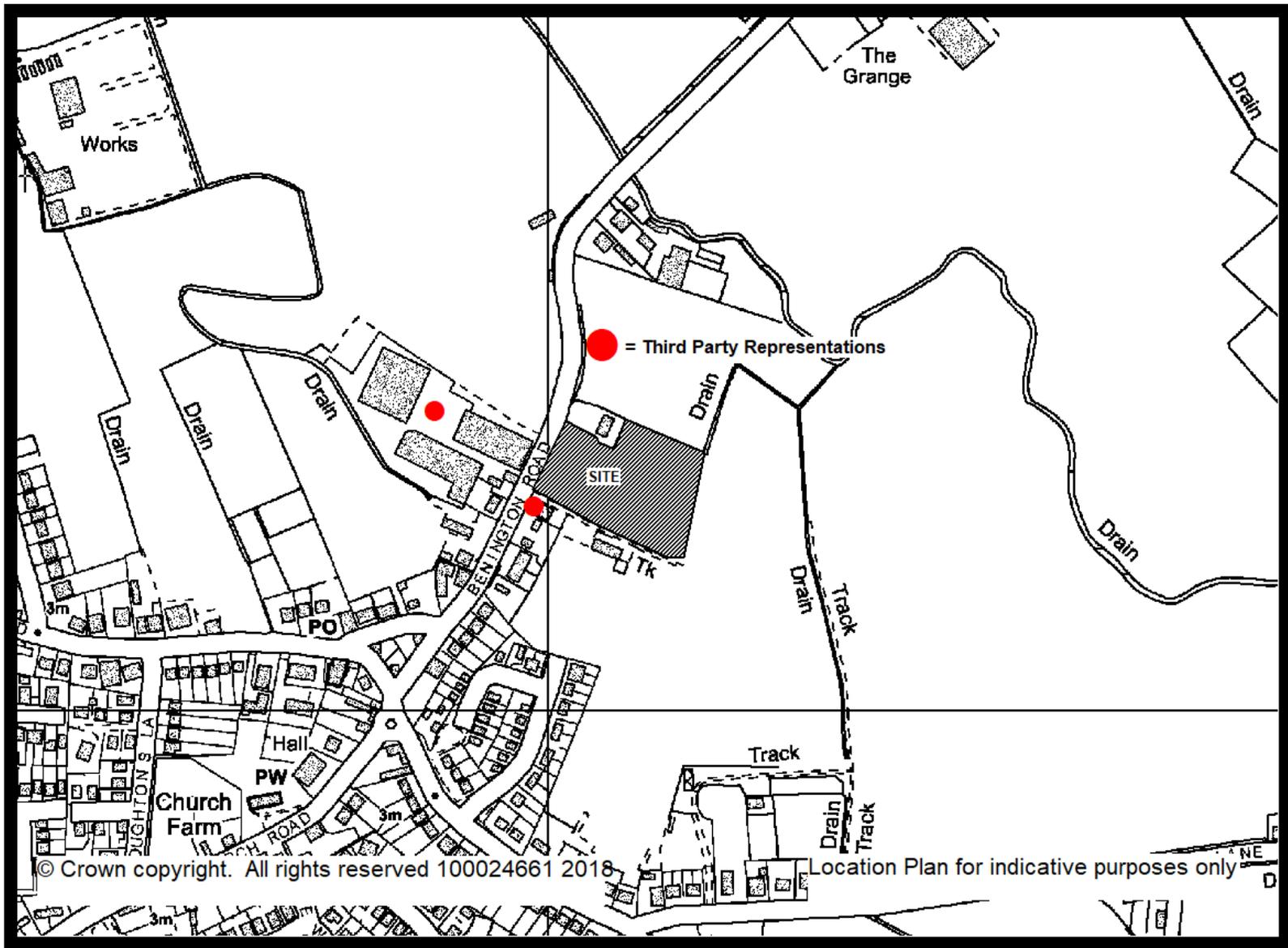


PLANNING APPLICATION B/18/0328

Outline application with all matters (access, landscaping, layout, appearance and scale) reserved for later approval for the erection of up to 26 dwellings

Land adjacent to Magnolia Lodge, Benington Road, Butterwick, PE22 0EX

Applicant: Mrs Jennifer Heath



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Location Plan for indicative purposes only

BOSTON BOROUGH COUNCIL

Planning Committee - 13 November 2018

Reference No: B/18/0328

Expiry Date: 31-Oct-2018
Extension of Time:

Application Type: Outline Planning Permission

Proposal: Outline application with all matters (access, landscaping, layout, appearance and scale) reserved for later approval for the erection of up to 26 dwellings.

Site: Land adjacent to Magnolia Lodge, Benington Road, Butterwick, PE22 0EX

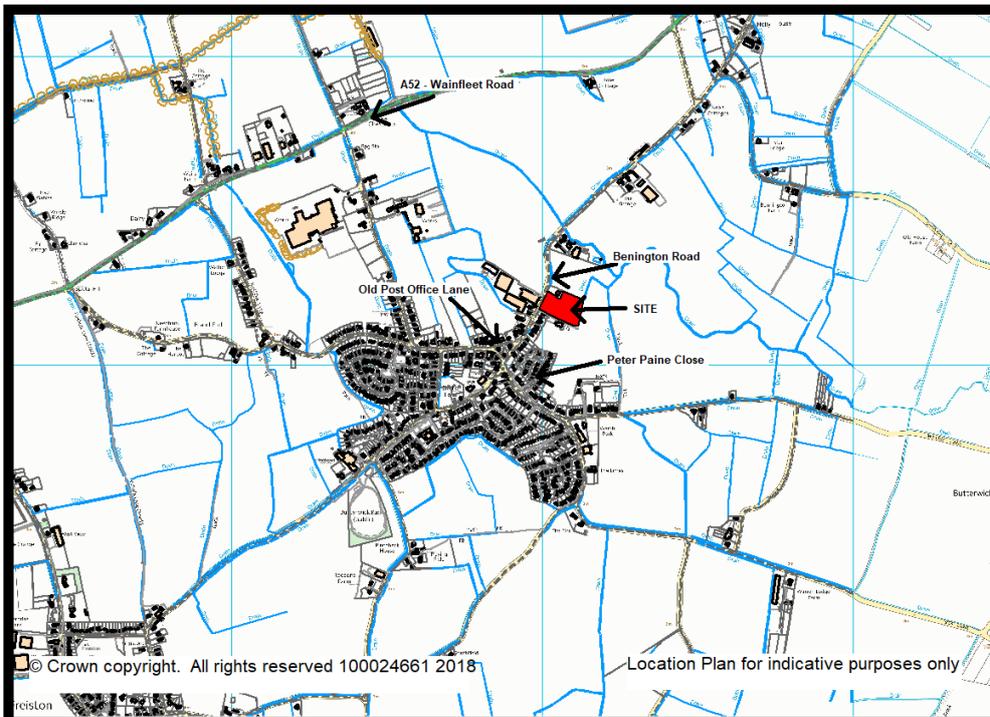
Applicant: Mrs Jennifer Heath
Agent: Mr John Sneddon, Robert Doughty Consultancy Ltd

Ward: Coastal Parish: Butterwick Parish Council

Case Officer: John Taylor Third Party Reps: 2 received

Link to Planning Application: [B/18/0328](#)

Recommendation: GRANT subject to conditions and completion of S106 Legal Agreement



1.0 Reason for Report

- 1.1 This application has been presented to the Planning Committee as the proposal includes the provision of four affordable homes and a financial contribution of £67,965 towards education that requires the completion of a S106 Legal Agreement.

2.0 Application Site and Proposal

- 2.1 The site measures almost 1 hectare in size and according to the Adopted Local Plan is located immediately to the north of the Butterwick settlement boundary.
- 2.2 A dwelling is located adjacent to the north-eastern corner of the site with open fields to the north and east. To the west (on the opposite side of Benington Road) are commercial buildings with further dwellings located to the south.
- 2.3 The application seeks outline planning permission for residential development (up to 26 dwellings) with all matters (i.e. access, landscaping, scale, layout and appearance) reserved for later approval.

3.0 Relevant History

- 3.1 No recent relevant history exists for the site.

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 was previously used as a horticulture business and is not allocated for any specific use within the Adopted 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

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 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 Butterwick is defined as a ‘minor service centre’ in the SELLP. The site is a preferred allocation under the ref: BUT004 with land immediately to the south of the application site also a preferred allocation for housing development. Significant weight should therefore be given for residential development on this site given that the allocation has been through the modification stage.

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. 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 2 letters of representation have been received from the occupiers of Pearson Packaging Ltd and no.16 Benington Road.

5.2 The objections and comments can be summarised as follows:

- The application site is immediately opposite commercial/light industrial premises that already generate large rigid and articulated vehicles. This could lead to a traffic hazard if approval is granted
- Entrance to the site is from a road where the 60mph national speed limit applies
- Site is a Greenfield site outside village envelope
- Site is not fully served by pavements between it and the village centre
- No provision for enhancement of infrastructure in village
- Conflict of uses from commercial site and residential site
- Existing commercial premises may wish to expand in the future and expansion should not be curtailed by objections from the future development
- A natural sound barrier should be imposed in the form of a tree and shrub belt
- The SELLP already recognises that the site will have some impact to character of area and that protection needs to be built into the design and layout
- Site is outside the envelope for the village in the Adopted Plan
- The identification of the site in the plan is for a possible site for development
- This development if allowed will encourage linear development
- Overlooking from the development
- Impact on visual amenity
- Dwellings will have to be set 1m above ground level to comply with FRA
- The adjacent property is a bungalow and thus the dwellings will be dominant
- Unsympathetic on the streetscene

6.0 **Consultations**

6.1 Butterwick Parish Council - No objections

- 6.2 County Highway Authority - No objections subject to conditions
- 6.3 Environment Agency – Response yet to be received. Members will be updated at committee
- 6.4 Environmental Health – No objections but request the standard contaminated land conditions be attached
- 6.5 Black Sluice Internal Drainage Board (BSIDB) has no objections but provides advice on their Byelaws and future consent that may be required
- 6.6 Local Housing Authority (Boston Borough Council) considers that the Council's minimum affordable housing requirements of 15% would be satisfied by the provision of 4 dwellings.
- 6.7 Anglian Water Services – No objections but recommends conditions be attached
- 6.8 NHS England – Does not wish to request a contribution
- 6.9 Lincolnshire County Council (Education) request a financial contribution of £67,965 to be secured through a section 106 agreement.
- 6.10 Lincolnshire Wildlife Trust – No response received
- 6.11 Lincolnshire Police has no objections but has made comment about design and layout with regard to crime prevention

7.0 Planning Issues and Discussions

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

- Principle of the development
- Developers contributions
- Impact on the character of the locality
- Impact on highway safety
- Flood risk and drainage
- Impact upon residential amenities

Principle of development

- 7.2 The Council published and updated its assessment in relation to its 5-year housing supply (Assessment of 5-year housing land supply as at 31 March 2018). Depending upon whether the Liverpool or Sedgefield method of calculating housing requirement is used, there is currently an oversupply using the Liverpool method or undersupply using the Sedgefield Method. However, the report identifies that until the housing identified within the emerging plan can be counted as contributing towards the housing land supply the Sedgefield method should be used. Therefore, the Borough does not have a five year housing land supply.
- 7.3 Policies are deemed out of date when the Council cannot demonstrate a five year supply of deliverable housing supply. 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 for decision takers means:

- Approving development proposals that accord with an up-to-date development plan without delay; or
- 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:
 - The application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development*, or
 - Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

7.4 The Framework states that permission should be granted unless adverse impact would significantly and demonstrably outweigh the benefits; or that policies in it [the Framework] indicate development should be restricted. Thus the fact that the site is not allocated for housing within the Adopted Plan and the proposed development would be located outside of Boston's development boundary, does not necessarily make it unacceptable in principle. The NPPF therefore effectively replaces the housing supply policies in the Development Plan meaning that the weight to be attributed to Policy CO1 'Development in the Countryside' is negligible.

7.5 Paragraphs 8 and 9 of the NPPF set out the three inter-linked dimensions and objectives of sustainable development - economic, social and environmental which are required to be jointly and simultaneously achieved. However, the objectives are not criteria against which every decision should be judged. The sustainability credentials of the site are discussed below under 'Sustainability'.

7.6 Policy G2 of the Adopted 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 and are addressed below.

7.7 This site, which measure just under 1 hectare, is located outside of but close to the defined settlement of Butterwick according to the Adopted Plan and the emerging South East Lincolnshire Local Plan which is now nearing adoption identifies this site as a future allocation under the ref: But004. Giving appropriate weight for this future allocated site it is suggested that the principle of residential development for this site is considered acceptable.

Developer contributions

7.8 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.

- 7.9 Lincolnshire County Council (Education) request a financial contribution of £67,965 towards four additional classrooms at Haven High Tollfield Campus.
- 7.10 This proposal also offers 4 of the 26 dwellings as affordable housing units.

Impact on the character of the area

- 7.11 Residential properties border the site to the south and a further dwelling exists to the north. On the opposite side of the road are active commercial premises that have expanded over the years.
- 7.12 It would appear that the site was used as a horticulture site in the past and does not visually form part of an agricultural field. The large commercial buildings opposite the site and the adjacent dwellings would collectively assist in reducing any potential visual impact that this development would have down to a level that would appear acceptable within the context of the area.
- 7.13 It is concluded that any resulting harm arising from the development on the character and appearance of the area would be limited. It should be noted that the appearance of the dwellings cannot be assessed at this time.
- 7.14 Overall, it is considered that subject to a good quality housing scheme which must 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 highway safety

- 7.15 Access to the proposed development will be taken from Benington Road and visibility at the point of access appears to be acceptable. Although concerns have been raised by an objector regarding the large lorries that use the commercial premises located on the opposite side of the road it is considered that this concern would not lead to the conclusion that the proposed position of the access is unacceptable in any way.
- 7.16 County Highways have assessed the site and do not object to the proposal.

Flood risk and drainage

- 7.17 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) although final comments are yet to be received from the Environment Agency. Members will be updated on this matter at the Development Control Committee.
- 7.18 Surface water from the proposed development will be discharged into a watercourse using a system of sustainable drainage.

Impact on residential amenity

- 7.19 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.

- 7.20 As the layout and appearance of the dwellings are reserved for later approval a full assessment of exactly how the proposed dwellings would impact residential amenity cannot be fully considered. However, given the size of the site and the number of dwellings proposed it is considered that the site is sufficiently large enough to accommodate a scheme that would allow suitable separation distances and a quality layout to be achieved.

8.0 Recommendation

- 8.1 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 4 affordable housing units and a contribution of £67,965 for education towards the provision of four classrooms at Haven High Tollfield Campus
- 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, scale and access 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 shall proceed fully in accordance with the submitted location plan ref: 1301-1_OP_LP01.

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

5. 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.

6. 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.

7. 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.

8. No more than 26 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.

9. 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.

10. 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.

11. 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 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.

12. The development hereby permitted shall not be occupied before a 1.8 metre wide footway, to connect the development to the existing footway network, has been provided in accordance with details that shall first have been submitted to, and approved in writing by, the Local Planning Authority. The works shall also include

appropriate arrangements for the management of surface water run-off from the highway.

Reason: To ensure the provision of safe and adequate pedestrian access to the permitted development, without increasing flood risk to the highway and adjacent land and property and to accord with Adopted Plan Policies G1 and G6.

13. Before the access is brought into use all obstructions exceeding 0.6 metres high shall be cleared from the land within the visibility splays to be illustrated on drawing and thereafter, the visibility splays shall be kept free of obstructions exceeding 0.6 metres in height.

Reason: So that drivers intending entering the highway at the access may have sufficient visibility of approaching traffic to judge if it is safe to complete the manoeuvre and to accord with Adopted Plan Policies G1 and G6

14. 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 and to accord with Adopted Plan Policies G1 and G6.

15. The development hereby permitted shall not be commenced until details of a comprehensive contaminated land investigation has been submitted to and approved by the Local Planning Authority (LPA) and until the scope of works approved therein have been implemented. The assessment shall include all of the following measures unless the LPA dispenses with any such requirements in writing:

a) A Phase 1 desk study carried out to identify and evaluate all potential sources of contamination and the impacts on land and/or controlled waters, relevant to the site. The desk study shall establish a 'conceptual model' of the site and identify all plausible pollutant linkages. Furthermore, the assessment shall set objectives for the intrusive site investigation works/Quantitative Risk Assessment (or state if none required). Two full copies of the desk study and a non-technical summary shall be submitted to the Local Planning Authority.

b) A site investigation shall be carried out to fully and effectively characterise the nature and extent of any land contamination and/or pollution of controlled waters. It shall specifically include a risk assessment that adopts the Source-Pathway-Receptor principle and takes into account the sites existing status and proposed new use. Two full copies of the site investigation and findings shall be forwarded to the Local Planning Authority.

Reason: To ensure potential risks arising from previous site uses have been fully assessed and to accord with Policy G1 of the Adopted Plan

16. Where the risk assessment (see preceding condition) identifies any unacceptable risk or risks, a detailed remediation strategy to deal with land contamination

and/or pollution of controlled waters affecting the site shall be submitted and approved by the Local Planning Authority (LPA). No works, other than investigative works, shall be carried out on the site prior to receipt of written approval of the remediation strategy by the Local Planning Authority.

Reason: To ensure the proposed remediation plan is appropriate and to accord with Policy G1 of the Adopted Plan.

17. Remediation of the site shall be carried out in accordance with the approved remediation strategy (see preceding condition). No deviation shall be made from this scheme without the express written agreement of the Local Planning Authority. (LPA).

Reason: To ensure site remediation is carried out to the agreed protocol and to accord with Policy G1 of the Adopted Plan.

18. Within two months of completion of remediation, two copies of a closure report shall be submitted to the Local Planning Authority (LPA). The report shall provide validation and certification that the required works regarding contamination have been carried out in accordance with the approved Method Statement(s). Post remediation sampling and monitoring results shall be included in the closure report.

Reason: To provide verification that the required remediation had been carried out to the required standards and to accord with Policy G1 of the Adopted Plan.

19. If during development, contamination not previously considered is identified, then the Local Planning Authority (LPA) shall be notified immediately and no further work shall be carried out until a method statement detailing a scheme for dealing with suspect contamination has been submitted to and agreed in writing with the Local Planning Authority.

Reason: To ensure all contamination within the site is dealt with and to accord with Policy G1 of the Adopted Plan.

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
Growth Manager