

# **PLANNING APPLICATION B/18/0346**

Outline application for residential development  
(up to 8 dwellings) with all matters reserved for  
later approval

Land west of Millview, Donington Road,  
Kirton End, Boston, PE20 1NX

Applicant: Mr Carl Bates



# BOSTON BOROUGH COUNCIL

## Planning Committee - 13 November 2018

Reference No: B/18/0346

Expiry Date: 12-Oct-2018  
Extension of Time:

Application Type: Outline Planning Permission  
Proposal: Outline application for residential development (up to 8 dwellings) with all matters reserved for later approval

Site: Land west of Millview, Donington Road, Kirton End, Boston, PE20 1NX

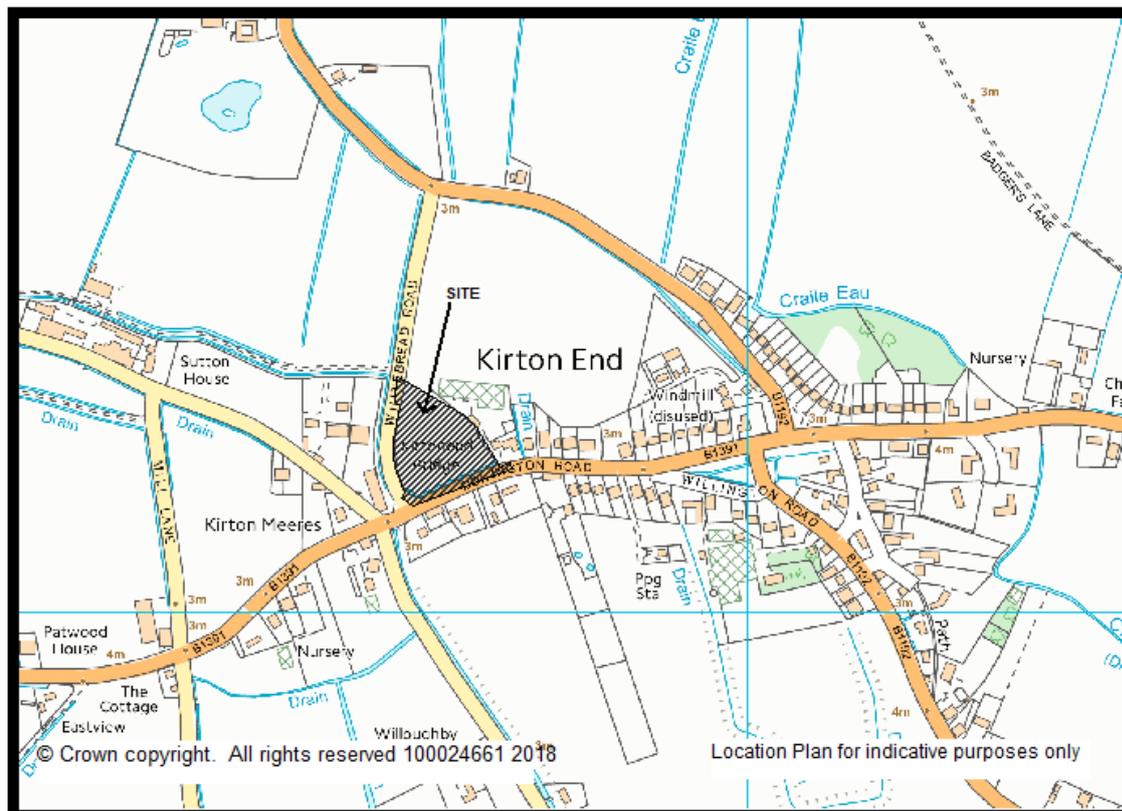
Applicant: Mr Carl Bates  
Agent: Mr Chris Dwan, DLP (Planning) Ltd

Ward: Kirton & Frampton Parish: Kirton Parish Council

Case Officer: Trevor Thompson Third Party Reps: 11

Link to application: [B/18/0346](#)

**Recommendation: MINDED TO REFUSE**



## 1.0 **Reason for Report**

- 1.1 This application has been presented to the Planning Committee at the request of Councillor Brown. The reason for the request is 'due to the emerging policies within the SELLP'

## 2.0 **Application Site and Proposal**

- 2.1 The application site occupies about 0.96 hectares of agricultural land. It is located within countryside as defined in the Boston Borough Local Plan and outside the settlement boundary of Kirton End. The site is located to the west of this settlement, towards the junction of Donington Road and Whitebread Road.
- 2.2 The site's southern boundary fronts onto Donington Road and the site's western boundary fronts onto Whitebread Road. To the north of the site there is a large glasshouse which forms part of the Millview Nursery and beyond the glasshouse lie agricultural fields. Immediately adjacent to the site to the east, there is a dwelling known as 'Millview' which forms part of the Millview Nursery.
- 2.3 There are residential properties within the immediate vicinity of the site, on the opposite side of Donington Road to the south and either side of the site, both to the east and west.
- 2.4 This application seeks outline planning permission for residential development (up to 8 dwellings) with all matters reserved for later approval. The application is accompanied by an indicative layout plan that shows how the site could be developed. It is proposed to construct a new vehicular access off Donington Road to serve this development plus a new estate road. Given flood risk constraints, it is intended to raise the ground floor levels of the proposed dwellings 0.5m above average ground levels.
- 2.5 An amended plan has recently been submitted which shows an extended site boundary and includes a section of land in front of 'Millview' to accommodate the footpath link between the site and the existing footway network. This matter is discussed in detail below.

## 3.0 **Relevant History**

- 3.1 In 2003 an application for residential development on part of this current application site was refused. The application was for four residential plots fronting Donington Road. The application was refused given the site's location within countryside and outside of the settlement boundary. It was considered that the application was contrary to Local Plan policies C01 and C013. ( ref B/03/0525)

## 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 land is designated as countryside within the Adopted Local Plan 1999.
- 4.3 The saved Local Plan Policies of relevance to this application are as follows:
- G1 – Amenity
  - G2 – Wildlife and Landscape Resources
  - G3 – Surface and Foul Water Disposal
  - G4 – Safeguarding the Water Environment
  - G6 – Vehicular and Pedestrian Access
  - H3 – Quality of Housing development
  - T2 – Roads and Footpaths in New Developments
  - CO1 – Development in the Countryside

### **National Planning Policy Framework (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, paragraph 78 of the NPPF is relevant. It indicates that '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'.
- 4.9 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 2011-2036 (SELLP)**

- 4.10 Kirton End is defined as 'Other service centre and settlement' within the South East Lincolnshire Local Plan. 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 are attracting increasing weight. Objections have not been received in relation to the settlement boundaries and therefore weight can be attributed to Policy 1 (Spatial Strategy) as set out within the Main Modifications. This policy allows development within settlement boundaries that supports its role as a service centre for the settlement itself, helps sustain existing facilities or helps meets the service needs of other local communities. It adds that development will normally be limited to committed sites and infill.
- 4.11 Thus the fact that the site lies outside the village envelope of Kirton End as identified in the SELLP attracts significant weight.
- 4.12 Part D: Countryside of policy 1 also applies and states:
- "In the Countryside development will be permitted that is necessary to such a location and/or where it can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community or environmental benefits."
- 4.13 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).

## 5.0 Representations

5.1 As a result of publicity 11 representations have been received from the occupiers of the following properties:

- 255 Willington Road
- 287 Willington Road
- The Lindens, Willington Road
- 261 Willington Road
- 12 Holmes Road (x2)
- Kefs, Donington Road
- The Bridge, Donington Road (x2)
- 11 Thomas Middlecott Drive, Kirton

5.2 In addition, one letter of objection has been received from a local objection group known as KEROTD (Kirton End Residents Opposed to Development). The letter was submitted by the occupier of 'The Bridge', Donington Road and has been signed by the residents of 'Bridge House', 'The Bridge', 'Sunnycroft' and 'Kefs', Donington Road. The comments contained within this letter of objection constitute a material consideration.

5.3 Two of the submitted letters from the occupiers of 11 Thomas Middlecott Drive and 287 Willington Road are in support of this application; the remaining 9 letters are in opposition to this scheme.

5.4 One of the supporters of this application considers that more housing is required to re-invigorate the village and to bring more people in the village. The supporter adds that the proposed eight dwellings is reasonable and modest. The other supported 'welcomes' the development.

5.5 The letters of objection which may be summarised as follows:

### Impact on residential amenity

- Loss of privacy especially since existing ground levels are to be raised and that the site is higher than the land on the opposite side
- Development will appear dominant
- Vulnerability to overlooking- potential for breach in GDPR legislation

## South East Lincolnshire Local Plan

- Development is contrary to the SELLP. Site was assessed as part of the South East Lincolnshire Strategic Housing Land Availability Assessment and was considered unsuitable due to the proposed plan's location strategy, adverse environmental impact and poor location. This assessment contains significant flaws with regard to transport and sustainability
- Concerns that this scheme is the first application for further development in Kirton End

## Highway safety, public transport and accessibility

- There is no footpath into Kirton and the public transport is limited to school buses and the call -connect bus service which is not a 'commuter service'. There are serviceability and suitability issues relating to the call- connect service. Future residents would be car dependent. Submitted Transport Statement is misleading and flawed.
- Impact on road safety. Traffic hazard on an already busy road with too high speed limit. 40mph is too high. Traffic generation will increase and this stretch of road has been subject to a number of 'near misses'
- Concerns over adequacy of existing street lighting and visibility
- The roads either side of the proposed development are not very wide
- Proposed access is next to 4 access points, close to a blind bend in the road. Donington Road now carries far more freight traffic than any time before. Traffic from the west on Donington Road frequently exceeds the speed limit and is at times heavy.
- Many large vehicles use this road, particularly farm traffic especially when entering or leaving the farm track opposite the proposed new access
- Three properties off Whitebread Road would be safer though road widening would be necessary.
- There is no footpath to the nearest locality, cycling has significant dangers and public transport is ineffective. There is no footpath on the side of the road fronting the site and potential residents would have to cross the road to access the footpath on the other side and then cross back over the highway a second time to continue to Kirton End
- Concerns regarding provision of adequate road signage, traffic calming, street lighting and damage to roads (and private property) during construction
- There is an over reliance on cycling provision in the submitted details. Concerns about the sustainability credentials of the development, including the safety and ability of future residents (and children) needing to cycle to local facilities outside of Kirton End
- Concerns that future occupiers would have 2 cars per property may result in parking overspill when potential residents have visitors

## Impact on the character of the area

- Development is unnecessary and will change the 'feel' of Kirton End. It will not enhance the area, create a visual scar and development will impact the character and pattern of development in the area since properties in this area are much more wider spaced. Development does not relate well to the existing built form of Kirton End or Kirtonend Bridge
- Proposal will appear cramped in. Density not in character with village

- Proposed estate and layout will be out of character and does not accord with local vernacular, cultural landscape or historic growth. Diversity of building stock in Kirton End is unique.
- The village has more than enough developments for its size.
- Concerns over precedent and approval of this application will encourage applications for further development to the north of the site

#### Loss of agricultural land

- Site needs to be retained as agriculture. This application would result in the loss of grade 1 agricultural land and subsequent loss of food supply

#### Infrastructure, amenities and facilities

- There is no infrastructure in the area, services or amenities. Sewage system will not be large enough to accommodate more houses. Concerns regarding surface water run off
- Services such as water, sewerage, drainage and electricity are likely to be degraded
- Kirton End is not a village and lacks the necessary criteria to render it a village since it does not contain a church, shop, public house, public telephone, post office, primary school or police house.

#### Affordable housing

- Concerns over affordability. Planning Statement indicates that this scheme is for affordable housing. No details of how affordable housing units will be provided and lack of affordability guarantees. Proposed development will not be affordable houses given nature of development and concerns over long term mechanisms to ensure the delivery of affordable housing for rent or purchase.

**Note: This application does not include the delivery of any affordable units**

#### Broadband

- Broadband speeds in Kirton End are low and further development in the village would further effect broadband speeds

#### Article 8 of the European Convention of Human Rights

- Boston Borough Council has a duty of care to local residents beyond public liability under Article 8 of the European Convention of Human Rights and potentially under The Data Protection Act and the GDPR. Liability is extended under protocol 1 of the European Convention of Human Rights through the Road Traffic Act and Town and Country Planning Act.

#### Public consultation

- Lack of community engagement. No effort was made by the applicant to carry out public communication regarding the application. Lack of community protection

## Need

- Significant number of undeveloped plots in and around Boston which have been approved and not yet developed
- Number of properties in the area have taken a significant time for the sale to proceed given lack of demand

## Planning history

- The previous application on part of the subject site was refused partly on the grounds of impact on the character of the rural area. The build character of Kirton End has not changed since then and the grounds for refusing the application remain.
- Planning circumstances relating to the recent approval of the new dwelling off Willington Road are different to this application

## Clarity

- The lack of clarity over the minimum number of dwellings to be built. Applicant must be more definitive over the intended number of dwellings proposed. Concerns over applicant's future intentions regarding this proposal.

Note: This outline application is for **up to 8 dwellings**. The number, siting and design of the dwellings are reserved for later approval.

## 6.0 Consultations

6.1 Kirton Parish Council has made the following comments:

*'goes against planning whereby building on agricultural land should only be when needed for farmworkers. – not in keeping with area. – number of dwellings is not consistent in the paperwork. – not within the village envelope. – not sustainable Village'.*

6.2 County Highways Authority initially raised objections to the application but following the submission of additional details, the County Highway Authority has now no objections subject to three conditions.

6.3 Environment Agency initially raised objections to the application but following the submission of an amended Flood Risk Assessment, the Environment Agency has now no objections subject to one condition that relates to finished floor levels.

6.4 Black Sluice Internal Drainage Board has no objections but recommends that the proposed surface water scheme is submitted for approval.

## 7.0 Planning Issues and Discussions

7.1 The main planning issues in the determination of this application are:

- Principle of development and policy interpretation
- Loss of agricultural land
- Density

- Impact on highway safety
- Impact on residential amenity
- Impact on the character and appearance of the countryside
- Sustainability
- Flood risk
- Other matters
- The planning balance

### Principle of development and policy interpretation

- 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 Sedgfield method of calculating housing requirement is used, there is currently an oversupply using the Liverpool method or undersupply using the Sedgfield 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 Sedgfield method should be used. Therefore, the Borough does not have a five year housing land supply.
- 7.3 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 substantially harm the general character of the area because of its scale, density, layout or appearance. These aims are consistent with the Framework.
- 7.4 As indicated above, the site is at the edge of the village envelope, outside of the settlement boundary as defined in the Local Plan. Local Plan policy C01 primarily seeks to resist development in the countryside unless supported by other Local Plan policies.
- 7.5 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.
- 7.6 The fact that the proposed development would be located in the countryside does not necessarily by itself make it unacceptable in principle. Instead, such applications for housing schemes within countryside locations are now assessed more generally in relation to the objectives of Local Plan policies G1 and H3 which resists development which will cause substantial harm to the amenity and character of an area which promotes quality housing schemes. However, as indicated above, the application site is outside of the Kirton End village settlement boundary as defined in the SELLP and significant weight should now be applied to SELLP policy 1.
- 7.7 Local Plan Policy H3 refers to the Quality of Housing Development and there are similar criteria to those in Policy H2 in terms of judgments of character and compatibility. Policy H3 would not permit housing if it is close to an existing use which is likely to cause environmental problems to future residents; and subsection 4) resists developments which would cause or aggravate adverse traffic conditions on the highway network.

- 7.8 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.

#### Loss of agricultural land

- 7.9 The application site covers over 0.9 hectares of agricultural land and concerns have been expressed by neighbours with regard to loss of 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.

- 7.10 There are no saved Local Plan policies to do with the protection of agricultural land.
- 7.11 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 application for the large housing scheme at Middlegate Road, Frampton last 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'.
- 7.12 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

- 7.13 The application site occupies 0.96 hectares and it is proposed to construct up to 8 dwellings on the site. This would equate to around 8 dwellings per hectare. The density within the immediate proximity of the site is also very low at about the same density.
- 7.14 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).

- 7.15 It is considered that the proposed density of around 8 dph is acceptable in this edge of village location.

Impact on highway safety

- 7.16 It is intended to construct a new vehicular access onto Donington Road which is a class B single two lane carriageway. The stretch of road fronting the site is subject to a 40mph speed limit. There is no footpath on the northern side of Donington Road immediately fronting the site but there is a footpath next to the site fronting ‘Millview’ which leads to the village. There is also a stretch of footpath on the opposite side of the road although this footpath is limited in length and does not provide a direct link to the village. Access does not form part of this application and is a matter reserved for later approval. The indicative layout plan provides an indication of where the new access will be located and shows an extension to the existing footway on the north side of Donington Road into the site that will provide a link to the existing footpath network in Kirton End. An amended plan has now been submitted which shows an extended site boundary and includes a section of land in front of ‘Millview’ to accommodate the proposed footpath link.
- 7.17 Concerns have been expressed by some neighbouring residents about the impact this development may have on highway safety. Given the small scale and nature of the proposed development, it is unlikely that car trips or traffic generation to and from this development would be excessive, nor would such journeys likely to be made at the same time.
- 7.18 The applicant considers that the impacts on the transport network, in terms of trips by all modes of transport and the effect on capacity, congestion and highway safety will not be significant or of a level that would warrant mitigation. On this basis, the applicant adds, the impact is not severe.
- 7.19 The County Highway Authority initially raised objections to this application. However, following the submission of additional details, the County Highway Authority has now no objections subject to three conditions including one that

requires the provision of a new footway from the site to link with the existing footpath network.

Impact on residential amenity

- 7.20 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.
- 7.21 There are residential properties within the immediate vicinity of the site and the occupiers of some of these properties may be affected by the proposed development to some extent with particular regard to loss of privacy, overlooking, impact on visual outlook and traffic generation, both pedestrian and vehicular.
- 7.22 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 also which may have some impact on residential amenity.
- 7.23 However, Donington 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.
- 7.24 Matters relating to scale, layout and appearance are reserved for later approval though the application is accompanied by an indicative 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. Clearly there is plenty of land within the site to modify this layout to increase separation distances from existing neighbouring properties if required. Although it is intended to raise slab levels of the proposed dwellings 0.5m above average ground levels to meet flood risk constraints, this should not pose as a significant constraint to deliver a satisfactory form of development which does not substantially harm residential amenity.
- 7.25 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 and appearance of the countryside

- 7.26 The site occupies 0.96 hectares and consists of flat, open agricultural land located at the western edge of the village. The site may be described as rural, bounded by roads to the south and west, open drain on the south 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 Donington Road, Whitebread Road and Holmes Lane. The site is therefore of low recreation value but 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.
- 7.27 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 Kirton End by about 100m or so and it may therefore be argued that the development will represent an alien and awkward projection into countryside that would substantially harm the character of the area, the pattern of development and would undermine the existing landscape value of the area, contrary to policy.
- 7.28 The development of this site will clearly change the open characteristics of the area, essentially from an agricultural use devoid of any buildings to a small estate development which may be considered to be at odds with the nature, character and pattern of development within this rural environment. The residential appearance is often further emphasized by domestic paraphernalia, sheds, outbuildings etc. which area often found within such urban environments which may appear alien within this countryside setting.
- 7.29 Alternatively, it may be argued that the proposed development reasonably links the western parts of the village to the collection of dwellings and commercial properties at Kirton End Bridge and therefore consolidating the form and pattern of development within this part of the village.

### **Sustainability**

- 7.30 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.
- 7.31 The application site is at an edge of a village which is identified within the SELLP as an 'Other service centre and settlement'. There are no main facilities within Kirton End and there is no footpath with street lighting which connects Kirton End to Kirton which is a main village with many facilities. It is likely therefore that there would be a need for the future occupiers of the proposed dwellings on this site to travel by motor vehicle outside of the settlement to access other key services in Boston and Kirton, especially during winter months when walking or cycling to and from Kirton is far less likely and not entirely safe. The NPPF however indicates

that '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'. Given the rural nature of the site, it may be argued that the site is within an unsustainable location and this may count against the application.

- 7.32 In social terms, residential development of the site for up to eight dwellings would make a moderate contribution towards the supply of housing in the area. The NPPF identifies the social objectives as the provision of a sufficient number and range of homes, safe and well-designed development, accessible services and open space that support communities' health, social and cultural well-being. The development would accord with paragraph 8 of the Framework since this scheme will provide some, limited social benefit in terms of helping to meet the housing supply shortage.
- 7.33 In economic terms, the proposal would provide employment at construction stage and may support local businesses and the local wider economy both during construction and when the dwellings are occupied. The approval of this application would however result in the loss of agricultural land which weighs against this proposal in economic terms. However such loss of agricultural land as a result of this development has limited weight and on balance it is considered that the development would meet the economic dimension of sustainable development.
- 7.34 The environmental dimension of the NPPF aims to protect and enhance the natural, built and historic environment and biodiversity. In environmental terms, it is considered that the proposed development will extend beyond the built up part of the village which will represent an awkward and alien encroachment within countryside. The proposed development would not constitute 'rounding off' of this part of the village envelope or 'infill' development and any approval of this application would lead to a consolidation of a group of buildings within countryside location and adjacent to a settlement boundary. The buildings and other domestic paraphernalia would also create an urban environment which will erode the character of the countryside and the surrounding environment. The resultant effect would therefore not meet the environmental thread of sustainable development.

#### Flood risk

- 7.35 The application site is located within Flood zone 3 of the Environment Agency's Flood Zone Map. The application is accompanied by a Flood Risk Assessment which has been amended since the application was originally submitted given objections raised by the Environment Agency. The revised FRA recommends that finished floor levels should be raised 0.5m above the average level of the site. It is intended that surface water flows will discharge to Kirton Drain subject to agreement with the Black Sluice Internal Drainage Board. The Environment Agency has no objections subject to one condition.

#### 8.0 Other matters

- 8.1 As indicated above, the applicant has recently submitted an amended location plan that shows an extended site boundary. The revised site boundary now includes some additional land at the front of the site that is outside of the

applicant's ownership. In accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 the applicant has served the appropriate notice on the landowners which includes the Lincolnshire County Council on the 29<sup>th</sup> October 2018 and has submitted a Certificate B. The recipients have 21 days from this date to make any representations to this Council. This means that no formal decision can be made on this application until after the 19<sup>th</sup> November 2018

## 9.0 The Planning Balance

- 9.1 There are issues which weigh both in favour and against this application and one of the main issues is therefore whether the adverse impacts outweighs the benefits given the objectives of policies contained within the Local Plan, the relevant policies contained in the SELLP and the presumption in favour of sustainable development as contained within the NPPF (2018).
- 9.2 The application site is outside of the village envelope as contained within both the adopted Boston Borough Local Plan and the emerging South East Lincolnshire Local Plan, in an area where new development is strictly controlled. It may also be argued that the application will represent an awkward and alien encroachment within countryside and will substantially harm the amenity and rural character of the area. On this basis, the application is therefore contrary to Local Plan policies G1, G2 and C01. It is also contrary to Policy 1 of the SELLP and the environmental dimension of sustainable development.
- 9.3 Furthermore, this development will result in the loss of prime agricultural land and may have some impact on the amenity of neighbouring occupiers and highway safety. These factors weigh against this application.
- 9.4 Alternatively this scheme will provide some benefits. The proposed development will provide up to eight new homes thereby contributing to the supply of housing in the Borough and in the village. There would also be economic benefits in terms of customers and employees for local businesses and economic benefits associated with construction and employment generation. However, the combined benefits arising from this proposal would be moderate in scale. Furthermore, it may be argued that this development would consolidate the western part of the village to the existing group of buildings at Kirton End Bridge and therefore, subject to good quality housing scheme coupled with a structured comprehensive landscaping scheme, the environmental impact of this development would be more positive rather than negative. It may also be argued that Whitebread Road to the west forms more logical and natural boundary to the village. These factors, along with the presumption in favour of sustainable development as identified within the NPPF, weigh in favour of this application.

## 10.0 Conclusion

- 10.1 It is considered that this development will not represent a natural infill or an acceptable expansion shape of the village. It will represent both an awkward and pronounced encroachment within countryside, a fundamental change to the open character of the site and will introduce an urbanising form of development. Collectively this would have a materially harmful effect on the appearance of the

area. Therefore this development does not meet the environmental thread of sustainable development, Local Plan policies G1 and C01, and Policy 1 of the South East Lincolnshire Local Plan.

#### 11.0 **Recommendation :**

It is recommended that Committee are **MINDED TO REFUSE** the application subject to no adverse representations being received that raises additional issues which would warrant the reconsideration of the application. The time period for making representations expires on the 19<sup>th</sup> November 2018.

- 1 The application site is located outside of the settlement boundary of Kirton End as defined in the Boston Borough Local Plan and within an area defined as 'countryside'. This development will extend the built up area of the village creating an awkward and alien encroachment within this flat, rural landscape. The development would also consolidate the surrounding urban environment with the existing residential and commercial development to the west and the resultant effect would substantially erode the character and appearance of the countryside and open rural landscape. This scheme will therefore promote an unsustainable pattern of development in this area and any benefits the development may provide relating to the supply of housing in the area and local economic benefits would be significantly and demonstrably outweighed by its adverse effects. The application is therefore contrary to the objectives of Local Plan policies C01, G1 and G2, Policy 1 of the emerging South East Lincolnshire Local Plan and the environmental dimension of sustainable development as contained within the National Planning Policy Framework (2018).

Refused drawing numbers: Location plan ref 18.079 S01 01 Rev B  
Indicative site plan ref 18.079 S03.01 Rev A  
Proposed elevations ref 18.079 S03.01 Rev A

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**