

**BOSTON BOROUGH COUNCIL**

**Planning Committee – 29 May 2018**

Reference No: B/18/0045

Expiry Date: 30-Mar-2018 (Extension of Time 31<sup>st</sup> May 2018)

Application Type: Outline Planning Permission  
Proposal: Outline application for residential development (up to 3 no. dwellings) including associated works with all matters reserved

Site: Land adjacent to The Farm, Laceys Lane, Leverton, Boston, PE22  
70BD

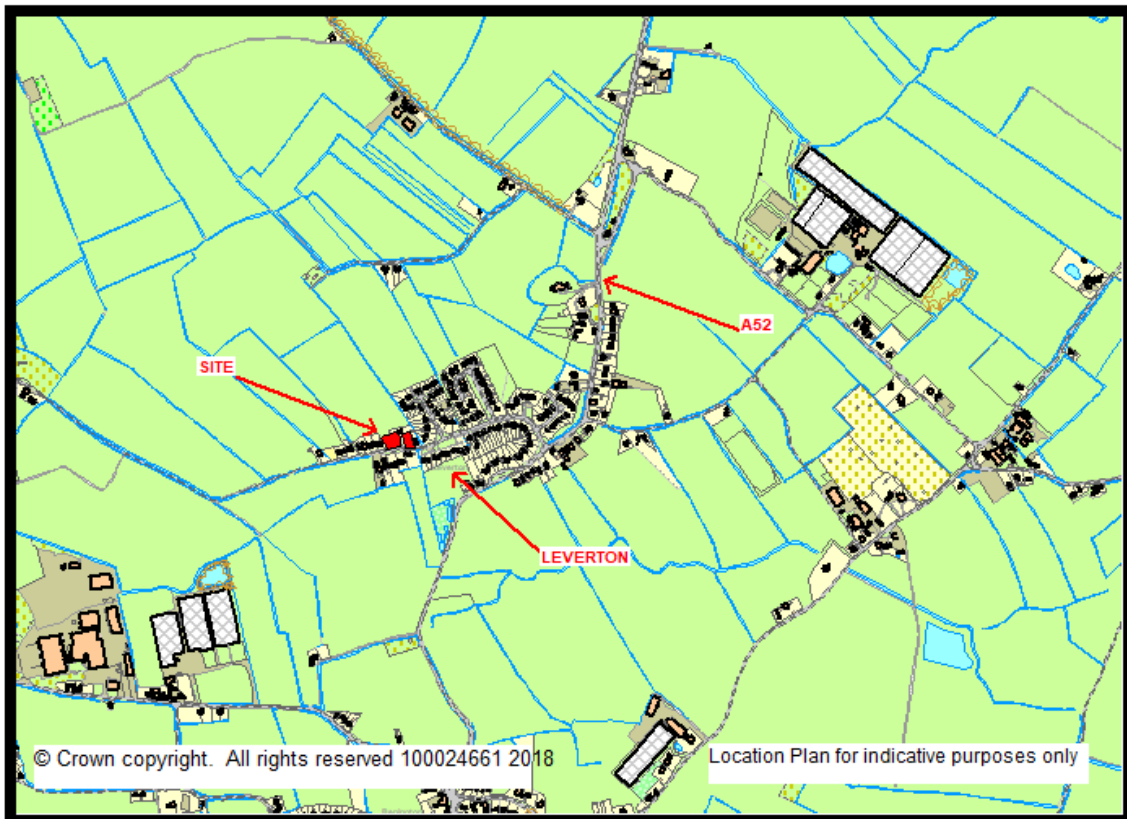
Applicant: Mr & Mrs Oliver and Payne

Ward: Coastal  
Parish: Leverton Parish Council

Case Officer: Lisa Hughes

Third Party Reps: 2

**Recommendation: Refuse**



## **1.0 Reason for Report**

- 1.1 The application is presented to Planning Committee because Councillor Bedford has called it in for the following reason:

*“The Borough does not have 5 years housing supply. Brown field site as disused farm yard. NPPF supports self build plots.”*

## **2.0 Application Site and Proposal**

- 2.1 The site comprises two parcels of land, separated by an access leading to the field at the rear. The land is predominantly a grassed area with three detached storage buildings. It is partly open and partly enclosed by tall mature trees to the frontage including ley landii. A very gentle slope exists upwards from the front to the rear of the site. Access is from Laceys Lane, which the site directly abuts.
- 2.2 The site is understood to have formerly been used as the yard area of a farm. Surrounding the site are dwellings opposite, to the east and west. To the rear (north) are open fields which are in the applicant’s ownership although not part of this application.
- 2.3 The proposal seeks outline permission for up to 3 dwellings including associated works (all matters reserved). The three storage buildings would be demolished and the indicative drawings show two dwellings proposed on the larger, western parcel of land and one to the east adjacent to The Farm. Each would benefit from its own access and a garage is indicatively shown to each property together with turning facilities to enable vehicles to enter and exit in forward gear.

## **3 Relevant History**

- 3.1 None

## **4 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 designated as countryside within the Adopted Local Plan 1999.
- 4.3 The saved Local Plan Policies of relevance to this application are as follows:
- G1 – Amenity
  - G2 – Wildlife and Landscape Resources
  - G3 – Surface and Foul Water Disposal
  - G4 – Safeguarding the Water Environment
  - G6 – Vehicular and Pedestrian Access
  - H2 – Windfall Housing Sites
  - H3 – Quality of Housing development

- T2 – Roads and Footpaths in New Developments

### **National Planning Policy Framework**

- 4.4 The Council does not have a 5 year supply of housing and therefore policies relevant to the supply of housing are out of date. The tilted balance in paragraph 14 of the Framework is therefore engaged and on this basis there is a presumption in favour of sustainable development which presumes in favour of the grant of permission unless harm significantly and demonstrably outweighs the benefits of the scheme.
- 4.5 Paragraphs 7 and 8 set out three inter-linked dimensions and roles of sustainable development; economic, social and environmental. These three roles should not be undertaken in isolation because they are mutually dependent. Paragraph 55 of the NPPF encourages housing in rural areas where it will maintain or enhance the vitality of rural communities.

## **5 Representations**

- 5.1 As a result of publicity two representations in support have been received from Birch Grove and Fairview, Lacey Lane. They may be summarised as:
- Will bring new life to the village and maintain limited amenities in Leverton
  - Raise the standard of the area.
- 5.2 A question is also raised regarding the foul drainage network and whether the drainage system might be extended as part of this development (including to other dwellings along Lacey Lane).

## **6 Consultations**

- 6.1 Leverton Parish Council has no objection
- 6.2 County Highways Authority has no objection subject to the imposition of conditions
- 6.3 Witham Fourth District Internal Drainage Board advises if any change to surface water or treated water disposal arrangements stated to contact them.
- 6.4 Environment Agency raises no objection subject to conditions.

## **7 Planning Issues and Discussions**

- 7.1 The main considerations are:
- Principle of the development
  - Impact on the character of the locality
  - Impact upon residential amenities
  - Impact on highway safety
  - Flood Risk and Drainage
  - Sustainability
  - Other Matters

### **Principle of development**

- 7.2 The National Planning Policy Framework (NPPF) supports sustainable housing development in rural areas where it will maintain or enhance the vitality of rural communities (paragraph 55). Policy G2 of the Local Plan seeks to resist development which would have an adverse effect on the existing landscape and Policy G1 seeks development which does not harm the general character of the area because of its scale, density, layout or appearance. These aims are consistent with the Framework.
- 7.3 As indicated above the lack of a five year supply of housing land means that any policies to do with housing supply should be treated as 'out of date' by virtue of paragraph 49 of the NPPF. Paragraph 14 of the NPPF states that there should be a presumption in favour of sustainable development, unless any adverse effects of the development would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Paragraphs 7 and 8 set out the three inter-linked dimensions and roles of sustainable development - economic, social and environmental which are required to be jointly and simultaneously achieved. The sustainability credentials of the site are discussed below.
- 7.4 The settlement of Leverton has had limited housing growth over the last two decades but still has extremely limited services. As such, the principle of 3 new dwellings on these parcels of land even within a row of dwellings and the settlement of Leverton is unacceptable as it is not able to meet the objectives of Local Plan policies and the NPPF.

### **Impact on the character of the locality**

- 7.5 The site comprises almost 0.2ha of land, located on the edge, but within the village. The site sits between frontage housing to the east, west and south. The application site has a frontage of approximately 31 metres (western plot) and 22 metres (eastern plot). As discussed earlier, part of the frontage is enclosed with trees, the predominant being ley landii which do not contribute to the character of the locality. The layout and design of the housing, through the reserved matters application, can be controlled to that they are reflective of the area together with appropriate soft landscaping to retain the countryside feel of the location.
- 7.6 The indicative plans show the dwellings and the width of the plots of a comparable size, set back from the highway a similar distance to existing dwellings reflective of the area. The rear gardens would not be as deep as some properties although reflective of the two dwellings immediately to the east.
- 7.7 The loss of the existing buildings on site would not result in harm. They are typical, functional agricultural buildings found within many farm yards with little architectural merit. The resulting development should therefore be a positive impact on the locality's character.

### **Impact upon residential amenities**

- 7.8 There are residential properties within the immediate vicinity of the site, to the east and west and on the opposite side of the road to the south. The application seeks outline permission for residential development with all matters reserved though an indicative block plan shows the two sites, one with 2 dwellings (western plot) and the other with 1 (eastern plot) for information purposes. The layout of the site is similar to dwellings to the west and immediate dwelling to the east. The plots would be similar in terms of their depths. The siting, design and external appearance of the dwellings does not form part of this application.
- 7.9 The indicative plans show 3 dwellings could be sited on the land, maintaining the existing amenity adjoining occupiers currently enjoy. It is also of note that 2 letters of support have been received and no objections. Subject to a good quality scheme submitted at reserved matters stage, the plots are large enough to satisfactorily accommodate a sensitively designed residential development without causing substantial harm to residential amenity.

### **Impact on Highway Safety**

- 7.10 Vehicular and pedestrian access to the proposed dwellings will be from Laceys Lane. Each dwelling would have its own access and the existing access adjacent to The Farm would be closed. Lincolnshire County Highways raise no objections and request a condition is attached relating to provision of a footway. Appropriate parking provision can be provided on site and the indicative plans show the provision of a garage for each dwelling.

### **Flood Risk and Drainage**

- 7.11 The application site is in an area identified as being within Environment Agency Flood Zone 3, a 'danger for all/danger for most' flood hazard and within a medium tidal probability of flooding and a Flood Risk Assessment (FRA) has been submitted in support of the application. This has been assessed by the Environment Agency who consider the development will only comply with the National Planning Policy Framework if a condition is attached requiring the development to be completed in accordance with the submitted FRA. This includes the dwellings being two storeys or more, finished floor levels no lower than 1 metre above ground level, flood doors or barriers and flood resistant construction techniques. This is considered reasonable.
- 7.12 The Witham Fourth District Internal Drainage Board advise that if there is any change to the surface or treated water disposal arrangements to contact them.

### **Sustainability**

- 7.13 The Framework sets out three dimensions and roles of sustainable development - social, economic and environmental. In addition, one of the core elements of the NPPF is that patterns of growth should be properly managed and to make the most effective use of public transport, cycling and walking. Paragraph 7 and 8 of the Framework explain that these three roles should not be undertaken in isolation because they are mutually dependent.

- 7.14 In social terms residential development of the site, provision of three new dwellings, would make a modest contribution towards the supply of housing in the area which accords with paragraph 7 of the Framework and will provide some social benefit. The application site is inside the settlement limits of Leverton, although approximately 1.5 miles to nearby facilities. This distance is a little further than many people would classify as an easy walking or cycling distance.
- 7.15 Thus, the need for the future occupiers of the proposed dwellings to travel outside the settlement to access key services, employment and shops is a significant factor against this application. It is likely that future occupiers would be highly dependent on the use of the motor vehicle to provide safe and convenient access to day to day facilities within the nearby main settlements of Old Leake and Boston. Therefore this development does not meet the social thread (or environmental in encouraging the use of the motor car) of sustainable development, would not promote sustainable patterns of development and would be contrary to paragraph 17 of the Framework.
- 7.16 In economic terms, the proposal would provide employment at construction stage and may support local businesses and the local economy both during construction and when the dwellings are occupied. Although extremely modest, the development would contribute towards the economic dimension of sustainable development.
- 7.17 The environmental dimension of the NPPF aims to protect and enhance the natural, built and historic environment and biodiversity. In environmental terms, the development will have a neutral impact on the local environment given the development would result in the loss of buildings and ley landii that do not positively contribute to the area. However, there would be a loss of a small piece of open land which contributes towards the biodiversity of the area.
- 7.18 Whilst the benefits (social, economic and environmental) associated with the proposed development are limited they need to be balanced against the adverse impacts. It is considered that the benefits of the provision of three new dwellings in terms of helping to maintain the vitality of rural communities and contributing towards the supply of housing would be significantly and demonstrably outweighed by the social impact identified above, with environmental contributing neither positively nor negatively. The proposal therefore fails to meet the objectives of the NPPF.

### **Other Matters**

- 7.19 A neighbour representation, whilst supporting the application, raises questions regarding drainage and access to public sewers. However, this is a matter for building control and not a planning matter and therefore cannot be considered as part of either this or the reserved matters application. Additionally, it is not possible, either as part of this application or reserved matters to require the existing drainage network to be extended along Laceys Lane to benefit land (i.e. proposed dwellings) not part of this application.

- 7.20 With respect to Councillor Bedford's call in reason that the NPPF supports self build. This is not disputed, however Government guidance states that a local planning authority "In considering whether a home is a self-build or custom build home, relevant authorities must be satisfied that the initial owner of the home will have primary input into its final design and layout". It is not known who will have input into the design and layout and therefore no weight can be attributed to this matter.

## **8 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, adding that housing applications should be approved if the authority cannot demonstrate a five year housing supply 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 It is considered that this development will represent a natural infill within the village boundary and would not have a materially harmful effect on the appearance of the area. However, Leverton is a minor village which lacks many facilities and amenities. Although the village has some extremely limited facilities to meet the needs for the future occupiers of the proposed dwellings, the need to travel outside of the settlement to access key services, employment and shops is a significant factor against this application. It is therefore likely that future occupiers would be highly dependent on the use of the motor vehicle to provide safe and convenient access to day to day facilities within the nearby main settlements of Old Leake and Boston. Therefore this development does not meet the social thread of sustainable.
- 8.3 Moreover, the draft policies (primarily Policy 2 Spatial Strategy C) contained within the emerging South East Lincolnshire Local Plan which is currently under examination states that '*within the settlement boundaries of the Other Service Centres and Settlements development will be permitted that supports their role as a service centre for the settlement itself, helps sustain existing facilities or helps meet the service needs of other local communities*'. However, at this point in time, draft policies contained in the emerging South East Lincolnshire Local Plan carry no weight in the determination of current planning applications.
- 8.4 For the reasons identified above it is considered that the application does not constitute sustainable development and would be contrary to paragraphs 7, 17 and 55 of the Framework and Local Plan policies G1 and G2. It is therefore recommended that the application is refused.

## **9 Recommendation**

9.1 It is recommended that Committee **REFUSE** Planning Permission for the following reason:

1. The application site is located within the settlement limits of a village which has limited facilities and services for local residents. The allowance for residential development in this location would result in future occupiers of the dwellings being highly reliant on the use of a motor vehicle to meet their everyday needs. It is therefore considered that this proposal does not meet the social thread of sustainable development and would not promote sustainable patterns of development, contrary to the objectives contained within the National Planning Policy Framework, 2012.

Refused Drawing Numbers:

- 13/2215/LP-1 (1/3)
- 13-2215-101 (2/3)
- 13-2215-102 Rev A (3/3)

In determining this application the authority has taken account of the guidance in paragraphs 186 – 187 of the National Planning Policy Framework, 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**