

BOSTON BOROUGH COUNCIL**Planning Committee - 10 January 2017**

Reference No: B/16/0389

Expiry Date: 17 Jan 2017

Application Type: Outline Planning Permission
Proposal: Outline application for the erection of one detached dwelling and one detached garage including access with matters relating to appearance, landscaping, layout and scale reserved for later approval

Site: Land Adjacent to Glenhirst, Station Road, Swineshead, Boston

Applicant: Mr & Mrs N C Bell

Ward: Swineshead and Holland Fen
Parish: Swineshead Parish Council

Case Officer: Polly Harris Gorf

Third Party Reps: 3 (from 2 properties)

Recommendation: Approve, with conditions**1.0 Reason for Report**

1.1 This application is presented to Committee as objections have been received from an officer in the Planning Service and this application should thus be determined by Committee.

2.0 Application Site and Proposal

2.1 The application site consists of the house and gardens of *Glenhirst*, Station Road, and the application proposes development of the garden area to the south of the existing dwelling only. *Glenhirst* and the garden area are a mix of domestic garden and an established garden nursery that has now ceased. To the west of the site is a pond and drain at the corner of Coles Lane and Station Road.

2.2 The site, of some 0.095 hectares, measuring approximately 18m at its widest point, and 45m in depth, stands on the western side of Station Road, within the development limits of the village of Swineshead. It is within Flood Zone 2 Medium Possibility of flooding, as identified by the Environment Agency.

- 2.3 Currently on the site are disused greenhouse buildings and a brick and pantile building that may have been used as a cobbler's shop. This is overgrown and has been unused for some time. The rest of the site is put to domestic garden.
- 2.4 Outline consent is sought to establish the principle of a detached dwelling and detached garage in the side garden area of this dwelling. Access is to be considered at this time with all other matters (appearance, landscaping, layout and scale) to be considered via reserved matters applications at a later date. The application is supported by a Planning Statement and a Flood Risk and Drainage Assessment.

3.0 Relevant History

- 3.1 None relevant.

4.0 Relevant Policy

Boston Borough Adopted Local Plan

- 4.1 The development plan consists of the saved policies of the Boston Borough Local Plan (Adopted 1999). S.38(6) of the 2004 Act requires that determination must be made in accordance with the plan unless material considerations indicate otherwise.
- 4.2 The land is within the Swineshead built up area and settlement boundary.
- 4.3 The saved Local Plan Policies of relevance to this application are as follows:
- Policy G1 – Amenity
 - Policy G2 – Wildlife and Landscape Resources
 - Policy G6 – Vehicular and Pedestrian Access
 - Policy G3 - Surface and Foul Water Disposal
 - Policy H2 – Windfall housing development
 - Policy H3 – Quality of housing developments

National Planning Policy Framework

- 4.4 Committee will be aware of the NPPF guidance in respect of housing applications being considered in the context of the presumption in favour of sustainable development. In addition, Paragraph 11 makes it clear that "...applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise."
- 4.5 Paragraph 56 states: The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

4.6 Paragraph 103 states: When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment following the Sequential Test, and if required the Exception Test, it can be demonstrated that:

- within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and
- development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning; and it gives priority to the use of sustainable drainage systems.

5.0 **Representations**

5.1 As a result of publicity 3 representations have been received from 2 properties at Loydella and Graels Cottage;

5.2 Both objectors confirm that they have no objection to the principle of a dwelling being built on this application site.

5.3 The objections and comments can be summarised as follows;

- The flood risk assessment takes no account of groundwater conditions and flooding
- Flooding has been a severe occurrence on this land and shared areas i.e. Loydella and garden and Graels Cottage and garden at least 3 times in the last 3 years. . This is largely because the highway drains are at a higher level than the land immediately adjacent on Station Road and Coles Lane. Flooding has been to a depth of 15 cm at the lowest points in the gardens which has been a mix with sewerage. Overall the water table is a little over a metre below ground level. The flooding spreads across and substantially covers all the garden areas and typically takes a day or more to drain away on permeable surfaces. Incursion over the threshold of Loydella occurred 3 years ago with 2.5cm or so of sludge/water throughout the hall and downstairs bathroom. Graels Cottage and was similarly affected
- the proposed indicative site of the new dwelling this is probably in the worst location and will exacerbate and worsen groundwater flooding for neighbouring properties
- Siting the development elsewhere on the site would have an impact on surface water flooding
- Wildlife and ecology. The planning statement and application form fails to mention the nearby proximity (adjoining the south eastern boundary) of the Coles Lane ponds as a Local Wildlife Site
- Loss of a tree on the site
- Approximate/proposed siting of new dwelling and garage would cause overlooking and a loss of light to adjoining houses and gardens
- Overbearing impact of development on neighbouring dwellings
- Fencing to Loydella should be considered
- Loss of building last used as a cobblers shop

6.0 Consultations

- 6.1 Swineshead Parish Council raises no objections to the development
- 6.2 The County Highways Authority has no objections and recommends informatives regarding the access to the highway.
- 6.3 Environmental Protection raises no objections
- 6.4 The Black Sluice Internal Drainage Board advises that any soakaways to discharge surface water should be designed to BRE Digest 365 or other approved code. If a soakaway proves to be unsuitable an alternative scheme should be submitted and approved prior to starting on site. In addition, there may be culverts or watercourses nearby and any proposals to pipe or fill them would need the Boards consent. This response was sent by the Board directly to the agent and applicants.
- 6.5 The Environment Agency states that the proposed development will only meet the requirements of the National Planning Policy Framework if the following mitigation measures are secured and implemented by way of a planning condition on any planning permission to ensure the following:
- Finished floor levels shall be set no lower than 2.8mODN;
 - Flood resilient and resistant construction measures shall be incorporated throughout the development
 - The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any period as may subsequently be agreed, in writing, by the local planning authority.

7.0 Planning Issues and Discussions

- 7.1 The application site is located within the built up area of Swineshead, and seeks to utilise a domestic garden side garden and underutilised area of garden plant nursery. Although garden land is not 'previously developed', the principle of development is considered to be acceptable given the location within the settlement. Policy H2 of the Local Plan provides other criteria regarding the loss of an open frontage, site size, size and character of development, which are discussed below.
- 7.2 This outline application proposes solely access to be considered at this time, however indicative plans have been submitted that demonstrate that a two storey dwelling and a garage could be accommodated on this site, without compromising the character of the area, which is of a mixed form of residential development.
- 7.3 The application is supported by a flood risk assessment and further details of land levels would be required at any reserved matters stage.

Loss of open space or frontage

- 7.4 Within the street scene the site reads as side garden land, with Glenhirst, the host property, sitting in a large garden plot. The character of this part of Station Road is of a mix of ages and forms of dwelling, with variation in plot size and distance from the highway. There is not a uniformity of street scene, so the provision of an additional dwelling in this side garden, although closing a frontage to a degree, would not be out of keeping with the grain of development in the area.
- 7.5 The more detailed matters of exact siting of development on the site would be addressed by any reserved matters application at a later time.

Flooding and Drainage

- 7.6 The application is supported by a detailed Flood Risk and Drainage Assessment, which sets out that the existing site conditions in relation to ground levels. These are as follows – site entrance onto Station Road is 2.85m ODN; levels on the eastern (front) boundary is 2.80m ODN and on the western (rear) boundary is 2.18m ODN, with an average across the indicative site of the new dwelling of 2.47m ODN. The application is supported by a flood risk assessment and further details of land levels would be required at reserved matters stage. It is to be noted that the Environment Agency raise no objection subject to the provision of a condition ensuring that the dwelling is no lower than 2.8mODN, which is already indicated on the submitted drawings. Thus the proposed siting is not at the lowest part of the site.
- 7.7 The land and gardens in this area have experienced localised flooding, however this proposal, by removing the greenhouse on the site and building a purpose designed dwelling would result in less built floor area and hardstanding than presently on site, that could lead to a more sustainable development and could lessen the impact of flooding in the area.
- 7.8 The indicative drawings submitted show one possible siting of a dwelling and garage on this site. If at reserved matters stage it is considered that the built form of development could be better placed on the site to reduce flooding impact, or any other negative impact on the site or surrounding occupiers, this would be able to be required at that stage.

Impact on residential amenity

- 7.9 Although all matters except access are reserved, indicative plans have been submitted to illustrate how a dwelling could be accommodated on this site without undue impact on the adjacent properties. The submission of reserved matters is when any issues of overbearing effect, loss of privacy and light would be fully addressed; the current outline application seeks to establish the principle of a dwelling on this site. At this stage it is considered that the site can accommodate a plot.

Highway safety and parking

- 7.10 With regard to issues of highway safety within Station Road, the County Highways Officer raises no objection. Station Road has good visibility at this point, and an additional vehicular access would not cause undue highway hazard.

Wildlife and ecology

- 7.11 It has been suggested that the site may be home to protected flora and fauna, being located adjacent to a local wildlife site, Cole Lane Ponds (to the west). The application site is not identified as having ecological value, being a garden area and housing a large area of glass housing. The site is domestically planted, and although it holds some mature vegetation, none is worthy of preservation or seen to be of wildlife value. The rear part of the application site has been covered by a glasshouse for many years. The ground internally is bare dirt and dry with concrete paving walkways. It is an inhospitable area for pond margin fauna. The greenhouse was used for growing cacti [the applicants' former business] chiefly on raised tables and on ground matting. Following demolition of the greenhouse this area would revert to garden and this would be an enhancement ecologically, compared to the glasshouse.
- 7.12 The area between the glass house and the gravel drive has been, and in fact still is, heavily cultivated and has been the outside growing area for the larger and more hardy species of nursery plant and general vegetables. Again not an area that has been left fallow to allow wild life to become established.
- 7.13 The lawn, flowerbeds and garden pond area of the existing gardens attached to *Glenhirst* would remain unchanged.
- 7.14 It is therefore considered that the development proposed would not have an impact on protected species, or the wildlife site. However notwithstanding this, it is recommended by condition that a wildlife survey be undertaken, and remediation put in place as necessary, prior to works commencing on site.

Other matters

- 7.15 It has been suggested that a 19th Century single storey brick and tile building at the frontage of the site be considered for its historical importance. The building is in a poor state of repair, and although it may have been a cobbler's shop in the past, it is now beyond a point that it would be considered for listing. The Council's consultant conservation architect has visited the site and viewed the building, and concludes that the building would not meet the listing criteria relating to architectural or historic interest, including age and rarity, aesthetic merits, sensitivity and national interest. The state of repair of the building is not considered relevant when looking to list a building.
- 7.16 It is proposed to retain a Willow tree on the site. This tree has been viewed and it is not considered that it is worthy of formal protection.

8.0 Summary and Conclusion

- 8.1 In conclusion it is considered that this proposal represents an acceptable infill development on this site in a sustainable settlement. The proposed application is outline and seeks only to establish the principle of development on this site with an access point. All other matters of detail (appearance, landscaping, layout and scale) would be dealt with at any future reserved matters stage.

9.0 Recommendation

- 9.1 It is recommended that Committee GRANT Outline Planning Permission subject to the following conditions and reasons:-

1. No development shall commence until details of appearance, layout, landscaping and scale of the development (hereafter referred to as the “reserved matters”) have been submitted to and approved by the local planning authority.

Reason: This is an outline application only and such details must be approved before development commences in order to comply with the objectives of Local Plan policies G1 and H3 and required to be imposed pursuant to Section 92 of the Town & Country Planning Act 1990.

2. Application for approval of all reserved matters shall be made to the local planning authority not later than the expiration of three years from the date of this permission.

Reason: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990.

3. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990.

4. The development hereby permitted shall be carried out in accordance with the following approved plans –

- OS Location Plan 15048 RL (1/4)
- Block Plan 15048 RL 02 (2/4)
- Site Plan (Proposed) 15048 RL 04c (3a/4) and
- Flood Risk Assessment Version 1 September 2016, received by the LPA on 21 September 2016.

Reason: To ensure the development is undertaken in accordance with the approved details and to accord with Adopted Local Plan Policy G1.

5. Prior to the commencement of the development, details of the existing and proposed site levels together with details of floor levels and construction and surface water details relating to the treatment of the transitional area between raised levels on site and existing ground levels off site shall be submitted to and approved by the Local Planning Authority, and the development shall be built in accordance with the approved scheme.

Reason: In the interest of residential amenity and to accord with Adopted Local Plan Policies G1 and G3.

6. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA), undertaken by RM Associates (Version 1 September 2016, received by the LPA on 21 September 2016), and the following mitigation measures detailed within the FRA:

- Finished floor levels shall be set no lower than 2.8m ODN.
- Flood resilience and resistance measures shall be incorporated into the proposed development as stated in the FRA.
- Fixable mountings to allow demountable defences shall be installed on all ground floor door openings to a height of 600mm above finished floor level.

Reason: To reduce the risk and impact of flooding on the proposed development and future occupants in accordance with Policies G3 and G4 of the Local Plan.

7. Prior to the clearance of the site for development, the site shall be surveyed for the presence of protected species and if present a scheme of mitigation shall be submitted to and approved by the Local Planning Authority and the development shall be undertaken in accordance with the scheme of mitigation.

Reason: In the interest of protected species and to accord with the Wildlife and Countryside Act and Adopted Local Plan Policy G2.

In determining this application the authority has taken account of the guidance in paras 186 – 187 of the NPPF (2012) in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the Borough.

Paul Edwards
Development Control Manager