

BOSTON BOROUGH COUNCIL

Planning Committee 3 April 2018

Reference No: B/17/0402

Expiry Date: 15-Jan-2018

Application Type: Outline Planning Permission
Proposal: Outline application (with all matters reserved for later consideration) for the erection of 9No. dwellings and associated infrastructure

Site: Land rear of Northorpe House, Wigtoft Road, Sutterton, Boston, Lincolnshire, PE20 2EE

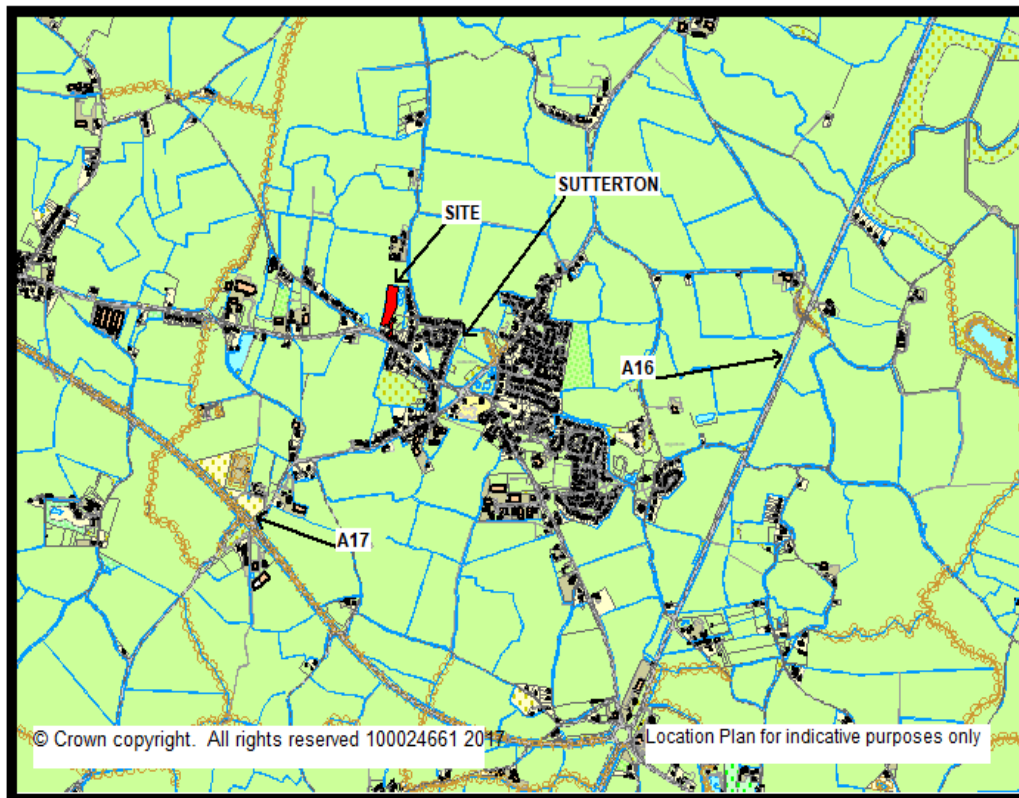
Applicant: Mr David Brown

Ward: Five Village
Parish: Sutterton Parish Council

Case Officer: John Taylor

Third Party Reps: Four representations received

Recommendation: GRANT subject to conditions



1.0 REASON FOR REPORT

- 1.1 This revised application, which reduces the proposed number of dwellings from 14 units to 9 units, is presented to committee as the applicant is an elected member of the council.

2.0 PROPOSAL AND BACKGROUND

- 2.1 The application site is located outside of the development limits of the settlement of Sutterton as identified on Inset Map No.21 of the Adopted Plan but does abut the development boundary of the village along its southern edge. The site also borders an application site that was granted outline planning consent for up to fourteen houses along the entire length of its eastern boundary. This site, which extends to 0.8 hectares, appears to be a parcel of flat agricultural/paddock land.
- 2.2 A watercourse runs along the full length of the western and northern boundaries of the site with the rear garden areas of the dwellings known as 'Northorpe' and Paigles Mead' to the south. The consent for residential development to the east has not yet commenced.
- 2.3 This amended proposal now seeks outline planning permission for up to 9 dwellings (with all matters reserved for later consideration). That is that there are no details of 'scale', 'layout', 'appearance', 'landscaping' or 'access' to consider at this stage.

3.0 PLANNING HISTORY

- 3.1 Although the application site has no recent planning history the adjacent site to the east does have recent history and this is relevant to this proposal. The adjacent site's history is as follows;
- 3.2 B/16/0313 – Outline application with some matters reserved for later approval (consideration given to access only) for the demolition of outbuildings and the construction of 14no dwellings – Approved 15/2/2017 (included a S106 legal agreement)
- 3.3 B/15/0060 - outline planning permission for up to 17 dwellings with all matters reserved for later consideration – Refused by Committee in August 2015 following a site visit and dismissed at appeal in June 2016. Although the scheme was reduced down to an indicative 14 units before its determination, the refusal and the appeal considered the construction of up to 17.
- 3.4 The above application was dismissed at appeal by the Inspector although he concluded the only significant harm that would arise from allowing the appeal of B/15/0060 was the impact on local education services and the lack of a contribution towards affordable housing (the proposal did not include a legal agreement). The subsequent application (B/16/0313) included a S106 legal agreement for a financial contribution toward education services and an agreed level of affordable housing and therefore was approved.

- 3.5 It should be noted that this proposal, due to the reduced number of proposed dwellings, is not now considered a major application (10+ dwellings) and therefore the proposal falls below the threshold where financial contributions towards health and education would normally be sought and below the threshold where a contribution towards affordable housing would normally be sought.

4.0 RELEVANT POLICY

- 4.1 The site lies in close proximity to but outside the settlement boundary of Sutterton and, for plan purposes, is in the open countryside. It is considered that the following Adopted Plan Policies have relevance to this proposal:

Adopted Local Plan:

- Policy G1 – Amenity (This policy would grant permission where there is no substantial harm to the amenity of nearby residents or the general character of the area).
- Policy G2 – Wildlife and landscape resources (This policy resists development that will have a significant adverse impact upon existing landscape, wildlife and vegetation resources).
- Policy G3 – Surface water disposal (This policy seeks to resist developments that do not provide satisfactory drainage provision).
- Policy G6 – Vehicular and pedestrian access (This policy seeks to resist development that would harm highway safety).
- Policy C01 – Development in the countryside (This policy resists development in the countryside unless supported by other Local Plan policies).
- Policy H2 – Windfall housing sites (This policy allows housing schemes within settlements subject to certain conditions being met).
- Policy H3 – Quality of housing development (This policy seeks to improve the quality of housing schemes to provide a satisfactory environment).

National Planning Policy Framework

- 4.2 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 subject to normal development control criteria. 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.
- 4.3 The NPPF also 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 therefore developments would be subject to paragraph 14 of the NPPF which provides a presumption in favour of such development, subject to criteria.

- 4.4 The Borough does not have a five year housing land supply and therefore the 'presumption in favour of such sustainable developments' as contained within the NPPF effectively replaces the housing supply policies in the Development Plan.

5.0 REPRESENTATIONS

- 5.1 As a result of publicity for the original scheme for fourteen dwellings four objections were received. Following the revision of the application to reduce the amount of development to nine dwellings re-consultation was carried out for a further fourteen days. Representations have been received from the following addresses;

- Rainwall's Lane – No. 2, and 'Somercotes'.
- Wigtoft Road – 'Redwalls' and 'Paigles Mead'.

- 5.2 A summary of their concerns are as follows;

- Impact on privacy
- Site should be for a maximum of 14 bungalows or less
- Impact on character of the landscape and the surrounding countryside
- Development is in open countryside and contrary to policy
- Unacceptable increase in traffic in area from development
- Impact of the development on neighbour's amenity by way of noise, disturbance overlooking, and overshadowing
- Impact on road safety
- Visual impact of the development
- Numerous errors/misleading information in the submitted FRA including inconsistencies in calculations used
- Sutterton is not a sustainable settlement
- Lack of local facilities to serve the development and impact on local school and surgery
- The written report for Sutt007 states the site is not considered suitable as a potential housing site
- Flood risk issues with the site
- Existing dykes along the boundary do not drain properly. This development will increase the risk of flooding.
- Misleading information relating to IDB maintained drains and ownership of these drains and how surface water is proposed to be disposed
- Watercourse is a Riparian ditch and not board maintained and permission must be sought from relevant households to discharge more water into the watercourse. Owners of the relevant properties will not give such consent.
- Brownfield sites in the village remain unused
- Inspector's decision on the adjacent site did not take residents views seriously
- Lack of any natural boundary to the west could encourage further development in the open countryside
- Inappropriate development of residential gardens should be resisted
- Proposal is backland development
- Contravenes Sutterton Parish Plan

6.0 CONSULTATION RESPONSES

6.1 Sutterton Parish Council – Object on the following grounds

- Impact on local environment and countryside
- Impact on neighbours amenity
- The local amenities are already overstretched
- The site is dependent on the demolition of the buildings at the front as without this there is no access
- Existing drainage is questionable with reports of standing water and drainage problems
- Concerns that residents views are being dismissed
- Prefer bungalows but residents have been told that this cannot happen due to floodrisk
- Highway safety as road is prone to speeding drivers
- Lack of amenities

6.2 The County Highways Authority – No objection subject to conditions being attached.

6.3 The Environment Agency – No objection to the proposal subject to a condition being attached.

6.4 Black Sluice Internal Drainage Board – Members will be updated on the IDB response at planning committee.

6.5 Anglian Water Authority – Recommend that a foul drainage strategy be submitted on any forthcoming approval.

7.0 PLANNING ISSUES AND DISCUSSION

7.1 The key considerations for this application are:

- Principle of residential development
- Amount of development proposed
- Impact on the character and appearance of the countryside
- Flood risk
- Drainage
- Highways issues and access
- Conclusion

Principle of Development

7.2 The application site is considered to be 'greenfield' in nature and, in the officer's opinion, should be assessed as such. However, weight does need to be given to the Inspector's comments that were made in the decision on the adjacent site.

7.3 The Inspector concluded the following in para's 28-30 of the appeal decision;

28. Sustainable development and the presumption in its favour are at the heart of the Framework. The policies of the Framework, taken as a whole, constitute the Government's view of what sustainable development means in practice. One of the core planning principles is that planning should be plan led. In this regard, the location of the appeal site is contrary to policy CO1 of the Local Plan. However, for the reasons given in my overall conclusions below this policy is out of date. This considerably lessens the weight I attach to it.

29. The Framework advises that there are 3 dimensions to sustainable development: social, environment, economic and social. Socially, the scheme would increase demand for primary school places, but as there is no planning obligation to ensure that its impact would be mitigated by the funding of new places education provision locally would be significantly harmed. Similarly, whilst new houses would help address the shortage of open market dwellings in the Borough, affordable housing to meet the need for such dwellings would not be secured on the site. This would result in significant harm to the supply of such housing.

30. In terms of the environment, open countryside would be lost to development. However, for the reasons previously given this would only cause limited harm to the character and appearance of the area. Within comfortable walking and cycling distance of the appeal site the village has a primary school, convenience store, post office, church, play area and a number of places of employment. It is therefore capable of meeting a number of the day to day needs of residents. It is also served by a regular bus service to Spalding and Boston and the wider range of service and facilities that these settlements have to offer. I therefore find that the appeal site is in an accessible location for development.

7.4 Within the Inspector's conclusion under para's 34-37 it was clear that the absence of a signed legal agreement that would have mitigated against the impacts of the proposal in respect of the impact on local schools and affordable housing led to the dismissal of that appeal.

7.5 This proposal has been reduced from 14 dwellings to 9 dwellings and therefore is not now a 'major application' (10+ dwellings). No financial or affordable housing contributions are therefore required for this proposal.

Amount of development

7.6 The applicant did submit an indicative layout plan that demonstrated how 14 dwellings could be accommodated on the site. It is the officer's opinion that the amount of development proposed prior to the revised number of units taking place (14 homes) demonstrated that that scheme could have been achieved without overdeveloping the site. The revised number of dwellings proposed is now 9 units. The application site is 0.8 hectares in size equating to approximately 9 dph; a density that would be appropriate for the area given the form and density of neighbouring developments. The officer understands that the reduced number of dwellings will allow greater scope for a much larger attenuation pond to be incorporated with the site.

Impact on the character and appearance of the countryside

- 7.7 The visual impact of the development from public vantage points will be limited to fleeting glances from the junction of the proposed access with Wigtoft Road and views southwest of the site from Wigtoft Lane. Longer distance views of the new dwellings are likely to be viewed against the backdrop of the existing houses that front the highway (or the adjacent development if developed) rather than be a development that substantially harms the surrounding character and appearance of the countryside.
- 7.8 Due to the position of the application site (adjoining the aforementioned appeal site along its eastern edge) and the fact that it is largely hidden from public view it is considered that the impact from the development on the countryside is unlikely to cause substantial harm and, on balance, is acceptable.

Flood Risk

- 7.9 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 parts of the site ranging from 'low hazard' to 'danger for some'. The applicants have submitted an FRA that has been prepared by RM Associates (Version 1) dated October 2017. The FRA has been assessed by the Environment Agency and they do not object to the proposed development subject to a condition being attached to any forthcoming approval.

Drainage Matters

- 7.10 The applicants have submitted a drainage statement that has been prepared by Hall Infrastructure Design (Version 1) dated 4 October 2017.
- 7.11 Lincolnshire County Council act as the Lead Local Flood Authority and they do not object to the principle of the development subject to conditions; one of which is that a full sustainable drainage strategy is submitted as part of the reserved matters. Members will be verbally updated at committee on any response received from Black Sluice Internal Drainage Board.

Highways Issues and Access

- 7.12 The access into the development will be via the vehicular access approved for the development granted consent behind Yew Lodge (ref: B/16/0313). The applicants have served Certificate B on the landowner who currently has control over land where the access is to be created. It is accepted that the access is acceptable in terms of highway safety and this has been confirmed by the County Highways Authority. However, conditions need to be imposed to not only ensure that the estate road serving the development is made to an adoptable standard but also to ensure that the vehicular access point where it meets Wigtoft Road is constructed prior to serving either this proposed development or the development approved on the adjacent site (B/16/0313). Highways related conditions are therefore attached to ensure that this access is constructed prior to either development being brought into use.

8.0 Conclusion

- 8.1 Based on the above findings, and giving relevance to the Inspector's appeal decision for the previously refused application on the adjacent site to the east, which has since received approval, it is considered that the principle of residential development on this site is acceptable.
- 8.2 It is considered that the proposal will contribute to the Borough's lack of a 5-year housing land supply and will accord with the intentions of the National Planning Policy Framework (2012).
- 8.3 The material planning considerations raised in the objections received have been taken into account in the consideration of this application; however, they do not outweigh the merits of this proposal.

9.0 Recommendation

- 9.1 That the Planning Committee approve the application subject to the following conditions;**

Conditions And Reasons

1. No development shall commence until details of the appearance, landscaping, layout, scale and access for the development (hereafter referred to as the 'reserved matters') have been submitted to and approved by the local planning authority.
Reason: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990. This is an outline application only and such details must be approved before development commences, and to accord with the objectives of Local Plan Policies G1 and H3 and with the intentions of the NPPF (2012).
2. Application for approval of 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 application received 9 October 2017 and in accordance with the associated plan referenced:
 - Drawing Ref: 01 'Site Plan' 1:1250 (1/7)**Reason:** To ensure the development is undertaken in accordance with the approved details and to accord with Adopted Local Plan Policy G1.

5. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) undertaken by RM Associates (Version 1, dated October 2017) including the following mitigation measures detailed within the FRA:

- Finished ground floor levels of the dwellings shall be set no lower than 3.40m AOD (0.5m above existing ground level)
- Flood resilient and resistant construction techniques to be used as described

Reason: To reduce the risk of flooding to the proposed development and future occupiers and to accord with the intentions of the National Planning Policy Framework (2012)

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

The scheme shall:

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

b) Provide attenuation details and discharge rates which shall be restricted to 1.4 litres per second;

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

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

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

Reason: In accordance with the details of the application and this is a pre-commencement condition in order to ensure 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 the vicinity and to accord with Adopted Local Plan Policies G1 and G6.

7. Before each dwelling is occupied the roads and/or footways providing access to that dwelling, for the whole of its frontage, from an existing public highway, shall be constructed to a specification to enable them to be adopted as highway 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 in the interests of residential amenity, convenience and safety, and to accord with Adopted Plan Policies G1 and G6.

8. No dwelling shall be occupied before the first 50 metres of estate road from its junction with Wigtoft Road, including visibility splays, as shown on drawing no. 03 Rev F, has been completed.

Reason: In the interest of safety of the users of the public highway and the safety of the users of the site and to enable calling vehicles to wait clear of the carriageway of Wigtoft Road. This condition accords with Adopted Plan Policies G1 and G6.

9. When the application is made for approval of the 'Reserved Matters' that application shall show details of the arrangements for the parking/turning/manoeuvring/loading/unloading vehicles within the site. These arrangements shall be provided before any buildings are occupied and shall be kept permanently free for such use at all times thereafter.

Reason: To enable calling vehicles to wait clear of the carriageway of Wigtoft Road and to allow vehicles to enter and leave the highway in a forward gear in the interests of highway safety in accordance with Adopted Plan Policies G1 and G6.

10. Prior to the commencement of the development hereby permitted a Construction Management Plan (CMP) shall be submitted to the local planning authority for approval. The CMP will prescribe how the construction of the site will be phased, where site accommodation and welfare facilities will be placed, hours of working, where site vehicles will be parked and where materials will be stored within the site. Construction of the development hereby permitted shall be undertaken in accordance with the CMP.

Reason: In the interests of the safety and free passage of the public and to protect neighbour's amenity during construction and to accord with Adopted Plan Policies G1 and G6. This is a pre-commencement condition due to the fact that the management of plant, site equipment etc needs to be agreed prior to commencement of any development to make certain that neighbour's amenities are fully respected.

11. No more than 9 dwellings shall be erected on this site.

Reason: To define the permission and to accord with Adopted Plan Policy G1.

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 Control Manager

Notes to applicant

You are advised to contact Lincolnshire County Council as the local highway authority for approval of the road construction specification and programme before carrying out any works on site or within the public highway.

Simon Rowberry
Interim Development Manager