

BOSTON BOROUGH COUNCIL

Planning Committee – 21 August 2018

Reference No: B/18/0227

Expiry Date: 01-Aug-2018

Application Type: Outline Planning Permission

Proposal: Outline application for the demolition of existing bungalow and erection of up to 6 no. residential dwellings, with all matters reserved

Site: The Bungalow, Old Main Road, Fosdyke, Boston, PE20 2BU

Applicant: Mr & Mrs Adrian Butterfield
Agent: Mr Adrian Brotherton – Ashgrove Associates

Ward: Five Village

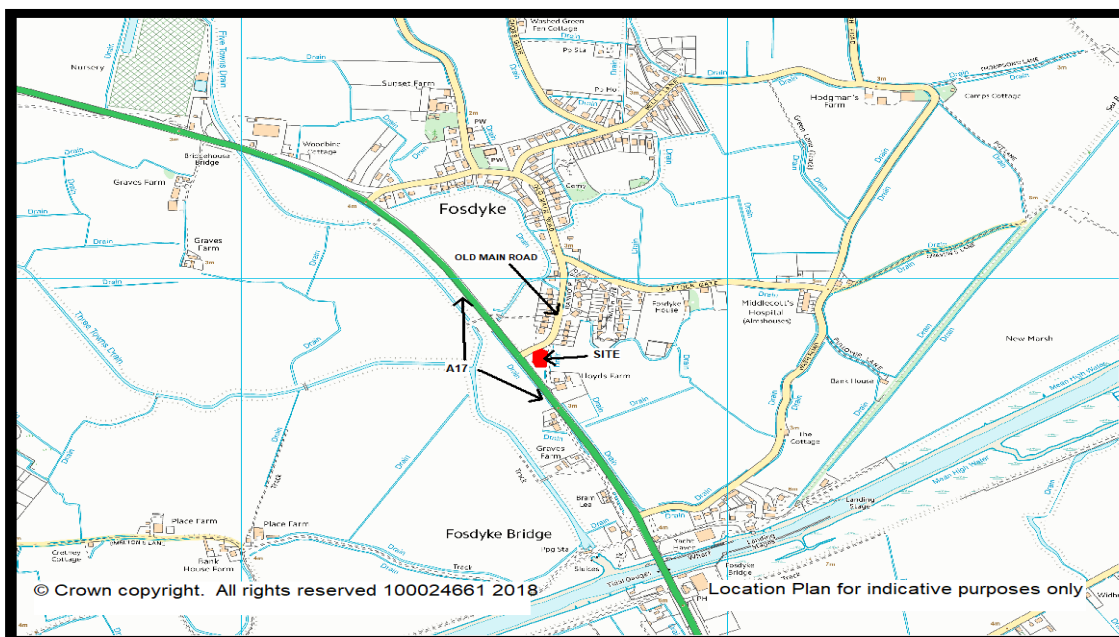
Parish: Fosdyke Parish Council

Case Officer: Trevor Thompson

Third Party Reps: None

Link to Planning Record: [B/18/0227](#)

Recommendation: GRANT



1.0 Reason for report

- 1.1 This application has been presented to the Planning Committee given that the site is located within countryside close to the settlement boundary and therefore may raise issues with regard to the interpretation of planning policy, especially given the recent outline permission granted for housing on a nearby site. This is one of two applications submitted for the same applicant for housing near Fosdyke- both of which raise similar issues.

2.0 Application site and proposal

- 2.1 The application site is located outside of the settlement boundary of Fosdyke and within countryside as defined on inset map 28 of the Boston Borough Local Plan. The site is located at the junction of Old Main Road and the A17 and occupies about 0.1ha. The site effectively lies on a triangular shaped 'island' with a public highway on its northern, western and eastern boundaries. The site consists of an existing bungalow and associated garden area. The site has a frontage of approximately 37m onto Old Main Road and a depth of around 27m.
- 2.2 The application seeks outline planning permission for the erection of up to 6 no. residential dwellings with all matters reserved for later approval. It is intended to demolish the existing bungalow on the site to accommodate the 6 dwellings. The application is accompanied by an illustrative layout plan which indicates how the site could be developed. It shows the erection of two terraced blocks each consisting of 3 dwellinghouses with access off Old Main Road.
- 2.3 The other application submitted by the applicant relates to land some 60m south of the site at Lloyds Farm, off Old Main Road, Fosdyke. This application is for outline approval for residential development for up to 10 dwellings with all matters reserved for later approval.

3.0 Relevant history

- 3.1 There have been no recent planning applications on this site though Members may recall that at the meeting held in January of this year, outline planning permission was granted, contrary to Officer recommendation, for residential development (up to 5 dwellings) on land fronting Old Main Road, opposite the current application site. This site is located, within countryside and next to the settlement boundary. No application for the approval of reserved matters has yet been submitted (ref B/17/0407).
- 3.2 As indicated above, an outline application has been submitted for the erection of up to 10 no. residential dwellings, with all matters reserved at land adjacent to Lloyds Farm, Old Main Road Fosdyke. (ref B/18/0228). No decision has been made on this application and will be determined by Committee at this meeting.

- 3.3 Members should be aware of recent appeal decisions for housing development, at the edge of the village and within countryside at Spalding Road, Sutterton (ref B/17/0061 and B/17/0359) which are material considerations in the determination of this application. The report relating to this appeal forms part of this agenda. Both appeals were upheld and the Inspector in reaching the decision made reference to Local Plan Policies G1, H3 and C01. He considered that the proposed development accorded with Policies G1 and H3 and on this basis both developments accorded with Local Plan Policy C01 even though both sites are located in countryside.

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 This site is not specifically allocated within the Development Plan although, as indicated above, the site is within countryside about 15m from the settlement boundary. 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 and Foul Water Disposal
 - Policy G4 – Safeguarding the Water Environment
 - Policy G6 – Vehicular and Pedestrian Access
 - Policy CO1 – Development in the Countryside
 - Policy H3 – Quality of housing development
 - Policy T2 – Roads and Footpaths in New Developments

National Planning Policy Framework (2018)

- 4.3 The National Planning Policy Framework (NPPF) (2018) replaces the NPPF (2012) version. At the heart of the new framework is a presumption in favour of sustainable development. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and should not be taken in isolation. As with the former NPPF, these overarching objectives are economic, social and environmental. The sustainability credentials of this development with regard to these three objectives are discussed in detail further below.
- 4.4 Paragraph 9 of the Framework indicates that:
- ‘These objectives should be delivered through the preparation and implementation of plans and the application of the policies in this Framework; they are not criteria against which every decision can or should be judged. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area’.

Paragraph 11 of the NPPF indicates that plans and decisions should apply to a presumption in favour of sustainable development. It adds that for decision making, this means

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, (this includes development proposals involving the provision of housing in situations where the Borough Council cannot demonstrate a 5 year supply of housing) granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

4.5 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 11 of the NPPF 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.

4.6 With regard to rural housing , paragraphs 77 and 78 of the NPPF are relevant. Paragraph 77 indicates that in rural areas, planning policies and decisions 'should be responsive to local circumstances and support housing developments that reflect local needs'.

4.7 Paragraph 78 states:

'To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby'.

4.8 Section 9 of the NPPF relates to transport issues. Paragraph 103 states:

'The planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.'

South East Lincolnshire Local Plan (SELLP)

4.9 The site is outside the settlement boundary as identified on Inset map 34 of the South East Lincolnshire Local Plan and within countryside. Fosdyke is identified as an 'other service centre and settlement in the SELLP

4.10 Paragraph 48 of the NPPF states:

Local planning authorities may give weight to relevant policies in emerging plans according to:

- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)

4.11 It is anticipated that the South East Lincolnshire Local Plan will likely be adopted before the end of this year. Therefore the policies contained within this document will attract increasing weight over the next few months as the plan approaches adoption.

5.0 Representations

5.1 None received.

6.0 Consultations

6.1 Fosdyke Parish Council welcome development within the Parish but have concerns with regard to the concentration of the development and query whether sufficient parking is available on site, that drainage must be to the main sewage system in operation in the village, and that consideration should also be given to the closeness of the A17.

6.2 County Highway Authority has no objections subject to 2 conditions

6.3 Environment Agency has no objections subject to a condition relating to flood risk.

6.4 Welland and Deepings Internal Drainage Board has no objections.

6.5 Anglian Water Services has not yet commented.

Planning issues and discussions

7.1 The main considerations in the determination of this application are:

- Principle of the development
- Impact upon residential amenities,
- Impact on the character of the locality
- Sustainability
- Impact on highway safety

Principle of development

- 7.2 The NPPF supports sustainable housing development in rural areas. Although the Framework does not refer to settlement boundaries it does seek to recognise the character and beauty of the countryside. 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 The site is identified as being within countryside as defined within the adopted Development Plan where saved Local Plan Policy CO1 primarily seeks to resist development unless supported by other Local Plan policies. Given the Inspector's recent appeal decisions at Spalding Road, Sutterton, it is clear that an application for housing may not be refused simply because of its location within countryside. Instead, such applications for housing schemes within countryside locations are assessed now more generally in relation to the objectives of Local Plan Policies G1 and H3 which collectively resists development which will cause substantial harm to the amenity and character of an area and which does not produce a scheme of high quality.
- 7.4 As indicated above the lack of a five year supply of housing land means that any Local Plan policies that are to do with housing supply are 'out of date'. The weight attached to such policies and their breach still falls to be determined in the planning balance.
- 7.5 The NPPF encourages housing in rural areas where it will maintain or enhance the vitality of rural communities, for example, where there are groups of smaller settlements, developments in one village may support services in a village nearby but it does not specifically support infill development within open countryside and in an unsustainable location.
- 7.6 Although this application involves the demolition of an existing bungalow to enable the development of the site for 6 dwellings, this application cannot be considered as a direct 'replacement'. In any case, Local Plan Policy C012 which relates to replacement dwellings in the countryside is not a saved policy. However it may be fairly argued that the principle of residential use on this site is acceptable given the land is already in residential use.

- 7.7 As indicated above, at the meeting held in January of this year, outline planning permission was granted for residential development (up to 5 dwellings) on land fronting Old Main Road and opposite the current application site. At that time Members considered that although the site is within countryside at the edge of the village, the development was considered to be acceptable infill development and that Fosdyke was a sustainable village. This decision is a material consideration in the determination of this application which has some weight. However, this approval does not set a precedent for this current application to be supported in principle since each application must be judged on its own merits, especially since the location and the characteristics of the two sites are different.

Impact on residential amenities

- 7.8 There are residential properties to the south of the site (Lloyds Farm) further along the A17 and to the north along either side of the road along Old Main Road leading into the village. As indicated above, outline planning permission was granted in January this year for up to 5 dwellings on land opposite the site. The erection of up to 6 dwellings on the application site is unlikely to adversely affect the residential amenity of existing or the future residents of the 5 dwellings opposite subject to acceptable siting, design and layout which may be determined at reserved matters stage.

Impact on the character of the locality

- 7.9 The site occupies about 0.1 hectares and is currently used for residential purposes. The site includes a bungalow and detached garage plus associated garden areas. The site lies in a prominent location at the junction of the A17 and Old Main Road and there is a wide grass verge with tree planting to the rear of the site which separates the site from the A17. There is agricultural land opposite to the east and on the opposite side of the A17 to the west. The site lies about 15m from the settlement boundary, to the north of the site.
- 7.10 The character of the area may be described as semi-urban and given the range of different house types in the area, there is no dominant architectural style or type. The village envelope as identified in the Local Plan has been tightly drawn around the southern boundaries of properties to the north along Old Main Road and visually, the site is separated from the built up part of the village and the settlement boundary by the public highway. However, although the site is located within countryside it may be considered that the site forms parts of the village identity. Given that the site is already in residential use, the proposal development will not appear alien or out of character with the area, subject to satisfactory design.

Sustainability

- 7.11 The Framework sets out three dimensions and roles of sustainable development i.e. 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 8 of the Framework explains that these three roles should not be undertaken in isolation because they are mutually dependent.

- 7.12 The application site is at an edge of a minor village and is within easy walking or cycling distance to the limited facilities and amenities which are available within the village. Although Fosdyke does have some facilities the need for the future occupiers of the proposed dwellings on this site 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 day to day facilities within the nearby main villages, Boston and Spalding.
- 7.13 The applicant points out that 'Old Main Road continues through to the centre of the main part of the village of Fosdyke, where the village Church, Village Hall and Bus stops are located, linking the village to Boston town centre via S125 Bus service, as well as there being 3 other bus services running through the village (Bus services 7B - Boston Callconnect, B18D - Kirton – Fosdyke, CRS - Spalding – Fosdyke)'. The applicant points out that the site is within 500m of a 'bus stop.'
- 7.14 Furthermore, the approval of application B/17/407 identified above would indicate that this Council has accepted that Fosdyke is a sustainable village in location terms and on this basis it may be argued that this application would promote sustainable patterns of development in accordance with paragraphs 79 and 103 of the NPPF.
- 7.15 In social terms residential development of the site (the indicative layout shows provision of 6 new dwellings (net increase of 5 dwellings) would make a modest contribution towards the supply of housing in the area which accords with paragraph 8 of the Framework and will provide some social benefit.
- 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. On this basis, the development would meet 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 an impact on the local environment given the site is exposed to public view, at the corner of the road junction and divorced from the settlement boundary. However, in environmental terms, the development will not be prominent, nor will it create an awkward or alien encroachment into the countryside. Subject to good design at reserved matters stage, the application would meet the environmental thread of sustainability.

Impact on highway safety

- 7.18 The outline application does not include access which is a matter reserved for later approval. The submitted planning statement indicates that 'Vehicular and pedestrian access to the proposed dwellings will be from Old Main Road which is subject to a 30mph speed limit. Each dwelling shall have parking provision and due to low number of traffic movements on Old Main Road, it is not considered that it is necessary to provide for turning provision on site'. It is not intended to form any new vehicular access onto the A17.

7.19 The County Highway Authority has no objections subject to two conditions, one of which requires the provision of a 1.8m footway along the frontage of the site.

8.0 Conclusion

8.1 This Council's recent decision to grant outline planning permission for 5 dwellings opposite the site, at the edge of the village settlement is a material consideration in the determination of this application. However, it is not considered that the approval of this application sets a precedent to approve this current application. The main consideration is whether the character and appearance of the area will be substantially harmed by this development.

8.2 It is considered that, subject to satisfactory design, this development would comply with Local Plan Policies G1 and H3 and on this basis; the development would comply with Local Plan policy C01. This development will represent a natural and acceptable expansion to the shape and form of the village and given that there is already a bungalow on the site which is to be demolished, the resultant appearance and domestic paraphernalia that will be associated with up to 6 new dwellings on this site, would therefore not be entirely out of character with the area although the replacement of the existing bungalow with up to 6 dwellings on this site will clearly result in a more dense environment than exists at present.

9.0 Recommendation

9.1 It is recommended that outline permission is GRANTED subject to the conditions set out below.

1. No development shall commence until details of the layout, access, 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: This is an outline application only and such details must be approved before development commences in order to comply with the objectives of Local Plan policies G1 and H3 and required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990.

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 51 of the Planning and Compulsory Purchase Act 2004.

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 51 of the Planning and Compulsory Purchase Act 2004.

4. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA), undertaken by S M Hemmings (27 May 2018), and the following mitigation measures detailed within the FRA:

- Finished floor levels are set no lower than 3.75 m above Ordnance Datum (AOD).
- Flood resilient/ resistant construction shall be incorporated into the dwellings to a minimum height of 300mm above the finished floor level.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme.

Reason: To reduce the risk and impact of flooding on the proposed development and future Occupants and to accord with the objectives of Local Plan policies G1 and H3.

- 5 Details shall be submitted at reserved matters stage to include details relating to the vehicular access to the public highway, including materials, specification of works and construction method. The approved details shall be implemented on site before the development is brought into use and thereafter retained at all times.

Reason: In the interests of safety of the users of the public highway and the safety of the users of the site. This condition accords with the objectives of Local Plan policy G6.

- 6 No development shall take place before a scheme has been submitted to and agreed in writing by the Local Planning Authority for the construction of a 1.8m wide footway, together with arrangements for the disposal of surface water run off from the highway at the frontage of the site. The agreed works shall be fully implemented before any of the dwellings are occupied or in accordance with a phasing arrangement to be agreed in writing with the Local Planning Authority

Reason: To ensure safe access to the site and each dwelling, in the interests of residential amenity, convenience and safety. This condition accords with the objectives of Local Plan policy G6.

- 7 No development shall commence above slab level 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 approved foul water strategy.

Reason: In the interests of satisfactory drainage and to accord with the objectives of Local Plan policies G3.

- 8 No development shall commence above slab level until a surface 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 approved foul water strategy.

Reason: In the interests of satisfactory drainage and to accord with the objectives of Local Plan policies G3.

In determining this application the authority has taken account of the guidance in paragraph 38 of the National Planning Policy Framework 2018 in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the Borough.

Lisa Hughes
Development Manager