Fosdyke and consists of part of a domestic garden. It is partly gravel-surfaced, but is mostly lawned and contains a number of shrubs and small trees. The site's boundaries are defined by:

- to the west (onto Puttock Gate and Old Main Road), a 2m-high conifer hedge and a very short length of 2m-high close-boarded timber fence;
- to the north (onto an agricultural yard), a 2m-high close-boarded timber fence;
- to the east (towards the dwelling, Cherry Blossom House), partly by a 2m-high hedge and partly undefined; and
- to the south (towards the remaining garden of Cherry Blossom House), undefined.

2.2 The boundary treatments onto Old Main Road contain a gap which appears to correspond with the location of the vehicular access approved under B/10/0318, but did not appear to be in use as an access at the time of the site visit.

2.3 Land surrounding the site is predominantly in residential use, but that immediately to its north is in use as an agricultural yard.

2.4 Full planning permission is sought for the erection of a detached, three-bed, two-storey dwelling (with single-storey elements). The dwelling will measure a maximum of 11.5m x 8m in plan, will stand 7.7m-high at ridge level, and will have windows/glazed doors in every elevation. Drawing No. 04C shows: the walls being finished in red multi facing brick; the roof in imitation slate tiles with integrated solar panels; and white upvc windows. The application form indicates that doors will either be in upvc or woodgrain composite. The drawing also shows the incorporation of 2 swift nesting bricks, 1 starling nest brick, 1 house-sparrow nest brick and 1 bat box within the building.

2.5 Vehicular access is proposed to come from Old Main Road (via the existing gap in boundary treatments), and will lead to a parking and manoeuvring area to the north of the dwelling. Gardens will be provided to the south and east of the dwelling, containing a patio area to the east of the dwelling and a cycle store in the garden's north-eastern corner. Boundaries are proposed to be marked by existing and new features detailed on Drawing Number 03C.

2.6 Full details are set out on:

- Drawing Number 01B – Location Plan;
- Drawing Number 02C – Block Plan as Proposed;
- Drawing Number 03C – Site Layouts – Existing & Proposed;

- Drawing Number 04C – Proposed Dwelling Floor Plans & Elevations; and
- Drawing Number 05C – Proposed Sections.

2.7 The application is also accompanied by:

- a Flood Risk Assessment dated January 2023 and identified as Version 2;
- a Sequential and Exception Test dated April 2023 and identified as Version 1
- a Supporting Planning Statement; and
- three documents from the applicant and agent which seek to respond to points raised by objectors.

### **3 Relevant History**

3.1 B/10/0318 – full planning permission was granted on 15<sup>th</sup> October 2010 for the construction of a new vehicular access.

3.2 B/10/0319 – planning permission was refused on 20<sup>th</sup> October 2010 for the construction of a chalet bungalow with integral garage. The reasons for refusal related to:

- conflict with the then Local Plan's policy H4, which identified Fosdyke as a location where new housing development would be permitted only where: there was a proven local need; or environmental benefits would accrue;
- concerns that the proposal would appear incongruous in relation to the design and layout of development in the surrounding area; and
- an accompanying Flood Risk Assessment that was considered inadequate.

#### Land to the east

3.3 B/18/0434 – Outline application with all matters reserved was approved.

3.4 B/21/0335 – Reserved matters following B/18/0434 for 9no dwellings was approved.

3.5 B/21/0335/CD1 – Approval of condition 2 (Biodiversity) in relation to B/21/0335 was approved.

### **4 Relevant Policy**

4.1 The **South East Lincolnshire Local Plan 2019** shows the application site as being within Fosdyke's Settlement Boundary. The following policies are relevant:

- Policy 1 – Spatial Strategy;
- Policy 2 – Development Management;
- Policy 3 – Design of New Development;
- Policy 4 – Approach to Flood Risk;
- Policy 10 – Meeting Assessed Housing Requirements;
- Policy 28 – The Natural Environment;
- Policy 30 – Pollution;

- Policy 31 – Climate Change and Renewable and Low Carbon Energy; and
- Policy 36 – Vehicle and Cycle Parking.

4.2 At the heart of the **National Planning Policy Framework 2021** is a presumption in favour of sustainable development. The following sections are relevant to this scheme:

- Section 2 – Achieving sustainable development;
- Section 4 – Decision-making;
- Section 5 – Delivering a sufficient supply of homes;
- Section 6 – Building a strong, competitive economy;
- Section 9 – Promoting sustainable transport;
- 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; and
- Section 15 – Conserving and enhancing the natural environment.

## 5 **Representations**

5.1 As a result of publicity, three representations have been received.

5.2 The **owner of the agricultural yard to the site's immediate north** objects on several grounds which can be summarised as:

- the access to their yard which adjoins that proposed to serve the dwelling has been used for loading and deliveries since 1952. This currently entails vehicles parking on Old Main Road, which would significantly limit visibility for vehicles using the proposed new access. As an alternative, vehicles would need to be loaded/unloaded on the opposite side of the road, necessitating the closure of the road. HGVs cannot enter the yard given the widths of the highway and access, and loading/unloading within the yard would also require the demolition of existing farm buildings and removal of essential pallets, boxes and machinery;
- they were not made aware of application B/10/0318 (see above), or they would have objected to it. They consider that this planning permission has lapsed because there is no evidence that condition 2 attached to the permission was discharged or that the development commenced within three years of the date of approval;
- the current proposal would be as visually incongruous as the proposal refused under B/10/0319 and, to make matters worse, would also have floor levels raised 750mm above existing ground level. It will appear as over-development of a corner garden, introducing an elevated building close to the highway, with a disproportionate area of the site taken for access and parking areas, and minimal private amenity space available to the new dwelling; and
- the proposal includes a significant area of elevated decking that will involve a loss of amenity to the existing bungalow.

- 5.3 The **owner of a produce wholesale business in Leverton** objects on the basis that *“we make collections and deliveries to and from the farm yard next to the proposed access and would like to highlight it is not possible to safely get into and turn our lorries around in”* the yard *“and could not expect our lorries to back out onto the road. Similarly loading/unloading further down the road is simply not safe. There is no verge next to a large dyke so would not be able to load/unload. I hope this is considered as it will deeply impact ... future business.”*
- 5.4 The **owner of a haulage business in Pinchbeck** objects on the basis that *“the proposed new access would be unavoidably encroached by our HGV during loading and unloading – causing severely restricted visibility for any vehicles wishing to enter or leave the application site. We are unable to take our HGV into the farm yard due to the width of the gate and the road width ... We collect regularly from this address and have done so for many years.”*

## **6 Consultations**

- 6.1 Boston Borough Council’s **Environmental Health** department indicate that they have no objections, but consider that the attachment of a condition to deal with ‘unforeseen’ contamination would be prudent. They go on to indicate that they *“have received 2 complaints since 2016 regarding noise from the yard”* to the site’s north *“one related to the use of a radio on the site and the other was noise from a refrigerated lorry parked outside. They were both received from the same resident and in both cases were resolved quickly by contacting the site owner. As we have received no complaints regarding the day to day use of the site, or any complaints from the other neighbouring properties, I see no reason to raise concerns about this proposal.”*
- 6.2 The **Welland and Deepings Internal Drainage Board** indicates *“I am pleased to see a SUDS approach is being taken by proposing soakaways for surface water disposal from the development. If at any point in the future soakaways are not used ... I would expect to be reconsulted at the time.”*
- 6.3 **Lincolnshire County Council** (the Highway and Lead Local Flood Authority) indicates that *“the proposed new dwelling is to be accessed via the secondary vehicle access of the host dwelling that was granted Consent under reference B/10/0318. Provided the Local Planning Authority is satisfied that this secondary access has been constructed in compliance with the Decision Notice issued for B/10/0318, - the vehicle access crossing over the highway verge has not actually been completed and is just an un-made surface - then the development proposed in this Application would be utilising a lawful access and would not therefore be expected to have an unacceptable impact upon highway safety. However, and possibly due to the fact that the vehicle access crossing of the highway verge has not been properly made-up to the Highway Authority's specification i.e. with carriageway edge kerbs and a sealed bituminous construction, the operator of the neighbouring business has continued with his long-time practice of loading and unloading vehicles attending his site by utilising both his own vehicle access and the vehicle access that was Consented under B/10/0318. The two accesses lie side by side, are both un-made and the boundary between each is indistinguishable. Clearly, if the neighbouring operator and his visiting drivers were to continue with that practice, access to and egress from the dwelling being proposed in this Application would be*

*physically prevented. The highway authority does not have the necessary authority to command that the neighbour ceases loading and unloading vehicles on the highway - authority for that may rest with the Police. The neighbouring operator has not however established any legal right, through precedence, to continue with that practice and it would be for the operator to find a way to lawfully conduct his business without the use of the part of the highway at the Old Main Road frontage of the Application Site that is required to provide access to the proposed development. It is recommended though that the determination of this Application be used as an opportunity to compel the Applicant/Developer to bring the Old Main Road vehicle access crossing up to the current highway authority specification, work that should rightfully have been done following determination of the B/10/0318 Application.”* It indicates that it has no objections, but asks that two informatives should be attached to any approval.

- 6.4 The **Environment Agency** indicates that it has no objections on flood risk grounds, but that *“this does not remove the need for you to apply the sequential test and consider whether it has been satisfied. Where a flood risk assessment shows that development can be made safe throughout its lifetime without increasing risk elsewhere, there will always be some remaining risk that the development will be affected either directly or indirectly by flooding. A failure to satisfy the sequential test can be grounds alone to refuse planning permission.”* Providing a condition is attached requiring the development to be carried out in accordance with the submitted FRA, the Agency is satisfied that the proposed development will meet the NPPF’s requirements in relation to flood risk. The Agency supports *“the suggestion in the FRA that occupants sign up to receive flood warnings. Occupants should phone Floodline on 0345 988 1188 to register for a flood warning, or visit <https://www.gov.uk/sign-up-for-flood-warnings>. It is a free service that provides warnings of flooding from rivers, the sea and groundwater, direct from telephone, email or text message. Anyone can sign up.”*

## **7 Planning Issues and Discussions**

- 7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that determination must be made in accordance with the Plan unless material considerations indicate otherwise. The key considerations with regard to this application are considered to be:

- matters of principle;
- impacts on the character and appearance of the area;
- impacts on neighbours’ amenity;
- flood risk;
- biodiversity;
- water use;
- contamination;
- air quality issues;
- highway safety; and
- parking provision.

## **Principle**

- 7.2 Policy 1 of the Local Plan identifies Fosdyke as an Other Service Centre/Settlement (an area of development restraint), and indicates that:
- within the Settlement Boundary, development will be permitted that supports its role as a service centre for the settlement itself, helps sustain existing facilities or helps meet the service needs of other local communities; and
  - development will normally be limited to committed sites, and infill.

It is considered that a proposal to redevelop part of a residential garden to provide an additional dwelling meets these requirements of Policy 1.

- 7.3 Policy 10 identifies that at least 7,744 new dwellings should be provided in Boston Borough between 2011 and 2036. It is considered that the proposal will make a (modest) contribution towards the achievement of Policy 10's aim.

- 7.4 In all, it is considered that the principle of the proposed development accords with the provisions of the relevant Policies of the Local Plan.

### **Impacts upon the character and appearance of the area**

- 7.5 Policy 2 of the Local Plan indicates that developments will be permitted which will not have harmful impacts upon the character and appearance of the area. Policy 3 requires high-quality design and layout, and indicates that designs which do not maximise opportunities to improve the character and quality of an area will be inappropriate.
- 7.6 An objection has been received from the owner of the agricultural yard to the site's immediate north on the basis that the current proposal would be as visually incongruous as the proposal refused under B/10/0319 and would also have floor levels raised 750mm above existing ground level. It would appear as over-development of a corner garden, introducing an elevated building close to the highway, with a disproportionate area of the site taken for access and parking areas.
- 7.7 The applicant/agent have responded to these points to argue that:
- the dwelling currently proposed is significantly different in design and scale to that refused under B/10/0319;
  - views of the dwelling will be significantly softened by existing hedges and trees which are to be retained; and
  - the proposed dwelling is not unusual in its height or design when compared to existing dwellings in the area.
- 7.8 The existing area is predominantly in residential use, and it is considered that the development of an additional dwelling will not be out-of-character in principle. In more detail, the existing dwellings in the area vary greatly in their scale, design, materials and plot-size. In terms of its height, set-back from the highway edge, and design, it is considered that the proposed dwelling will not appear alien or out-of-place in this context. The proposed dwelling will sit within a smaller plot than the majority in the

neighbourhood, but it is considered that this will not be harmful to the area's character, and that adequate space (in visual terms) will remain between dwellings.

- 7.9 The proposed design for the new dwelling has interest, in particular with the incorporation of dormer windows and single-storey elements. The existing hedge which defines the site's boundary onto Puttock Gate and Old Main Road is proposed to be retained and, although the majority of the small trees currently growing within the site are proposed to be removed, two will be retained and two new cherries are proposed to be planted. In all, it is considered that these measures will ensure that no unacceptably severe harmful impacts will be caused to the character of the area or the local street-scene.
- 7.10 However, little specific detail is provided concerning the materials that the new dwelling will be constructed in, and it is considered that such details will need to be sought by condition.
- 7.11 Subject to the above condition and notwithstanding the objection, it is considered that the proposal will: not have harmful impacts upon the character and appearance of the area; and meets these requirements of Policies 2 and 3.

#### **Impacts upon amenity**

- 7.12 Policies 2, 3 and 30 of the Local Plan require the amenity of neighbouring land users to be protected.
- 7.13 An objection has been received from the owner of the agricultural yard to the site's immediate north on the basis that the proposal: includes a significant area of elevated patio that will involve a loss of amenity to the existing bungalow; and minimal private amenity space will be available to the new dwelling.
- 7.14 The applicant/agent responded to these points to:
- amend the proposal to: omit a first-floor window included in the first iteration; re-locate patio doors; reduce the patio's height; and increase the height of the proposed fence between the new dwelling and the bungalow; and
  - argue that the proposed dwelling will have more than 90m<sup>2</sup> of private outdoor amenity space, which is adequate to meet the needs of future occupiers
- 7.15 The application site has an agricultural yard to its north, and it is considered that the proposal will have no harmful amenity impacts upon this land user. However, there are existing dwellings to the site's immediate north-east (Cherry Blossom House) and to its west on the opposite side of Old Main Road (Bridge View) and potential amenity impacts upon these properties require a more detailed assessment.
- 7.16 Bridge View House is located to the west of the application site, on the opposite side of Old Main Road. It is a two-storey dwelling with windows serving habitable rooms looking towards the development site, with a 1.5m-high close-boarded fence at its boundary onto the highway. However, the proposed house will be located more than



20m from Bridge View House and, given this separation distance and the relatively modest scale of the proposed dwelling, it is considered that no unacceptably severe amenity impacts will be caused in terms of harm to outlook, overshadowing or loss of light. Similarly, there will be no unacceptably severe impacts in terms of overlooking or harm to privacy (particularly given the intervening fence and hedge).

- 7.17 Cherry Blossom House is approximately 6.5m to the north-east of the location of the proposed dwelling, and has windows in both its eastern and southern elevations. There is an existing 2m-high hedge at part of the common boundary, and a 2m-high fence is proposed to be erected along remaining parts of the boundary. Given the separation distances and the relatively modest scale of the proposed dwelling, it is considered that no unacceptably severe amenity impacts will be caused in terms of overshadowing, loss of light, or harm to outlook. The north-eastern elevation of the proposed dwelling will contain no first-floor windows and views from the single window and partly-glazed door at ground-floor level will be significantly obscured by the existing and proposed boundary treatments. Views will not be available from the rooflights which are proposed for the new dwelling's north-eastern roof-slope. Consequently, it is considered that there will be no unacceptably harmful impacts upon Cherry Blossom House in terms of overlooking or loss of privacy from the proposed dwelling. Given the amendments to the proposals outlined above, it is also considered that the proposed patio area will not unacceptably overlook Cherry Blossom House or its curtilage.
- 7.18 The proposal will significantly reduce the size of the curtilage serving Cherry Blossom House, but it is considered that the dwelling will retain adequate space to ensure that the amenity of its occupants will be acceptable.
- 7.19 Amenity of the occupiers of the proposed dwelling – an objection has expressed concern that minimal private amenity space will be available to the new dwelling.
- 7.20 Whilst it is undoubtedly true that the curtilage to the new dwelling will be smaller than that of many of the existing homes in the area, it is nonetheless considered to be adequate – with space for the parking and manoeuvring of vehicles to the dwelling's west, and modest gardens to its north, south and east.
- 7.21 At the time of the site visit, the agricultural yard to the site's north was busy, and was generating significant noise from vehicle movements. However, the Borough Council's Environmental Health department indicates that it has *"received 2 complaints since 2016 regarding noise from the yard"* to the site's north *"one related to the use of a radio on the site and the other was noise from a refrigerated lorry parked outside. They were both received from the same resident and in both cases were resolved quickly by contacting the site owner. As we have received no complaints regarding the day to day use of the site, or any complaints from the other neighbouring properties, I see no reason to raise concerns about this proposal."*
- 7.22 Notwithstanding the objection, it is considered that the proposal will not have unacceptably severe harmful impacts upon amenity, and meets these requirements of Policies 2, 3 and 30.

## **Flood risk**

- 7.23 Policy 4 of the Local Plan seeks to ensure that new development is not unnecessarily exposed to flood risk, and does not increase flood risk elsewhere. More specifically, the Policy indicates that development within an area at risk of flooding (Flood Zones 2 and 3) will be permitted where the sequential test is passed.
- 7.24 The application is accompanied by a Flood Risk Assessment (FRA) and a Sequential & Exception Test which identify that:
- the application site is located within Flood Zone 3, with a 2115 hazard-rating of ‘danger for most’ and maximum predicted depths of 0.5m to 0.75m;
  - although there are areas of land within Fosdyke’s Settlement Boundary that are sequentially preferable in terms of hazard or depth, none are available for development – and the Sequential Test is therefore passed;
  - the proposal has also passed the Exception Test, in that the proposal will deliver clear sustainability benefits (contributing to the village’s housing supply, and bringing economic and social benefits) that outweigh flood risk, and will be safe for its lifetime, given that:
    - ground-floor living accommodation will be raised 0.75m above existing ground levels, and all sleeping accommodation will be at first-floor level;
    - flood resilient construction will be incorporated, including: the installation of water, gas and electricity meters above the predicted flood level; the installation of electrical sockets, etc. at least 50cm above ground-floor level; sealed service entries; and the use of flood resistant materials.
- 7.25 In line with the comments from the Environment Agency, it is considered that, subject to a condition to require the implementation of the mitigation measures identified in the FRA, the proposal will be acceptable in flood risk terms, and will meet these requirements of Policy 4.

## **Biodiversity**

- 7.26 Policy 3 of the Local Plan requires the incorporation of existing hedgerows and trees into development proposals, and the provision of appropriate new landscaping to enhance biodiversity. Policy 28 requires all development proposals to provide an overall gain in biodiversity. Policy 31 requires all development proposals to incorporate measures which promote and enhance green infrastructure and provide a net gain in biodiversity.
- 7.27 The application site contains few features of obvious biodiversity value, beyond a frontage hedgerow, ornamental garden shrubs, and small trees. The drawings show that the hedge is proposed to be retained and, although the majority of the trees are proposed to be removed, two will be retained and:
- two new cherries will be planted; and

- the dwelling will incorporate 2 swift nesting bricks, 1 starling nesting brick, 1 house sparrow nesting brick, and 1 bat box.

7.28 It is considered that the above proposals will provide a modest gain in the site's biodiversity, but that a condition will be needed to ensure their implementation and retention.

7.29 Subject to such a condition, it is considered that the proposal will provide a modest gain in biodiversity and will meet these requirements of Policies 3, 28 and 31.

### **Water use**

7.30 Policy 3 requires development proposals to minimise the use of water, and Policy 31 specifically requires residential development to comply with the Building Regulation water efficiency standard of 110 litres per person per day.

7.31 The application and accompanying documents do not address issues concerning water use. However, it is considered that this matter can be adequately dealt with by the attachment of a condition to require the water consumption of the dwelling to not exceed 110 litres per person per day.

7.32 Subject to the above condition, it is considered that the proposal will meet these requirements of Policies 3 and 31.

### **Contamination**

7.33 Policy 30 of the Local Plan indicates that: proposals on contaminated land (or where there is reason to suspect contamination) must include an assessment of the extent of contamination and any possible risks; and proposals will not be considered favourably unless the land is, or can be made, suitable for the proposed use.

7.34 Boston Borough Council's Environmental Health department asks for the attachment of a condition to deal with any unforeseen site contamination that may arise during the development. Given this request, it is considered appropriate for a condition relating to unforeseen contamination to be applied.

7.35 Subject to the above condition, it is considered that any potential contamination will be appropriately dealt with. As such, it is considered that the proposal will meet these requirements of Policy 30 of the Local Plan.

### **Air quality**

7.36 Policy 30 requires development proposals to include suitable measures to mitigate any adverse impacts on air quality.

7.37 Drawings number 03C and 04C show the provision of integrated solar panels on the dwelling's southern-facing roof-slope, and drawing number 03C shows what are taken to be 2 charging points for electric vehicles (labelled 'ev' on the drawing). The proposed

development will potentially have adverse impacts upon air quality, but appears to propose mitigation measures (solar panels and electric vehicle charging facilities). It is considered that appropriate mitigation measures should be secured by condition to mitigate the impact on the local environment and the wider causes of climate change.

- 7.38 Subject to a condition to require the submission and approval of measures that aim to reduce pollution and promote renewable and low carbon energy, it is considered that the proposal will meet these requirements of Policy 30.

### **Highway safety**

- 7.39 Policy 2 of the Local Plan states that developments will be permitted providing that sustainable development considerations are met relating to access and vehicle generation.

- 7.40 Objections have been received from the operator of the agricultural yard to the site's north and haulage contractors who service the yard on the basis that:

- the access to the yard has been used for loading and deliveries since 1952. This currently entails vehicles parking on Old Main Road, which would: either significantly limit visibility for vehicles using the proposed new access; or encroach on the proposed new access. As an alternative, vehicles would need to be loaded/unloaded on the opposite side of the road, necessitating the closure of the road. HGVs cannot enter the yard given the widths of the highway and access, and loading/unloading within the yard would also require the demolition of existing farm buildings and removal of essential pallets, boxes and machinery; and
- they were not made aware of application B/10/0318, or they would have objected to it. They consider that this planning permission has lapsed because there is no evidence that condition 2 attached to the permission was discharged or that the development commenced within three years of the date of approval.

- 7.41 The applicant/agent responded to argue that current loading/unloading arrangements at the agricultural yard sometimes obstruct the highway or impinge upon visibility for road users to a dangerous extent, but such problems could be avoided by the adoption of a different approach by the yard's operators and visiting drivers.

- 7.42 The Highway Authority indicates that it has no objections to the proposal, but *"the proposed new dwelling is to be accessed via the secondary vehicle access of the host dwelling that was granted Consent under reference B/10/0318. Provided the Local Planning Authority is satisfied that this secondary access has been constructed in compliance with the Decision Notice issued for B/10/0318, - the vehicle access crossing over the highway verge has not actually been completed and is just an un-made surface - then the development proposed in this Application would be utilising a lawful access and would not therefore be expected to have an unacceptable impact upon highway safety. However, and possibly due to the fact that the vehicle access crossing of the highway verge has not been properly made-up to the Highway Authority's specification i.e. with carriageway edge kerbs and a sealed bituminous construction, the operator of*

*the neighbouring business has continued with his long-time practice of loading and unloading vehicles attending his site by utilising both his own vehicle access and the vehicle access that was consented under B/10/0318. The two accesses lie side by side, are both un-made and the boundary between each is indistinguishable. Clearly, if the neighbouring operator and his visiting drivers were to continue with that practice, access to and egress from the dwelling being proposed in this Application would be physically prevented. The highway authority does not have the necessary authority to command that the neighbour ceases loading and unloading vehicles on the highway - authority for that may rest with the Police. The neighbouring operator has not however established any legal right, through precedence, to continue with that practice and it would be for the operator to find a way to lawfully conduct his business without the use of the part of the highway at the Old Main Road frontage of the Application Site that is required to provide access to the proposed development. It is recommended though that the determination of this Application be used as an opportunity to compel the Applicant/Developer to bring the Old Main Road vehicle access crossing up to the current highway authority specification, work that should rightfully have been done following determination of the B/10/0318 Application.”*

- 7.43 Insufficient information has been provided to establish with certainty whether the development permitted under B/10/0318 has been implemented and whether that planning permission is extant. However, at the site visit, it did not appear that the ‘access’ was presently in use.
- 7.44 The new dwelling is proposed to be accessed off Old Main Road, a public highway which: is subject to a 30MPH speed limit; is street-lit; and has a public footpath on its western side. The proposed location for the access is close to existing accesses serving the neighbouring agricultural yard and the dwelling known as Bridge View, as well the junction with Puttock Gate. Nonetheless, at the site visit, it was noted that:
- visibility for vehicles exiting the application site would be good in both directions;
  - Old Main Road appears to carry relatively little traffic; and
  - traffic speeds appear to be generally low.
- 7.45 It is further noted that the Highway Authority raises no concerns about the safety of the proposed access arrangements. In light of the above, it is considered that the proposed access arrangements will not be intrinsically unsafe. However, if planning permission is granted it is considered that the two informatives requested by the Highway Authority should be attached.
- 7.46 Objections have been raised on the basis that HGV and other commercial vehicles servicing the agricultural yard to the site’s north are currently loaded and unloaded on Old Main Road, and that such arrangements will potentially block the proposed new access or limit visibility for vehicles seeking to use that access. As the Highway Authority has identified, this use of the highway (though long-standing) is not lawful. In these circumstances, it would not be appropriate to seek to refuse this planning application on the basis that it would interfere or prevent such loading/unloading on the highway continuing in future. It is the Highway Authority’s view that, should

vehicles block the proposed new access, the occupants of the proposed new dwelling would potentially have recourse to the police.

- 7.47 Taking account of the above, it is considered that (notwithstanding the objections) the proposal will: not unacceptably compromise highway safety; and will meet these requirements of Policy 2.

### **Parking provision**

- 7.48 Policy 3 states that developments will be permitted where adequate provision is made for the storage and/or parking of bicycles and layout of car parking. Policy 36 indicates that all new development should provide vehicle and cycle parking in accordance with minimum standards set out in Appendix 6, and the Appendix identifies that 2 car parking spaces and 1 cycle parking space should be provided within the curtilage of a dwelling with up to 3 bedrooms.
- 7.49 The dwelling will have 3 bedrooms, and drawing number 03C shows the provision of 2 car parking spaces to the north of the dwelling, as well as a cycle store to its east – provision which clearly meets the above standards.
- 7.50 In all, it is considered that the proposal includes adequate provision for the parking/storage of bicycles and cars, and that it therefore meets these requirements of Policies 3 and 36.

## **8 Summary and Conclusion**

- 8.1 The proposal:

- will not have unacceptably severe harmful impacts upon the character and appearance of the area, subject to a condition;
- will not have unacceptably severe harmful impacts upon neighbours' amenity;
- will be acceptable in flood risk terms, subject to a condition;
- will provide a modest gain in biodiversity, subject to a condition;
- will minimise the use of water, subject to a condition;
- will deal appropriately with any potential contamination, subject to a condition;
- will reduce pollution and promote renewable and low carbon energy, subject to a condition;
- will not unacceptably compromise highway safety;
- includes adequate provision for the parking/storage of bicycles and cars; and
- meets the requirements of the relevant Policies of the South East Lincolnshire Local Plan 2019.

- 8.2 Notwithstanding the objections received, it is therefore considered appropriate for planning permission to be granted.

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## **9 Recommendation**

9.1 It is recommended that the Committee approves this application, subject to the conditions set out below.

<b>CONDITIONS / REASONS</b>	
Pre-commencement conditions?	No Agreed with applicant/agent - Date:
1	<p>The development hereby permitted shall be begun before the expiration of three years from the date of this permission.</p> <p><b>Reason:</b> Required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004.</p>
2	<p>The development hereby permitted shall be carried out in strict accordance with the application received on 03-Feb-2023, and the associated plans referenced:</p> <ul style="list-style-type: none"> <li>▪ Dwg No: 01B – Location Plan;</li> <li>▪ Dwg No: 02C – Block Plan as Proposed;</li> <li>▪ Dwg No: 03C – Site Layouts Existing &amp; Proposed;</li> <li>▪ Dwg No: 04C – Proposed Dwelling Floor Plans &amp; Elevations;</li> <li>▪ Dwg No: 05C – Proposed Sections.</li> </ul> <p><b>Reason:</b> To ensure that the development is undertaken in accordance with the approved details, and to comply with Policies 2, 3, 4, 28, 30, 31 and 36 of the South East Lincolnshire Local Plan 2019.</p>
<b>Conditions which apply during the course of and following completion of the development:</b>	
3	<p>No development shall take place above ground level until details of the materials proposed to be used in the construction of the dwelling’s external surfaces have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.</p> <p><b>Reason:</b> To ensure that the new building is in keeping with the character of the area, in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan 2019.</p>
4	<p>The development permitted by this planning permission shall be carried out in accordance with the mitigation measures set out in the accompanying Flood Risk Assessment prepared by RM Associates (January 2023 Version 2), namely:</p> <ul style="list-style-type: none"> <li>▪ the raising of the dwelling’s ground floor living accommodation 0.75m above the existing ground level;</li> <li>▪ all sleeping accommodation at first floor level;</li> <li>▪ water, electricity and gas meters located above the predicted flood level;</li> <li>▪ all electrical services and ancillary devices installed at least 50cm above ground floor level, and electric ring mains installed at high level with drops to ground-floor sockets and switches;</li> </ul>

	<ul style="list-style-type: none"> <li>▪ ground floor constructed with a solid concrete floor with no voids beneath, and wall vents fitted with 'flood angel' air bricks; and</li> <li>▪ the use of flood resilient materials at ground-floor level.</li> </ul> <p>These mitigation measures shall be fully implemented prior to occupation and shall be retained and maintained thereafter throughout the lifetime of the development.</p> <p><b>Reason:</b> To reduce the risk of flooding to the proposed development and future occupants, and to accord with the requirements of Policy 4 of the South East Lincolnshire Local Plan 2019.</p>
5	<p>The proposed tree planting shown on Dwg No: 03C – Site Layouts Existing + Proposed shall be carried out and completed during the first planting season following the completion of the development. All trees 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. The bird and bat nesting/roosting bricks/boxes shown on Dwg No: 04C – Proposed Dwelling Floor Plans &amp; Elevations shall be implemented prior to occupation of the dwelling and shall be maintained thereafter.</p> <p><b>Reason:</b> In the interests of biodiversity and in accordance with Policy 3, 28 and 31 of the South East Lincolnshire Local Plan 2019.</p>
6	<p>The water consumption of the dwelling hereby permitted should not exceed the requirement of 110 litres per person per day (as set out as the optional requirement in Part G of the Building Regulations 2010 and Policy 31 of 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 the dwelling.</p> <p><b>Reason:</b> To protect the quality and quantity of water resources available to the district. This condition is imposed in accordance with Policy 31 of the South East Lincolnshire Local Plan 2019.</p>
7	<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 Policy 30 of the South East Lincolnshire Local Plan 2019.</p>
8	<p>No development shall take place above ground level until details regarding the provision of electric vehicle charging points have been submitted to and approved in writing by the Local Planning Authority. The details shall include:</p> <ul style="list-style-type: none"> <li>▪ Location of charging points;</li> <li>▪ Specification of charging points; and</li> <li>▪ Timetable for the implementation of the above measures.</li> </ul> <p>The development shall then be carried out in strict accordance with the approved details.</p>



**Reason:** In the interests of promoting sustainable transport in accordance with Policy 31 of the South East Lincolnshire Local Plan 2019.

**INFORMATIVES / NOTES TO BE INCLUDED ON/WITH DECISION NOTICE**

**STATEMENT OF PROACTIVE WORKING:**

In determining this application, the authority has taken account of the guidance in paragraph 38 of the National Planning Policy Framework 2021 in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the Borough.

The **Welland and Deepings Internal Drainage Board** asks to be re-consulted if soakaways are not to be used for surface water disposal.

The **Lincolnshire County Council** indicates that:

- The permitted development requires the formation of a new/amended vehicular access. These works will require approval from the Highway Authority in accordance with Section 184 of the Highways Act. Any traffic management required to undertake works within the highway will be subject to agreement. The access must be constructed in accordance with a current specification issued by the Highway Authority. Any requirement to relocate existing apparatus, underground services, or street furniture because of the installation of an access will be the responsibility, and cost, of the applicant and must be agreed prior to a vehicle access application. The application form, costs and guidance documentation can be found on the highway authority website, accessible via the following link: <https://www.lincolnshire.gov.uk/licences-permits/apply-dropped-kerb>.
- Please contact the Lincolnshire County Council Streetworks and Permitting Team on 01522 782070 to discuss any proposed statutory utility connections, Section 50 licences 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 the highway authority website via the following link: Traffic Management - <https://www.lincolnshire.gov.uk/traffic-management>

The Environment Agency supports *“the suggestion in the FRA that occupants sign up to receive flood warnings. Occupants should phone Floodline on 0345 988 1188 to register for a flood warning, or visit <https://www.gov.uk/sign-up-for-flood-warnings>. It is a free service that provides warnings of flooding from rivers, the sea and groundwater, direct from telephone, email or text message. Anyone can sign up.”*