

BOSTON BOROUGH COUNCIL

Planning Committee – 18 September 2018

Reference No: B/18/0092

Expiry Date: 11-Jun-2018

Application Type: Outline Planning Permission

Proposal: Outline application with some matters reserved (layout, scale, appearance and landscaping reserved for later approval) for the erection of up to 96 no. dwellings, public open space, attenuation pond, and associated infrastructure (access only to be considered)

Site: Land to the north of Wigtoft Road, Sutterton, Boston, PE20 2EQ

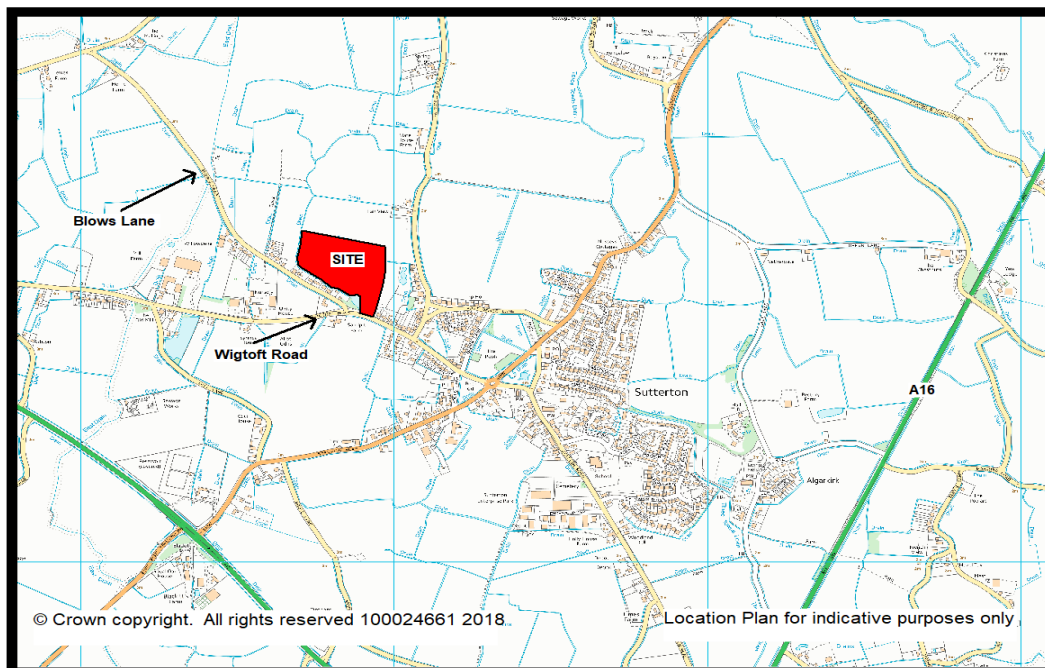
Applicant: Lincolnshire County Council
Agent: Mrs Lynette Swinburne
Ward: Five Village
Parish: Sutterton Parish Council

Case Officer: Trevor Thompson

Third Party Reps: 16

Link to Planning Record: [B/18/0092](#)

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 will raise issues with regard to the interpretation of planning policies. Also objections have been raised by local residents and the Sutterton Parish Council.

2.0 Application Site and Proposal

- 2.1 The site occupies approximately 4.8 hectares and is in agricultural use. It is located on the northern side of Wigtoft Road close to the junction of Wigtoft Road and Blows Lane within countryside and at the western edge of the Sutterton settlement boundary. There are residential properties within the immediate proximity of the site, to the east along Wigtoft Road towards the village, at the junction of Blows Lane and Wigtoft Road and along both sides of Blows Lane which lies to the west of the site. A foul water rising main crosses the site boundary in the south east corner of the site.
- 2.2 The application seeks outline planning permission for residential development (up to 96 dwellings) and includes access with all other matters (i.e. landscaping, scale, layout and appearance) reserved for later approval. The application is accompanied by a master-plan which shows how the site could be developed.

3.0 Relevant History

- 3.1 There has been no recent planning applications submitted on this site though Members may recall that outline planning permission was granted in April 2018 for the erection of 9 dwellings to the east of the site at land to the rear of Northorpe House, Wigtoft Road Sutterton (ref B/18/0402) and outline permission for 14 dwellings at Yew Lodge, Wigtoft Road in 2017.

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). Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that determination must be made in accordance with the plan unless material considerations indicate otherwise.
- 4.2 The site is currently used for agriculture and is not allocated for any specific use with the Local Plan
- 4.3 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 H4 – Open space in housing estates
 - Policy T2 – Roads and Footpaths in New Developments

National Planning Policy Framework (NPPF) (2018)

- 4.4 The 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.
- 4.5 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’.
- 4.6 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, 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.
- 4.7 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 National Planning Policy Framework (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.
- 4.8 With regard to rural housing, paragraphs 78 and 79 of the NPPF are relevant. Paragraph 78 indicates that in rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs’.

4.9 Paragraph 79 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’.

4.10 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)

4.11 Sutterton is defined as a ‘main service centre’ in the SELLP. Part of the site is allocated as a ‘reserved’ housing site in the South East Lincolnshire Local Plan and part of the site is identified as Countryside (Reserved sites are those which will be brought forward for development in the event that the allocated sites do not deliver housing developments at the expected rate as expressed in the housing trajectory). However, objections been raised with regards to part of the sites allocation as a reserve site and on this basis limited weight may be applied to the SELLP relating to this application at this stage.

4.12 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).

4.13 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. However, as indicated limited weight may be applied to the SELLP given outstanding objections to the Modification Draft of the SELLP relating to this site.

5.0 Representations

5.1 As a result of publicity 16 letters of representation have been received from the occupiers of the following properties:

- 1 (Goat Cottage) Blows Lane
- 5, Blows Lane
- 9 (x3), Blows Lane
- 11 (Pitlochry) Blows Lane
- 13, Blows Lane
- 37, Blows Lane
- 39, Blows Lane
- 46, Millstone Lodge Blows Lane
- Paigles Mead, Wigtoft Road
- Painless Mead Wigtoft Road
- The Old Chapel Post Office Lane
- Acacia House Rainwalls Lane
- Somercotes Rainwalls Lane

5.2 The objections and comments can be summarised as follows:

- Design and access and transport statements contain significant inaccuracies which need to be addressed
- Development represents unplanned and urbanised piecemeal mess
- Site is a Greenfield site outside village envelope
- Proposal would result in an unbalanced village population
- Proposal would create a commuter sprawling zone in the countryside
- Existing foul and surface water systems would be under pressure and unable to cope with additional dwellings
- Development is not needed
- There is a lack of public transport
- Concerns relating to flooding, surface water drainage and foul water drainage. FW pumping station is at capacity
- Damage would be caused to the foundations of surrounding dwellings via subsidence and vibration
- The number of dwellings proposed are far too large for the scheme
- Access arrangements would be prejudicial to highway safety. Access will be onto 40mph speed limit. Increased traffic generation. Wigtoft Road has limited capacity for extra traffic
- There are shopping facilities nearby
- Site is outside the village boundary and contrary to South East Lincolnshire Local Plan
- The existing local health facilities will not cope with additional residents
- Impact on local schools. Schools at capacity
- Impact on residential amenity especially during construction period
- Impact on welfare of animals and wildlife. The existing biodiversity in the locality will be adversely affected
- Proposal would result in a dramatic change to the local character and landscape. Loss of village identity
- Proposal conflicts with the aims and objectives of the NPPF.
- Development is not sustainable.
- There are other sites in developed in Sutterton waiting to be developed

- Site is high quality grade 1 land
- Sutterton has limited facilities and employment opportunities
- Piecemeal development does not accord with the timescales for development set out in the strategy for Sutterton
- Site is not allocated for housing in the SELLP

6.0 Consultations

- 6.1 Sutterton Parish Council has raised objections on the following grounds;
- A large scale proposal is out of proportion to the local area.
 - It will involve a dramatic change to the local character and landscape.
 - There is a lack of supporting village infrastructure.
 - There is existing difficulties with foul water drainage into which the proposed development will outlet.
 - There is existing and excessive standing water.
 - There is a danger to local properties and their foundations.
- 6.2 County Highway Authority has no objections subject to 4 conditions
- 6.3 Environment Agency has no objections subject to one condition relating to finished floor levels
- 6.4 Environmental Health Manager has no objections
- 6.5 Black Sluice Internal Drainage Board (BSIDB) has no objections but has made comment about rainfall runoff, the disposal of foul or dirty water, discharge outfalls, filling in watercourses and site ground levels. BSIDB recommends that full details of surface water disposal are submitted for approval.
- 6.6 Local Housing Authority (Boston Borough Council) considers that in order to meet this Council's minimum affordable housing requirements of 15% the proposal needs to be increased slightly from the proposed 14.6% (i.e. 14 dwellings). Note: The affordable housing contribution has now increased to 15 dwellings.
- 6.7 Anglian Water Services point out that foul drainage from this development is in the catchment of Sutterton Wigtoft Water Recycling Centre which currently does not have the capacity to treat the flows from the development site. AWS recommends that a condition is imposed on any approval which requires the submission of a foul water strategy.
- 6.8 NHS England request a financial contribution of £42,624 to be secured through a section 106 agreement.
- 6.9 Lincolnshire County Council (Education) request a financial contribution of £575,380 to be secured through a section 106 agreement.
- 6.10 Lincolnshire Wildlife Trust has no objections but has made comment with regard to biodiversity enhancement, green infrastructure and sustainable drainage systems

- 6.11 Lincolnshire Police has no objections but has made comment about design and layout with regard to crime prevention
- 6.12 Lincolnshire Fire and Rescue (LFR) raise objections on the grounds of inadequate water supply for fire fighting purposes. LFR recommends the installation of two fire hydrants. This matter can be dealt with by condition.

7.0 Departure from the development plan

- 7.1 The application has been publicised as a departure from the development plan in accordance with the regulations since it does not have any allocation or policies in the adopted Boston Borough Local Plan (1999) which would appear to support it. A ministerial Direction requires a planning authority to consult the Secretary of State before granting planning permission for certain categories of development (Direction in the former Circular 2/2009). This gives the Minister the opportunity to 'call in' for his own determination. Given the size and nature of this application, there is no requirement to refer it to the Minister if you are proposing to approve or refuse the application.

8.0 Planning Issues and Discussions

- 8.1 The main considerations in the determination of this application are:

- Principle of the development
- Developers contributions
- Loss of agricultural land
- Density
- Affordable housing
- Impact on highway safety
- Flood risk and drainage
- Ecology
- Impact upon residential amenities
- Impact on the character of the area
- Sustainability

Principle of the development

- 8.2 The NPPF supports sustainable housing development in rural areas and encourages housing 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. 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.

- 8.3 The site is identified as being within countryside at the edge of the settlement limits 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 recent inspectors' appeal decisions, 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. Members may recall that the Planning Inspector dealing with the recent appeal applications at Spalding Road Sutterton, whilst acknowledging the objectives of Local Plan policy C01, concluded that given the appeal applications accorded with other Local Plan policies (i.e. G1, G6 and H3), the development would also accord with Local Plan policy C01.
- 8.4 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. The tilted balance in paragraph 11 of the National Planning Policy Framework (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. Balanced against this 'presumption in favour' will be, amongst other factors that this development will have an impact on the character of the area, result in the loss of agricultural and may cause harm to highway safety and residential amenity.
- 8.5 In terms of the principle of development, the main issues are therefore whether the proposed development would be acceptable having regard to policies concerning the location of new housing, whether it promotes a sustainable form/pattern of development and whether the development will harm the character and appearance of the area.

Developer contributions

- 8.6 Paragraph 56 of the NPPF (2018) indicates that: ‘
- Planning obligations must only be sought where they meet all of the following tests:
- a) necessary to make the development acceptable in planning terms;
 - b) directly related to the development; and
 - c) fairly and reasonably related in scale and kind to the development.
- 8.7 As indicated above, NHS England request a financial contribution of £42,624 to be secured through a section 106 agreement and Lincolnshire County Council (Education) request a financial contribution of £575,380.

- 8.8 LCC (Education) say that the money would contribute towards one additional classroom at Sutterton Fourfields Primary school, one additional science laboratory at Thomas Middlecott Secondary school and one new sports hall at Boston Grammar school.
- 8.9 NHS England say that proposed development would put additional demands on the existing GP services for the area and additional infrastructure would be required to meet the increased demands. NHS England say that the money would be used by The Surgery (Sutterton) to upgrade the existing clinical rooms and redevelop areas to provide more clinical space to accommodate additional staffing requirements.

Loss of agricultural land

- 8.10 The application site covers 4.8 hectares of grade 1 agricultural land. Paragraph 170 of the revised NPPF (2018) advises that decisions should contribute to and enhance the natural and local environment, amongst other things by:
- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
 - b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.
- 8.11 There are no saved Local Plan policies to do with the protection of agricultural land.
- 8.12 Officer opinion is that it is clearly inevitable that high quality agricultural land will always be under pressure for development when much of the land surrounding Boston is high quality agricultural land, there are no remaining housing allocations in the Local Plan and that there is not a five year land supply. Furthermore the loss of grade 1 agricultural land was not a reason to refuse the housing application at Middlegate Road, Frampton in July of this year and the planning Inspector dealing with the appeal at land off St Swithins Close, Bicker concluded that ‘the proposal would result in a loss of the best and most versatile agricultural land but it is unlikely that the Council’s housing supply could be remedied without such a loss’.
- 8.13 It is considered that the loss of grade 1 agricultural land counts against this application in the planning balance but it is not considered that it will pose as a major constraint to this development.

Density

- 8.14 The site occupies 4.8 hectares and it is proposed to erect 96 dwellings on this site. This equates to around 20 dwellings per hectare (dph). In comparison, the density surrounding the site along Blows Lane, Rosegar Avenue and Wigtoft Road varies between 10-17 dph.

8.15 Paragraphs 122 and 123 of the revised NPPF are relevant and states, in part: 'Planning policies and decisions should support development that makes efficient use of land, taking into account:

- a) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;
- b) local market conditions and viability;
- c) the availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;
- d) the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change; and
- e) the importance of securing well-designed, attractive and healthy places (para 122).

Where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site....' (para. 123).

8.16 It is considered that the proposed density of around 20 dph is acceptable in this edge of village location.

Affordable housing

8.17 This Council's current stance on affordable housing is that for eligible sites, developers should provide a minimum of 15% affordable units, subject to viability. Following discussions with the applicant it is now intended to provide 15 affordable dwellings. This equates to 15.6% of the total number of dwellings proposed which is acceptable.

8.18 Paragraph 64 of the revised NPPF states in part:

'Where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the homes to be available for affordable home ownership, unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups'.

8.19 The NPPF adds that exemptions to this 10% requirement in certain circumstances, for instance where the proposed development is exclusively for affordable housing.

- 8.20 Policy 15 of the SELLP indicates, inter alia, that for housing sites of 22 or more dwellings, the affordable housing provision shall be 20% in the Boston District.
- 8.21 Local Housing Authority (Boston Borough Council) considers that in order to meet this Council's minimum affordable housing requirements of 15% the proposal needs to be increased slightly from the originally proposed 14.6% (i.e. 14 dwellings). This has now been achieved.

Impact on highway safety

- 8.22 Access forms part of this application and therefore is not a reserved matter. It is proposed to provide a new vehicular access to the site off Wigtoft Road, about 50m from the junction of Wigtoft road and Blows Lane. The proposed access to the site lies adjacent to the 40mph road speed limit. It is not proposed to carry out any major modifications to the highway to facilitate this development, such as a ghost right hand turning facility etc.
- 8.23 The application is accompanied by an indicative master-plan which shows how the site may be developed and a transport statement. The internal road layout as shown on the master-plan is indicative only beyond the point of the existing highway. The transport statement which is dated February 2018 concludes that there would be no severe transport impacts as a result of the development. It adds that bus stops are located within a short walk of the site, there is good access to the existing cycle network and that no existing road safety issues have been identified within the vicinity of the site. The transport statement also includes a plan which shows that the prescribed visibility splays can be provided to serve this new access.
- 8.24 There is an existing footpath to the front of the site which links Blows Lane to the village. It is intended to provide pedestrian footways both sides of the proposed access road which will tie into the existing footway network.
- 8.25 Paragraphs 109 and 110 of the revised NPPF are relevant to highway safety. Paragraph 109 states:

'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'.

- 8.26 Paragraph 110 adds:

Within this context, applications for development should:

- a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;
- b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;

- c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;
- d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and
- e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

8.27 As indicated above, the County Highway Authority (also acting as Local Lead Flood Authority) has no objections subject to 4 conditions which relate to highway construction and surface water disposal.

Flood risk and drainage

8.28 The site is located within Flood Zone 3 as indicated in the Environment Flood Risk Maps and is therefore considered to be at high risk from flooding. The application is accompanied by a Flood Risk Assessment (FRA) and a drainage strategy. The site is identified as being within at 'very low risk' of surface water flooding based on the Environment Agency's surface water flood risk maps. The FRA makes a number of recommendations with regard to finished floor levels depending on the predicted flood depths identified within the site.

8.29 Surface water from the proposed development will be discharged into a watercourse using a system of sustainable drainage. This will include swales and an attenuation basin. The submitted indicative master-plan show the proposed attenuation basin located in the north-west corner of the site. The Environment Agency and the Black Sluice Internal Drainage Board have raised no objections.

8.30 Anglian Water Services point out that the foul drainage from this development is in the catchment of Sutterton Wigtoft Recycling Centre which currently does not have the capacity to treat the flows from the development site. With regard to the foul sewage network, it adds that development will lead to an unacceptable risk of flooding downstream and that a drainage strategy will need to be prepared, in consultation with Anglian Water Services to determine mitigation measures. Anglian Water Services recommends a condition is attached to any permission granted which relates to foul water disposal.

8.31 The submitted drainage strategy proposes the provision of a pumping station to incorporate full attenuation storage capacity, which it says, is in accordance with the recommendations by Anglian Water Services. The drainage strategy report therefore indicates that suitable drainage arrangements can be provided in conjunction with the proposed development.

Ecology

- 8.32 The application is accompanied by a Preliminary Ecological Assessment which indicates that there are no internationally designated sites within 5km of the application site and no nationally designated sites within 2km of the study area. However there are two non-statutory sites within 2km of the site. These being Bell Mere Pool, a local wildlife site located a little over 700m south east of the site and Sutterton Brickworks, a site of nature conservation importance (SNCI) which is located 400m south west of the site. There is also large pond next to the site frontage which is outside the application site but within the applicant's ownership/control. This pond has no statutory designation.
- 8.33 The report concludes that it is unlikely that Bell Mere Pool LWS or Sutterton Brickworks SNCI will be affected by the proposed development, either directly or indirectly. It adds that all habitats present on the site are of low biodiversity value and therefore the ecological impact of this development is also expected to be low.
- 8.34 Concerns have been expressed about the potential presence of newts within the 'duck pond' near the front boundary of the site. The Preliminary Ecological Assessment indicates there is a low probability of Great Crested Newts being present given poor habitat conditions.
- 8.35 This application is for outline planning permission with all matters, apart from access, reserved for later approval. The Lincolnshire Wildlife Trust has raised no objections to this application but has requested the opportunity to comment on the landscaping scheme when submitted to ensure the maximum biodiversity benefits are achieved on this site.

Impact on residential amenity

- 8.36 Local Plan Policy H3 of the Local Plan would resist new housing which does not provide pleasant, secure environments for residents; are incompatible with the existing character of the area; are close to an existing use which is likely to cause environmental problems to future residents; or will cause or significantly aggravate adverse traffic conditions on the public highway. Policy G1 is the general development control policy which has some overlap with Policy H3. The test in the policy is that permission would only be granted if a proposal will not 'substantially harm' amenities of neighbours or the general character of the area.
- 8.37 There are residential properties within the immediate vicinity of the site and the occupiers of these properties may be affected by the proposed development to some extent with particular regard to loss of privacy, overlooking and traffic generation, both pedestrian and vehicular.
- 8.38 It is true to say that the presence of new buildings on open land where none exists at present will be intrusive and have, to some extent, an impact on the amenity of the neighbours. It is also equally true that this development will generate both pedestrian and vehicular traffic which may have some impact on residential amenity.

- 8.39 However Wigtoft Road is a busy road and it is likely that any increase in traffic noise as a result of this development will be negligible compared to the noise being generated by existing traffic movements. Furthermore although there may be noise disturbance that would be caused by additional traffic during the construction of the development, it is considered that it will not cause substantial harm sufficient to warrant refusal of the application. A condition may be imposed on any permission granted which requires the submission of a traffic management statement which seeks to minimise traffic congestion and impacts on residential amenity during the construction period.
- 8.40 Matters relating to scale, layout and appearance are reserved for later approval though the application is accompanied by an indicative master-plan which shows how the site could be developed. The plan demonstrates that it is possible to provide a good quality layout and satisfactory separation distances between proposed and existing dwellings to ensure residential amenity of existing occupiers could be maintained. As indicated above the proposed density of this development will be around 20 dph which is compatible with this edge of settlement location will not constitute over-development and will not harm the residential amenity of the area.
- 8.41 The application is accompanied by an Air Quality Assessment which considers the impacts associated with the construction and operation phases of the proposed development and the suitability of the site for residential use in relation to local air quality. It concludes that activities associated with the prospective site would, at most, constitute a medium risk for all activities. It adds that an effective implementation of a site-specific Air Quality and Dust Management Plan which incorporates appropriate mitigation measures for the predicted level of risk, would be expected to result in, at worst, temporary and intermittent slight adverse local air quality impacts during the construction phase of potential future development at the site. The Environmental Health Manager has no objections. A Construction Management Plan condition is recommended which deals with dust emissions.
- 8.42 Overall, it is considered that subject to a good quality housing scheme which may be submitted at reserved matters stage, this site is large enough to satisfactorily accommodate a sensitively designed residential development without causing substantial harm to residential amenity and therefore will not be contrary to Local Plan policies G1 and H3.

Impact on the character of the area

- 8.43 The site occupies 4.8 hectares and consists of flat, open agricultural land and located at the western edge of the village. The site may be described as rural, bounded by a network of drains with low tree cover and devoid of landscape feature of value. The site is not brownfield land and is not high environmental value given it is not nationally or locally designated as a protected site of having any landscape value. There are no public rights of way which cross the site so public views of the site will be largely from Wigtoft Road and partly from Blows Lane. The site is therefore of low recreation value. There is a pond near the entrance to the site which may provide some local value and the site may provide some visual amenity to the occupiers of neighbouring residents. Overall, it may be argued therefore that the site has low to moderate landscape value.

- 8.44 The settlement boundary for Sutterton as identified on Inset Map 21 follows part of the eastern boundary of the site and therefore the entire site is within 'countryside' as defined in this document. The application is accompanied by a Landscape and visual Appraisal which provides analysis into the potential effects on landscape character and views as a result of the proposed development. Subject to various mitigation measures detailed in the report relating to landscaping, open space and layout, the assessment concludes that the effect on the landscape character is considered to be 'minor adverse' during construction and for both year 1 and 15. (Note: year 15 is when the trees within the scheme would have fully matured.).
- 8.45 As indicated, landscaping does not form part of this outline application but is a reserved matter. Nevertheless the applicant points out that it is intended retention of existing landscape features, carry out extensive additional landscaping especially along the site's eastern boundary which would help assimilate this development within its surroundings, whilst increasing biodiversity. The applicant adds that areas of open space are proposed as part of the development, most notably an area of public open space and attenuation pond which may help to deliver an attractively designed scheme which would enhance the natural landscape. It is proposed that the long term maintenance of this is secured through the planning obligation.
- 8.46 Clearly the effect of the proposed development on visual amenity and the character of the area is a subjective issue. The development of the site will encroach significantly beyond the settlement limits of Sutterton but, given the shape of the site and its relationships with surrounding properties, it would not present an awkward encroachment into countryside or undermine the existing landscape character or value of the area. It may therefore also be argued that that the development reasonably links the western parts of the village to the collection of dwellings along Blows Lane and therefore consolidating the form and pattern of development within this part of the village. Though any such consolidation linking Blows Lane to the village would be more successful, in visual terms, if the adjacent land to the east (see planning history above) were to be developed.
- 8.47 It is not considered that this development would substantially harm the character of the countryside sufficient to warrant a refusal of this application.

Sustainability

- 8.48 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.

8.49 Furthermore paragraph 78 of the NPPF 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’.

8.50 The application site is at an edge of a main village and is identified within the SELLP as a main service centre. It is within easy walking or cycling distance to the facilities and amenities which are available within the village which includes a church, recreation area, public house/restaurant, employment centre, doctors’ surgery and a shop. Although Sutterton does therefore have some facilities, it is likely that there would still be a need for the future occupiers of the proposed dwellings on this site to travel outside of the settlement to access other key services.

8.51 The applicant points out that the site has good public transport links with bus stops located 0.6km to the east of the site entrance with bus services providing routes to Boston, Spalding, Wyberton and Stamford. Public transport is therefore available as an alternative to the private motor car.

8.52 The environmental dimension of the NPPF aims to protect and enhance the natural, built and historic environment and biodiversity. In environmental terms, the application site is within a sustainable location given it is within easy walking or cycling distance to facilities within the village and an employment centre and primary school.

8.53 The development will have an impact on the local environment and Committee might share some of the concerns expressed by neighbouring residents that this development will harm the character of the surrounding open landscape and wildlife habitat. However as indicated above, it is considered that although the development may undermine visual amenity and will represent a significant change to the residents’ outlook and the character of the area, it is not considered that such change represent substantial harm to the amenity of the area sufficient to warrant refusal of the application especially given that the development of the site will link the western part of the village to the existing development along Blows Lane. On this basis, it is considered that the development would not represent an awkward or alien protrusion into open countryside but a natural expansion to this part of the village.

8.54 In social terms the provision of 96 new dwellings would make a moderate contribution towards the supply of housing in the area which accords with paragraph 7 of the Framework and will provide some social benefit. The provision of 15 affordable houses will also add to the social thread of sustainable development and is matter which weighs in favour of this application.

- 8.55 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, especially through a demand for household goods and furnishings. The applicant also points out that the proposed development will generate further local economic benefits in the form of the new homes bonus and regular Council tax payments. The proposed development will likely have a positive effect on the local economy and would therefore meet the economic dimension of sustainable development.
- 8.56 It may therefore be argued that this application would promote sustainable patterns of development, would support local services both within Sutterton and other villages nearby and would enhance or maintain the vitality of rural communities in accordance with the objectives of paragraphs 79 and 103 of the NPPF.

Planning balance

- 8.57 The proposal will have a number of adverse impacts. The application does not accord with the development plan since the site is within countryside in an area where Local Plan policy C01 seeks to resist new development unless supported by other Local Plan policies. Therefore the s.38 (6) assessment of 'unless material considerations indicate otherwise' having regard to this Council's lack of 5 year supply of housing and the Framework's 'tilted balance' is engaged. However given the lack of 5 year supply, the fact that the site is within countryside does not attract substantial weight.
- 8.58 The proposed housing development will have a significant impact on the flat open countryside of the surrounding landscape and will represent a significant change to this edge of village location. However, this impact will be only local and will not represent a significant change to the character of the surrounding environment in the wider context. The proposed development will also have an impact on the visual amenity and outlook of some neighbours and the concerns expressed by some neighbours is understandable. Alternatively, it may be argued that this development represents a natural expansion of this part of the village and is in character to its surroundings. Furthermore, the adverse impact on the character of the surrounding area may be offset, to some extent, by good quality, well structured landscaping within and along the boundaries of the site.
- 8.59 There is a conflict with para. 170 of the Framework in respect of the loss of agricultural land and this must be a part of the planning balance. However it is accepted that development on best and most versatile agricultural land must take place in order to meet housing need. Overall, it is considered that the adverse impacts of the proposal would be matters of moderate weight against this scheme.
- 8.60 Alternatively the proposal will have a number of benefits. It will help to address the Council's housing supply shortage, provide an element of affordable housing, provide contributions towards education and health and would also meet the three dimensions of sustainable development. These factors weigh in favour of this development.

- 8.61 On this basis, the moderate impacts of this scheme would not be significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole.

9 Conclusion

- 9.1 The fundamental issue raised by this application is the impact and encroachment into the countryside given the size and nature of the development and having regard to its edge of settlement and that the site is low to moderate landscape value.
- 9.2 The submitted indicative layout plan demonstrates that 96 dwellings could be accommodated on this site without the development appearing out of keeping with the character or density of the area or causing demonstrable harm to residential amenity or highway safety.
- 9.3 It is considered that this development will represent an acceptable expansion to this part of the built up area. Although it will represent a change, in part to the open characteristics of the site, will have some affect on residential amenity and will introduce an urbanising and consolidating form of development in this semi-rural area, it is considered that the changes to the character of the area will not be substantial. It may also be argued that the impact on the surrounding countryside will be only local and will not represent a significant change to the character of the surrounding environment in the wider context.
- 9.4 Bringing these matters together as part of the planning balance, it is considered that the limited adverse environmental impacts would not significantly or demonstrably outweigh the social and economical benefits as identified above. It is considered that, subject to satisfactory design and layout this development would comply with Local Plan Policies G1 and H3 and on this basis; the development would comply with Local Plan policy C01.
- 9.5 In terms of highway safety, although this development will gain access off one single existing estate road and will generate additional traffic on Wigtoft Road and along the surrounding highway network, there is no substantive evidence that this application will cause severe impact arising from this development. The County Highways Authority has no objections subject to 4 conditions.
- 9.6 It therefore follows that this application should be supported subject to the conditions and provisos set out below.

10 Recommendation

10.1 That the Planning Committee resolve that they are Minded to Approve this application subject to conditions and a Section 106 agreement and;

- Any permission is not released until the applicants have entered into a section 106 planning obligation with the Council requiring the provision of 15 affordable housing units; a contribution of £575,380 towards education and £42,624 towards health; and the ongoing maintenance of the public open space
- Authority is delegated to the Development Manager to approve this application upon satisfactory completion of the planning obligation.

1. No development shall commence until details of the layout, 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 51 of the Planning and Compulsory Purchase Act 2004.

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 be carried out in accordance with the revised Flood Risk Assessment (FRA) by Mouchel dated July 2018, including the following mitigation measures detailed within the FRA. The relevant depth is the 0.5% annual probability breach depth for dwellings of two or more storeys and the 0.1% breach depth for single storey dwellings including ground floor flats, as shown in the maps in Appendix C of the FRA.

- For dwellings in areas of the site with predicted depth between 0.5 - 1.0m, finished floor levels must be set no lower than 1m above ground level, with flood resilient construction to a height of 300mm above the predicted flood depth.

- For dwellings in areas of the site with predicted depth between 0.25 - 0.5m, finished floor levels must be set no lower than 500mm above ground level, with flood resilient construction to a height of 300mm above the predicted flood depth.
- For dwellings in parts of the site with predicted depth between 0 - 0.25m, finished floor levels shall be set no lower than 300mm above ground level.

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

Reason: To reduce the risk and impact of flooding to the development and future occupants and to accord with the objectives of the NPPF (2018).

5. Before each dwelling is occupied, the roads and 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 Public Highway, 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 that a safe and suitable standard of vehicular and pedestrian access is provided for residents throughout the construction period of the development and that the roads and footways are completed within a reasonable period following completion of the dwellings and to accord with the objectives of Local Plan policy G6.

6. No dwelling shall be commenced before the first 60 metres of estate road from its junction with the public highway, including visibility splays, have been completed.

Reason: To ensure construction and delivery vehicles, and the vehicles of site personnel may be parked and/or unloaded off the existing highway, in the interests of highway safety and the amenity of neighbouring residents and to accord with the objectives of Local Plan policy G6.

7. Before any dwelling is occupied, 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 to, and approved in writing by, the Local Planning Authority.

Reason: In the interests of safety, to avoid the creation of pedestrian trip hazards within the public highway from surfacing materials, manholes and gullies that may otherwise remain for an extended period at dissimilar, interim construction levels and to accord with the objectives of Local Plan policy G6.

8. The permitted development shall be undertaken in accordance with a surface water drainage scheme which shall first have been approved in writing by the Local Planning Authority.

The scheme shall:

- be based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development.
- 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;
- provide attenuation details and discharge rates which, unless agreed otherwise with the surface water receiving body, shall be restricted to 1.4 litres per second per hectare;
- provide details of the timetable for and any phasing of implementation for the drainage scheme; and
- 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.
- 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: To ensure that the permitted development is adequately drained without creating or increasing flood risk to land or property adjacent to, or downstream of, the permitted development and to accord with the objectives of Local Plan policy G3

9. No development shall commence above ground 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: To prevent environmental and amenity problems arising from flooding and to accord with the objectives of Local Plan policy G3.

10. With regard to the access to the site only, the development shall be carried out in accordance with the following approved plans:

- Location plan ref LNBU 370338-01B (1/2)
- Proposed illustrative site plan ref LNBU 370338-03G (2/2)

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

11. 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 how the construction of the site will be phased, where site accommodation and welfare facilities will be placed, hours of working, where site vehicles and the vehicles of site personnel will be parked, measures to control noise, fumes, vibration and dust during the development period 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. This is a pre-commencement condition due to the fact that the management of plant, site equipment etc needs to be agreed prior to the commencement of any development to ensure that neighbour's amenity and safety are respected.

12. A landscape management plan including management responsibilities and maintenance schedules of the public open space and equipment shall be submitted to the Local Planning Authority before the occupation of any dwelling. The management plan shall be carried out as approved.

Reason: To ensure the long term maintenance of the public open space in the interests of the amenity of residents and to accord with the objectives of Local Plan policy H4.

13. No more than 96 dwellings shall be constructed on site.

Reason: To define this permission, in the interests of residential amenity and highway safety and to accord with the objectives of Local Plan policies G1, H3 and G6.

14. No development shall commence above slab level until a biodiversity enhancement plan has been submitted to and approved by the Local Planning Authority. The development shall be undertaken and thereafter managed in accordance with the approved enhancement plan.

Reason: To safeguard wildlife, in the interests of biodiversity and to accord with the objectives of Local Plan policy G2.

15. All landscape works shall be carried out in accordance with the approved details in accordance with timescales that shall be submitted to and agreed in writing by the Local Planning Authority before any development above ground level. 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 and H3.

16. Prior to any development above slab level, details shall be submitted to and approved in writing by the Local Planning Authority for the provision of fire hydrant(s) within the development site. The fire hydrants as may be approved shall be installed prior to the occupation of any dwelling.

Reason: In the interests of public safety and to accord with the objectives of Local Plan policy H3.

17. Before the commencement of development, details of the means to prevent flooding onto neighbouring land which may result from raised land levels shall be submitted to and approved in writing by the Local Planning Authority. The details shall include;

- The finished land levels including sections showing garden areas, driveways and any private roads measured at Ordnance Datum
- Proposed surface water drainage system including future maintenance to prevent third party flooding
- Method of boundary treatment to avoid any overlooking that may arise from raised land levels.

The approved details shall be carried out in accordance with agreed timescales.

Reason: This is a pre-commencement condition in order to prevent third party flooding and to protect residential amenity and to accord with the objectives of Local Plan policies G1 and G3.

18. The layout of the site shall incorporate an area of public amenity open space/children's play area comprising not less than 7.5% of the gross site area which shall be laid out in a manner to be submitted to and agreed in writing by the Local Planning Authority. The submitted details shall include the type, number and location of the play equipment. The open space and equipment shall be made available for use in accordance with timescales which shall be agreed in writing by the the Local Planning Authority. The public open space shall be retained and shall not at any time be incorporated within the curtilage of any dwelling.

Reason: To provide a satisfactory level of publicly available amenity open space within the development and to accord with Adopted Local Plan Policy H4.

In determining this application the authority has taken account of the guidance in paragraph 38 of the NPPF (2018) in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the Borough

Lisa Hughes
Development Manager