

BOSTON BOROUGH COUNCIL

Planning Committee - 29 May 2018

Reference No: B/17/0513

Expiry Date: 20-Mar-2018

Application Type: Outline Planning Permission

Proposal: Outline application for the erection of up to 35 no. dwellings (with layout and access to be considered) and construction of car park for use by Old Leake Primary School

Site: Land north of Old Main Road, Old Leake, Boston, PE22 9HR

Applicant: Messr A & J Daubney

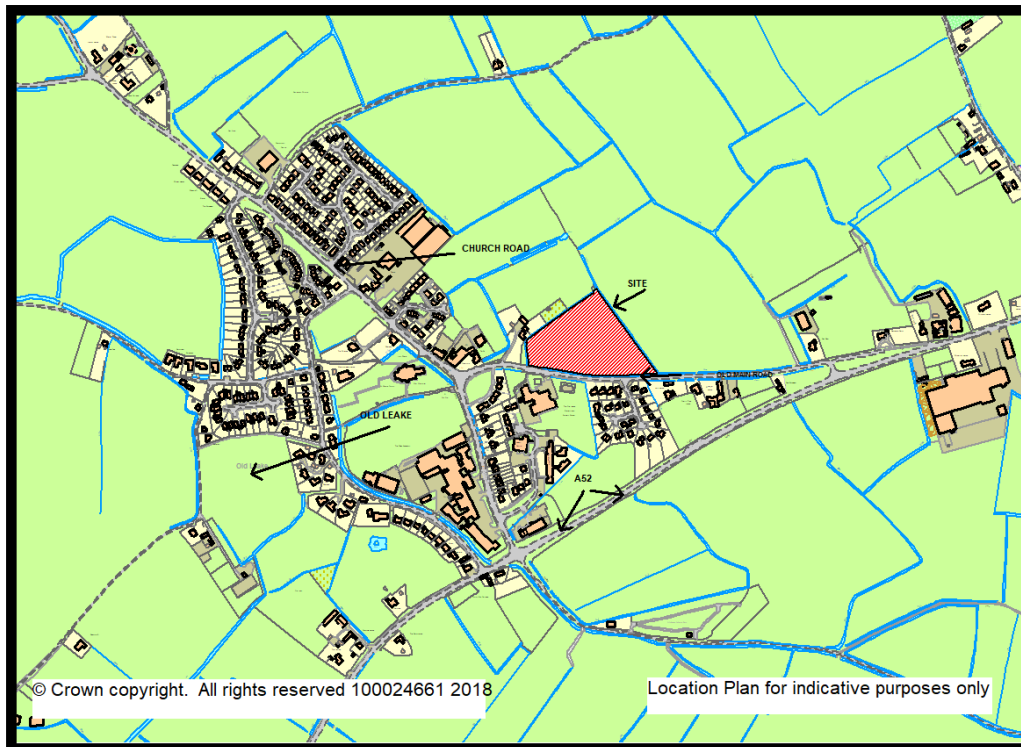
Ward: Old Leake and Wrangle

Parish: Old Leake Parish Council

Case Officer: John Taylor

Third Party Reps: Six received

Recommendation: GRANT



1.0 Reason for Report

- 1.1 The application is presented to Planning Committee as it includes a S106 legal agreement towards the provision of affordable housing and a financial contribution towards education provision.

2.0 Application Site and Proposal

- 2.1 The site relates to a parcel of agricultural land that measures some 1.87 hectares in size. The plot, which appears relatively level, is situated outside the settlement boundary of Old Leake; however, it does border the settlement along its southern, western and north-western (in part) boundaries.
- 2.2 To the north and east are open fields with residential development to the south on the opposite side of Old Main Road. The 'Old Farm House' and its associated land and buildings abut the site along its western boundary.
- 2.3 The site is currently used for agricultural purposes (Grade I) and the whole of the site appears devoid of buildings. A number of mature/semi mature trees do exist along the southern boundary where the site fronts Old Main Road and there are scattered trees along parts of the north-western boundary. A watercourse appears to run along almost the whole perimeter of the site.
- 2.4 This proposal seeks outline planning permission with consideration given to layout and access (matters relating to scale, appearance and landscaping are reserved for later consideration) for up to 35 dwellings (including 7 affordable units) and associated works.

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 adopted Boston Borough Local Plan (April 1999) shows this land as being adjacent to the settlement boundary on three sides; however, and for plan purposes, is situated within open countryside. The policies of particular relevance to this application are as follows:
- Policy G1 – Amenity (This policy seeks to resist development that will harm 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 and Foul 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 H3 – Quality of Housing Developments (The objective of this policy is to improve the design of quality of new housing schemes).

- Policy H4 – Open space on housing estates (This policy requires 7.5% of the site area to be devoted to suitably located public open space and children’s play areas).
- Policy C01 – Development in the countryside (This policy resists development in the countryside unless supported by other Local Plan policies).

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 supply 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 the publicity five representations have been received from the following addresses;
- Old Main Road – ‘The Old Farm House’ (x2), ‘Greenfields’, ‘The Chestnuts’
 - Summerfields – ‘The Corner House’

A summary of their concerns are as follows;

- Impact on village life
- Increase in traffic problems in Old Leake
- Speed limit should be reduced to 20mph
- Speed bumps should be installed outside both of the schools
- Double yellow lines should be installed outside both schools to help with parking issues and to reduce risk of accidents
- Driveways currently being blocked by parents when dropping off or picking up schoolchildren
- Construction traffic to other approved developments are already causing traffic problems
- Access issues for the elderly to the doctor’s surgery
- Impact on local schools and doctor’s facilities
- Field is prone to flooding

- Lincolnshire Planning Authority has informed me that the field is an 'ancient pasture' and should be preserved
- Proposed dwellings should be elevated to prevent flooding of the dwellings
- Damage to the highway by lorries, buses etc
- Existing sewerage system is inadequate to cope with new dwellings
- Adequate provision should be in place to allow children and parents to cross the road safely to the school from the new car park
- Development irresponsible
- Existing medical centre is already at capacity
- A bat survey should be required
- Disagree with transport statement

5.2 A letter of support has also been received from Old Leake Primary and Nursery School. They fully support the application as the school parking area proposed is wholly being provided at the developer's expense and it will help reduce the neighbour complaints currently being received regarding the indiscriminate nature of parking by parents at school pick-up and drop-off times.

6.0 Consultations

6.1 Parish Council – Object on the following grounds;

- The scale of development proposed
- Drain on local services including schools and doctors
- The pressure put on the drainage system
- Village is struggling to cope with such large development
- If the planning department did grant permission the proposed car park would greatly relieve the situation in the village around school times as the harm of this development is the increase of traffic this development would put on the village.

6.2 County Highways Authority (also acting as LLFA) – No objections subject to conditions.

6.3 Lincolnshire County Council (Education Services) – Request a financial contribution of £67,965 towards one teaching classroom at Giles Academy in Old Leake.

6.4 NHS England – Do not wish to submit a request for a financial contribution for this scheme.

6.5 Environment Agency – No objections subject to a compliance condition.

6.6 Environmental Health – No objections.

6.7 Witham Fourth IDB – No objection but advice given regarding potential consents that may be needed from the Board.

6.8 Strategic Housing Team (Affordable Housing) – No objection to the offer of 7 affordable units (20%).

- 6.9 Lincolnshire Wildlife Trust – Generally supportive of all recommendations contained in the submitted Ecology and Protected Species Survey
- 6.10 Anglian Water Services – No objections but advice given to applicant.

7.0 Planning Issues and Discussions

- 7.1 The key issues for discussion in this application are;
- Principle of residential development
 - The development's impact on the character and appearance of the countryside
 - Impact on neighbour's amenity
 - Developer contributions
 - Surface water and flood risk
 - Highway issues
 - Wildlife and habitats
 - Conclusion

Principle of Residential Development

- 7.2 Committee will be familiar with Para's 14 and 15 of the NPPF which discuss how at the heart of the Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan making and decision taking.
- 7.3 Notwithstanding the greenfield nature of the application site and the fact that the site is, for the purposes of the Development Plan, situated in open countryside the site does adjoin the settlement boundary of Old Leake on its southern, western and part of the north-western boundaries.
- 7.4 The settlement of Old Leake is considered a Service Centre where suitable levels of residential development can be accommodated. The proposed development would constitute a sustainable pattern of development and the provision of 35 new homes in this location will make a contribution towards overcoming the Borough's lack of a 5-year housing land supply and be in accordance with the intentions of the NPPF.
- 7.5 The offer of seven of the thirty five dwellings to be affordable homes should also be considered positively when assessing the 'tilted balance' for this proposal.

Proposal's Impact on the Character and Appearance of the Countryside

- 7.6 The applicant has submitted a layout plan that is a consideration along with access (appearance, scale and access are reserved for later consideration). The application site area is 1.87 hectares and the proposal is for 35 giving a density of approximately 19 dph; a density that would be considered acceptable given the character of nearby development in the village. The open space provision is

located close to the south-western corner of the site with a dedicated parking area for the school situated on the opposite site of Old Main Road (to the south).

- 7.7 The layout appears well thought and the development of this site will fit in with the pattern of development for this part of the village. The density allows for spacious plots and the retention of the mature/semi mature trees will assist in assimilating the development into its surroundings.
- 7.8 As with all new developments that are built on agricultural land there will be some impact to the character and appearance of the area; however, any harm caused is likely to be considered as medium rather than substantial harm. It is therefore considered that the proposal, on balance, is acceptable in terms of the development's impact on the character and appearance of the area.

Impact on neighbour's amenity

- 7.9 The applicants have included layout as a consideration and therefore the estate layout drawing would be included as part of a standard compliance condition relating to approved plans if the application was to be approved.
- 7.10 In terms of separation distances the western part of the development where plots 1-3 are to be located identifies a separation distance of almost 30m to the nearest existing dwelling. This is more than sufficient to ensure that privacy levels to neighbouring residents and future occupiers of these plots are acceptable. Rear garden depths all appear to be in excess of 10m for future occupiers of the proposed dwellings and the layout does not create other concerns that would impact on future occupier's amenity. The layout could be considered 'spacious' with green space and swales helping to give it a more open appearance.
- 7.11 It is considered that the layout will allow for future occupiers to enjoy a quality living environment and occupiers of nearby dwellings are highly unlikely to have their amenity affected by this proposal.

Developer Contributions

- 7.12 Policies for seeking obligations should 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 and the National Planning Guidance Suite are the starting points in justifying the role of the Borough requesting developer contributions. These are further expanded in the Community Infrastructure Levy (CIL) Regulations as amended in 2013.
- 7.13 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

- 7.14 This application states that 7 of the 35 units are to be made as affordable homes. This equates to 20% affordable housing which is an offer that is acceptable. The applicants will be required to enter into a Section 106 in order to secure this provision in accordance with the National Planning Practice Guidance.
- 7.15 Lincolnshire Education Services also seek a financial contribution of £67,965 towards one teaching classroom at Giles Academy in Old Leake. This shall also be secured via a Section 106 legal agreement.

Surface Water and Flood Risk

- 7.16 The application site falls in an area identified as being within Environment Agency Flood Zone 3. The site also falls within an area identified as 'danger for all' in the Council's Strategic Flood Risk Assessment (SFRA).
- 7.17 The Environment Agency originally objected to the submitted FRA; however, following confirmation by the agent that FFLs will be set a minimum of 3.2m AOD the EA removed their objection subject to a condition ensuring the mitigation measures proposed relating to FFLs being set no lower than 3.2mAOD.
- 7.18 Lincolnshire County Council, who act as the Lead Local Flood Authority (LLFA) have assessed the level of information submitted with this outline application. They do not raise concerns with the development subject to a condition being attached to any forthcoming approval that requires the developer to submit a full sustainable drainage strategy for the whole site that must include attenuation details, run-off rates, a timetable for any phasing of the implementation for the drainage scheme, and the long term plans for the management and maintenance of the drainage scheme. The full level of necessary information that is required is covered by the Condition 5 in this report.
- 7.19 Witham Fourth Internal Drainage Board does not object to the proposal but advise that a surface water strategy should be provided. This, as stated above, is included as a condition. Advice is also given to the applicants on potential consents that may be required from the Board.

Highway Issues

- 7.20 Access and layout are considerations for this proposal (all other matters are reserved) and the developers have indicated that two adopted roads to serve the proposed 35 dwellings and the new parking area for the school will be taken directly off Old Main Road. These roads will be built to adoptable standards with 5m wide roads and 2m wide footways. Lincolnshire County Council acting as the Highways Authority do not object to the scheme subject to the inclusion of a number of conditions.

Wildlife and Habitats

- 7.21 The applicants have submitted an Ecological and Protected Species' Survey and the recommendations included within the survey have been welcomed by Lincolnshire Wildlife Trust who has assessed the survey. It is considered that the allowance of this proposal will not have a detrimental impact on local wildlife or their habitats.

Summary and Conclusions

- 7.22 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 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. It is considered that the site represents a good opportunity to develop a site for housing that would provide a not insignificant contribution towards the Borough's shortfall in housing numbers.
- 7.23 The proposal can be summarised as follows:
- The site is located outside but adjacent to the settlement boundary of Old Leake and in an area that is considered suitable for accommodating housing growth
 - The site is currently a flat parcel of agricultural land that is devoid of buildings and features.
 - The proposal is in outline form with consideration given to layout and access only; all other matters relating to appearance, landscaping and scale are reserved for later consideration.
 - The appearance (design) will be assessed at Reserved Matters stage
 - The development will not cause substantial harm to the character and appearance of the area.
 - The proposed development will provide 7 affordable homes (almost 20%) for the Borough.
 - The proposal includes a financial contribution of £67,965 towards one teaching classroom at Giles Academy in Old Leake to mitigate against any impact that the proposal will have on education services.
- 7.24 To conclude, the proposal will provide much needed housing in a sustainable location within the Borough with the proposal offering 7 affordable units. This proposal is considered to be an acceptable form of development that should be approved subject to the following conditions.

8.0 Recommendation

- 8.1 That the Planning Committee resolve that they are minded to Approve this application subject to the conditions below and:**

a) any permission is not released until the applicants have entered into a section 106 planning obligation/unilateral undertaking with the Council relating to the provision of seven affordable housing units and a financial obligation of £67,965 towards providing one teaching classroom at Giles Academy in Old Leake,

and;

authority is delegated to the Development Control 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. No development shall commence until details of the appearance, 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: 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 forms, the submitted Design and Access Statement and the following plans:

- Ref: 'Site Location Plan' (1/6)
- Ref: B/3129-201 'Proposed Site Plan' (3/6)

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

5. Notwithstanding the details submitted within the supporting information the development shall include the following flood mitigation measures:

- Finished floor levels shall be set no lower than 3.2m above Ordnance Datum (AOD)
- Appropriate flood resistance and resilience measures shall be incorporated to no lower than 3.5m AOD

The mitigation measures shall be fully implemented prior to occupation and subsequently remain in place.

Reason: To reduce the risk of flooding to the proposed development and future occupiers in accordance with the intentions of the NPPF (2012).

6. 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 Policies G1, G6 and H3.

7. No dwellings shall be commenced before the first 60 metres of estate road from its junction with the public highway, including visibility splays, as shown on drawing number B/3129-201 dated 19 October 2017 has been completed.

Reason: In the interests 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 Old Main Road and to accord with Adopted Plan Policies G1, G6 and H3.

8. Before any dwelling is commenced, all of that part of the estate road and associated footways that forms the junction with the main road and which will be constructed within the limits of the existing highway, shall be laid out and constructed to finished surface levels in accordance with details to be submitted and approved by the local planning authority.

Reason: In the interests of safety of the users of the public highway and the safety of the users of the site and to accord with Adopted Plan Policies G1, G6 and H3.

9. 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, unless agreed otherwise by the surface water receiving body, 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.

10. All landscape works shall be carried out in accordance with the approved details within 6 months of the date of the first occupation of the first 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.

11. A landscape management plan including management responsibilities and maintenance schedules of the public open space and school car parking area shall be submitted to and approved by the local planning authority before the occupation of any dwelling. The landscape management plan shall be carried out as approved thereafter.

Reason: To ensure the long term maintenance of the public open space and school car parking area in the interests of the amenity of residents and to accord with the objectives of Local Plan Policy H4

12. 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.

13. The development shall proceed fully in accordance with the mitigation measures proposed within the submitted Ecology and Protected Species Survey prepared by Scarborough Nixon Associates.

Reason: To ensure that protected species and their habitats are protected and to provide enhancements to provide biodiversity in accordance with Adopted 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.

Simon Rowberry
Interim Development Manager