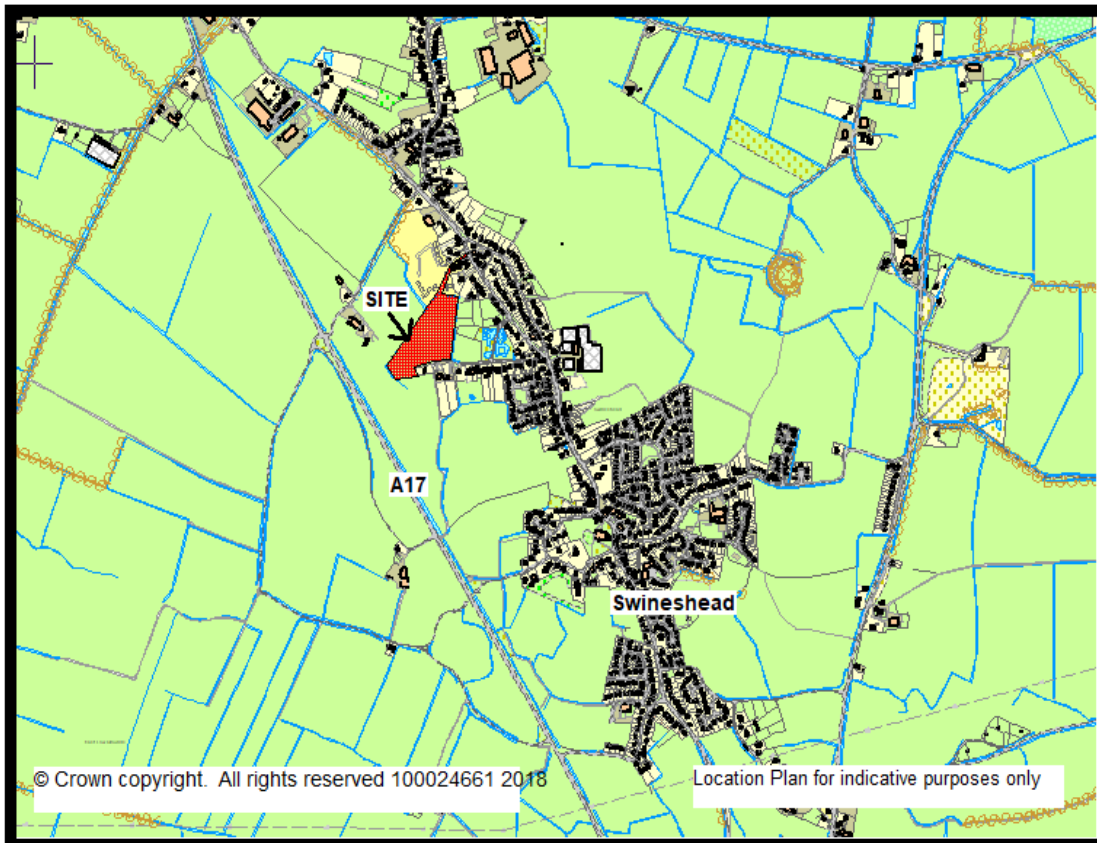


**BOSTON BOROUGH COUNCIL**

**Planning Committee – 6<sup>th</sup> February 2018**

Reference No: B/17/0404  
Expiry Date: 18-Jan-2018  
Application Type: Full Planning Permission  
Proposal: Erection of 74 dwellings with associated garaging, roads and sewers  
Site: Land to the north and west of Cole's Lane, Swineshead, Boston, PE20 3NS  
Applicant: Mr B Gibson (Ashwood Homes)  
Ward: Swineshead and Holland Fen  
Parish: Swineshead Parish Council  
Case Officer: John Taylor  
Third Party Reps: 18 representations from 6 addresses

**Recommendation: Delegate to Approve subject to the completion of a planning obligation in respect of Education and Health Contributions and 14 affordable housing units**



## **1.0 Reason for Report**

- 1.1 This application is reported to Committee since the recommendation includes a planning obligation to secure funding towards education and health provision and 14 affordable housing units.

## **2.0 Application Site and Proposal**

- 2.1 The application site, which extends to approximately 3.06 hectares in size, is located outside of, but close to, the western edge of the settlement boundary of Swineshead. The access to the development will be gained through the estate road of a recently approved development adjoining the site to the north. The site appears devoid of buildings and is agricultural land. A local nature conservation site is located close to the eastern boundary of the site.
- 2.2 The nearest dwelling (Rush Farm) abuts the proposed development along part of the southern boundary with open views from the site across the countryside extending southwest, northwest and to the west.
- 2.3 The site is largely situated within Zone 3 of the Environment Agency's flood zone maps.
- 2.4 This proposal seeks full planning permission for the erection of 74 dwellings with vehicular access taken from the estate road to the north that forms part of a residential development approved under ref B/16/0052. As part of this proposal the following documents have been submitted:
- Design and Access Statement
  - Flood Risk Assessment
  - Ecological Survey

## **3.0 Relevant History**

- 3.1 No recent relevant history exists for this site.

## **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 saved Local Plan Policies of relevance to this application are as follows:

- Policy G1 – Amenity
- Policy G2 – Wildlife and Landscape Resources
- Policy G3 – Surface Water Disposal
- Policy G6 – Vehicular and Pedestrian Access
- Policy H2 – Windfall Housing Sites
- Policy H3 – Quality of Housing Development
- Policy H4 – Open Space on Housing Estates
- Policy C01 – Development in the Countryside

### **National Planning Policy Framework**

4.3 The National Planning Policy Framework (NPPF) 2012 indicates that housing applications should be considered in the context of the presumption in favour of sustainable development. The NPPF seeks the speedy approval of proposals that accord with the development plan and, where the plan is “absent, silent or relevant policies are out of date”, to grant permission unless the adverse impact would significantly and demonstrably outweigh the benefits; or that policies in the NPPF indicate development should be restricted.

4.4 The NPPF states that ‘relevant policies for the supply of housing should not be considered to be up-to-date if a five year supply cannot be demonstrated’ (NPPF para. 49). Thus, if there is no five year supply, relevant housing policies are considered out of date and developments would be subject to paragraph 14 of the NPPF which provides a presumption in favour of such development, subject to criteria.

4.5 The Borough does not have a five year housing land supply and therefore the ‘presumption in favour of such developments’ as contained within the NPPF replaces the housing supply policies in the Development Plan.

### **5.0 Representations**

5.1 As a result of publicity 18 objections (13 representations from one household) have been received. These were received from the following addresses;

- Station Road – ‘Bramblewick Cottage’, ‘Whiteoaks’
- Cole’s Lane – ‘Lygon Lodge’ (x13), ‘The Rushes’
- Steyning Lane – ‘Rosewood House’
- Hillcrest Gardens – No. 12

5.2 The objections received can be summarised as follows;

- Increase in traffic movements along Station Road
- Impact on highway and pedestrian safety
- Impact on the footpath that crosses part of the site
- Concerns over the amount of development connecting to existing access off Station Road
- Is sufficient parking provided within the development?
- Inconsistency within the submitted information
- Proposal is allegedly being developed on a high flood risk area
- Impact on local schools and doctor's surgery
- Development not necessary
- Impact on the character of the area
- Site falls outside development curtilage and on prime agricultural land
- Area would become urbanised
- Impact to wildlife, landscape and vegetation
- Nearby ponds have rare species and Great Crested Newts in them
- Impact on neighbour's amenity especially overlooking to nearby 'Rush Farm'
- Noise, light and traffic pollution
- Incompatible with existing character of the settlement
- Lack of information submitted with application
- Development will create urban sprawl not suitable for a village
- Foul water connections will impact residents along Cole's Lane
- Proposal could destroy the Local Wildlife Site
- Grade I agricultural land should be protected
- Site was not carried forward in the SHLAA due to environmental and transport impacts
- If all developments were built in Swineshead then 14 years housing land supply could be achieved
- Application has been pushed through the 'back door'
- Precedent set for even further development
- Poor quality living conditions for future residents given the proximity of site to A17
- Other sites in Swineshead should be used for development
- The presumption to build due to the lack of a 5-year land supply should not be used for this development
- Impact on horses health and well being as they use paddock land adjacent to the site

## 6.0 **Consultations**

6.1 Parish Council – The Council object on the following grounds;

- Site is a designated conservation site and the adjoining fields are part of that ecosystem
- Biodiversity study does not cover known species and should be re-commissioned by independent body
- Site is a high risk flood area and potential pile foundations would impact on residents and wildlife

- Can existing infrastructure cope
  - Impact on highway safety
  - Fences should be replaced with hedges
  - No footpath along Cole's Lane but pedestrian access is shown on plan resulting in a safety issue
- 6.2 The County Highways Authority and Lead Local Flood Authority – No objections subject to conditions being attached.
- 6.3 The Environment Agency – No objection to the proposal and state the mitigation measures proposed within the submitted FRA are acceptable.
- 6.4 Lincolnshire County Council (Education) – Request a financial contribution of £240,752 towards mathematics classrooms at Cowley School in Donington and Boston Grammar School.
- 6.5 Local Housing Authority – Offer of 14 units (18.9%) as affordable units is acceptable subject to agreeing details of units within a S106 legal agreement.
- 6.6 NHS England – Request a financial contribution of £32,856 towards improving health provision at Swineshead Medical Centre.
- 6.7 Black Sluice Internal Drainage Board – No objection but advice given that formal written consent from the Board would be required for discharging surface water into a watercourse and to erect other structures within the Byelaws distance.
- 6.8 Environmental Health – No objections to the proposal.
- 6.9 Lincolnshire Fire and Rescue – Requests that a fire hydrant is installed within the site at the developer's expense. If this is not carried out then they would object to the scheme.
- 6.10 Anglian Water Services – Request surface water and foul water conditions to be attached to any forthcoming approval.
- 6.11 Lincolnshire County Council (public rights of way) – Object to proposal. Advise that discussions should take place with developer to overcome the concerns raised.
- 6.12 Lincolnshire Wildlife Trust – Do not formally object but do raise points regarding absence of information within the submitted documents.

## **7.0 Planning Issues and Discussions**

7.1 The following key issues are relevant to this proposal:

- Principle of development
- Amount of development
- Impact on the character and appearance of the area
- Layout and design
- Impact on neighbour's amenity
- Developer contributions
- Flood risk and drainage
- Ecology and Wildlife

### **Principle of development**

7.2 The site appears to be an agricultural field (Grade I) located some 30 metres (at its nearest point) from the settlement boundary. It is devoid of buildings and other natural features.

7.3 Given the Borough's lack of a five-year supply of land for housing the 'presumption in favour of sustainable development' applies. The site is situated close to the settlement of Swineshead that has an abundance of local services and facilities and is considered a sustainable settlement in its own right. Although marginally detached from the boundary it does border a recent residential development along its northern boundary and it would be difficult to assess this proposed housing development as anything other than a sustainable form of development.

7.4 Notwithstanding that the site is predominantly Grade I agricultural land the development will contribute significantly to the Borough's five-year housing land supply. It is considered that, on balance, the merits of the proposal outweigh the minor to medium harm that would arise as a result of allowing this proposal subject to all other matters being acceptable.

### **Amount of Development**

7.5 This full application seeks the erection of 74 dwellings on a site measuring just over 3 hectares in size. This equates to a density of ~25 dwellings per hectare. The site includes appropriate provision for open space and the density appears acceptable for this location.

### **Impact on the Character and Appearance of the Area**

7.6 It is acknowledged that developing this site for housing will have an impact on the character and appearance of the area; however, this proposal is unlikely to cause substantial harm to this character as the site adjoins a recently approved residential scheme for 61 dwellings along its northern boundary; indeed the vehicular access to the site will be via the approved estate road serving that scheme.

A public footpath traverses the site close to its southwestern corner and further discussions are taking place to divert this footpath; However, LCC (rights of way) do object at this point in time although it is considered that this will be resolved in the near future. Views of the development will be more dominant when travelling along the A17 although views from this road will be seen against the backdrop of the existing built form. Views will be most dominant from the end of Cole's Lane and from people using the aforementioned public right of way; however, it is considered that, on balance, the proposal is unlikely to cause substantial harm to the character and appearance of the area to a degree that would warrant refusal of the application.

### **Layout and Design**

- 7.7 The layout shows an access road into the estate taken from the existing estate road serving the approved estate to the north of the site. The Station Road junction will therefore serve both this scheme and the existing approved scheme. The 3 hectare site shows 74 properties dispersed throughout the site with an area of open space positioned relatively central to the site. Each dwelling has garaging and/or dedicated parking spaces, the level of which appears to be acceptable. Future occupiers of the proposed dwellings will benefit from appropriate levels of private amenity space and the scheme will create quality living environments for the occupiers of the dwellings. Separation distances from nearby dwellings are acceptable with the minimum being almost 20m (from Rush Farm).
- 7.8 In terms of size and scale the development proposes 74 two-storey dwellings. The scale of the properties is in-keeping with the adjacent built form.
- 7.9 In terms of the design of the proposed dwellings the overall scheme includes thirteen house types. The construction materials used vary in type and colour creating a greater sense of place. It is considered that the mix of house types is suitable and no concerns are raised regarding the overall design scheme for the development.

### **Impact on Neighbour's Amenity**

- 7.10 The relationship between dwellings appears to be well thought out with fenestration for each dwelling overlooking the respective garden areas for that property thus each dwelling has a private garden area that enjoys a decent level of privacy. Furthermore, the layout has been designed to ensure that no substantial visual intrusion, dominance or overshadowing will occur to future occupiers of the dwellings. No concerns are raised.

### **Developer Contributions**

- 7.11 Policies for seeking obligations should ideally be set out in a development plan document to enable fair and open testing of the policy at examination. However, given that the Adopted Local Plan is silent on issues relating to developer contributions the National Planning Policy Framework, the CIL Regulations and the Planning Practice Guidance have been used to assist in justifying the role of the Borough requesting contributions where they can be justified.

- 7.12 Where a relevant determination is made which results in planning permission being granted for development a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:
- necessary to make the development acceptable in planning terms;
  - directly related to the development; and
  - fairly and reasonably related in scale and kind to the development.
- 7.13 Consultees seek a contribution towards affordable housing and a financial contribution of £240,752 towards schemes that contribute towards a new mathematics classroom at Cowley High School Donington and a mathematics classroom at Boston Grammar School. A further request for £32,856 has been made to improve efficiency at Swineshead Medical centre.
- 7.14 The applicants are proposing to offer 14 out of the total 74 dwellings as affordable units. This equates to almost 19%. The type and tenure of the units is to be agreed within the S106 legal agreement.

### **Flood Risk and Drainage**

- 7.15 The application site is in an area identified as being within Environment Agency Flood Zone 3 and, according to the Borough Council's SFRA, the flood hazard map shows the site as being at low risk.
- 7.16 Both the Environment Agency and the Lead Local Flood Authority (LLFA) do not object to the proposal. Subject to conditions no further concerns are raised.

### **Ecology and Wildlife**

- 7.17 The applicants have submitted an ecology report for the site and Lincolnshire Wildlife Trust were consulted as part of this application. They do make a number of observations but do not object to the proposed scheme. Subject to a condition that ensures that the development complies with the mitigation measures proposed within the submitted ecology report no concerns are raised.

## **8.0 Summary and Conclusion**

- 8.1 The Framework indicates that housing applications should be considered in the context of the presumption in favour of sustainable development subject to all other matters being acceptable. Housing applications should be approved if the authority cannot demonstrate a five-year supply of housing, unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole or specific policies in the Framework indicate such developments should be restricted.



8.2 The proposal can be summarised as follows:

- The site is located adjacent to a recently approved residential scheme to the north of this site. Access into the site will be via the approved estate road for that scheme.
- The settlement boundary of Swineshead is located some 30m to the east at its nearest point;
- The site appears to be wholly Grade I agricultural land;
- A financial contribution of £240,752 towards schemes that contribute to new mathematics classrooms at Cowley High School in Donington and Boston Grammar School in Boston will assist in mitigating against the impact of the development on education facilities. It appears that the requested contributions have been fully justified and comply with CIL Regulations;
- The proposed development will provide a contribution towards affordable homes for the Borough of 14 units (approximately 19 %);
- The development will not cause substantial harm to the character and appearance of the area.
- The layout includes appropriate provision for open space;
- The layout identifies that dwellings will have adequate levels of private amenity space and the relationship between the proposed dwellings ensures that the amenity of future occupiers have been considered;
- The relationship between the existing dwellings and in particular Rush Farm appears acceptable;

8.3 To conclude, the proposal will provide much needed housing in a sustainable location within the Borough. The principle is acceptable and the layout appears well thought out. This proposal is therefore considered to be an acceptable pattern of sustainable development that accords with relevant Adopted Plan Policies and with the intentions of the National Planning Policy Framework (2012).

The recommendation is one of approval subject to the following conditions.

## 9.0 **Recommendation**

9.1 **That the Planning Committee resolve that they are minded to approve this application subject to conditions and:**

- a) **any permission is not released until the applicants have entered into a section 106 planning obligation with the Council relating to necessary and directly related financial contributions of £240,752 for education and £32,856, and 14 affordable housing units; and**

**authority is delegated to the Interim Development Manager to approve this application upon satisfactory completion of the planning obligation. If the obligation is not concluded within three months of instructions, the application will be returned to Committee.**

## **CONDITIONS AND REASONS**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

**Reason:** Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

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

- 1218-LP Rev A 'Location Plan' (1/24)
- 1218-004 Rev J 'Planning Layout' (2A/24)
- TAY-01 'Floor Plans' (3/24)
- TAY-02 'Elevations' (4/24)
- MDW-001 'Floor Plans' (5/24)
- MDW-002 'Elevations' (6/24)
- CLY-001 'Floor Plans and Elevations' (7/24)
- COR-001 'Floor Plans and Elevations' (8/24)
- LCK-001 'Floor Plans and Elevations' (9/24)
- MER-001 'Floor Plans and Elevations' (10/24)
- NEN-001 'Floor Plans and Elevations' (11/24)
- SPT-001 'Floor Plans and Elevations' (12/24)
- AV-001 'Floor Plans and Elevations' (13/24)
- WEL-001 'Floor Plans and Elevations' (14/24)
- A732-001 'Floor Plans and Elevations' (15/24)
- A902-001 'Floor Plans and Elevations' (16/24)
- SG-01 'Single Garage' (17/24)
- DG-01 'Double garage' (18/24)
- DSG-01 'Double Shared Garage' (19/24)
- 1218/LA1 'Landscaping Proposals – Sheet 1 of 3' (20/24)
- 1218/LA1 'Landscaping Proposals – Sheet 2 of 3' (21/24)
- 1218/LA1 'Landscaping Proposals – Sheet 3 of 3' (22/24)
- A13356-001 'Floor Plans and Elevations' (23/24)

**Reason:** To ensure the development is undertaken in accordance with the approved details and to accord with the objectives of Local Plan policy G1.

3. No dwelling shall be built above slab level until details of the materials proposed to be used in the construction of the 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.

**Reason:** To ensure that the new buildings are in keeping with the character of the area and to accord with Adopted Local Plan Policy G1.

4. All landscape works shall be carried out in accordance with the approved landscaping details shown on drawing no. 1218/LA1 (sheets 1-3) within 6 months of the date of the first occupation of the thirtieth dwelling. Any trees, plants, grassed areas which within a period of 5 years from the date of planting die, are removed or become seriously damaged or diseased shall be replaced in the first available planting season with others of similar size species or quality.

**Reason:** In the interests of visual amenity and in accordance with Section 197 of the 1990 Act which requires local planning authorities to ensure, where appropriate, adequate provision is made for the preservation or planting of trees, and to ensure that the approved scheme is implemented satisfactorily. The condition accords with Adopted Local Plan Policy G1.

5. Before any development is commenced above slab level details of all walls and fences, including details of their height, design and position, shall be submitted to and approved in writing by the Local Planning Authority and such scheme as may be approved shall be constructed prior to the occupation of the first dwelling within the development hereby approved.

**Reason:** In the interests of the visual amenities of the area and to accord with Policy G1 of the Adopted Local Plan.

6. No development shall commence until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the foul water strategy so approved unless otherwise approved in writing by the Local Planning Authority.

**Reason:** To prevent environmental and amenity problems arising from flooding and to accord with the National Planning Policy Framework (2012).

7. No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall:

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

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

**Reason:** In accordance with the details of the application and to ensure for the satisfactory, sustainable drainage of the site, to ensure that surface water run-off from the development will not adversely affect, by reason of flooding, the safety amenity and convenience of the residents of this site and vicinity and to accord with Adopted Local Plan Policies G1 and G6. This is a pre-commencement condition as the drainage strategy is a fundamental part of the layout and the details need to be agreed prior to any form of development taking place.

8. All construction of the development hereby permitted shall be undertaken from the existing development road access onto Station Road, Swineshead and via the road network on the first phase of the development already under construction. There shall be no use of Cole's Lane by construction or delivery vehicles or by the vehicles of site personnel.

**Reason:** In the interests of highway safety and the amenity of residents of Cole's Lane and to accord with Adopted Plan Policies G1 and G6.

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

**Reason:** To ensure safe access to the site and each dwelling/building in the interests of residential amenity, convenience and safety and to accord with Adopted Plan Policy G6

10. Prior to the commencement of the development hereby permitted, a Construction Management Plan shall be submitted to the local planning authority for approval. The Construction Management Plan will prescribe where site accommodation and welfare facilities will be placed, where site vehicles and the vehicles of site personnel will be parked and where materials will be delivered and stored within the site. Construction of the permitted development shall be undertaken in accordance with the approved Construction Management Plan.

**Reason:** In the interests of the safety and free passage of the public and to accord with the objectives of Local Plan policies G1 and G6.

11. Before any development is commenced above slab level details of the types of bat/bird boxes and their locations within the development shall be submitted in accordance with the mitigation measures proposed within the submitted ecological scoping report prepared by Hillier Ecology Limited. The development shall also proceed in accordance with the other mitigation measure proposed within this scoping report.

**Reason:** To ensure that the development promotes rather than endangers protected species and local wildlife in accordance with Adopted Plan Policy G2.

12 Prior to the commencement of any part of the development hereby permitted, details shall be submitted to and approved by the local planning authority for the provision of a fire hydrant/s or other acceptable alternative. The fire hydrant/s (or other acceptable alternative) as approved in writing by the local planning authority shall be installed/agreed prior to the occupation of any dwelling approved by this consent.

**Reason:** To enable the protection and maintenance of the development and to accord with Adopted Plan Policy G1. This is a pre-commencement condition as provision for the hydrants needs to be assessed at layout stage.

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.

**Simon Rowberry**  
**Interim Development Manager**