

BOSTON BOROUGH COUNCIL

Planning Committee – 15 January 2019

Reference No: B/18/0456

Expiry Date: 04-Jan-2019 (Extension of Time 19th January 2019)

Application Type: Outline Planning Permission
Proposal: Outline application with all matters (layout, scale, appearance, access and landscaping) reserved for the construction of up to 5 dwellings

Site: Blue Bungalow, Pode Lane, Old Leake, Boston, Lincolnshire, PE22 9NB

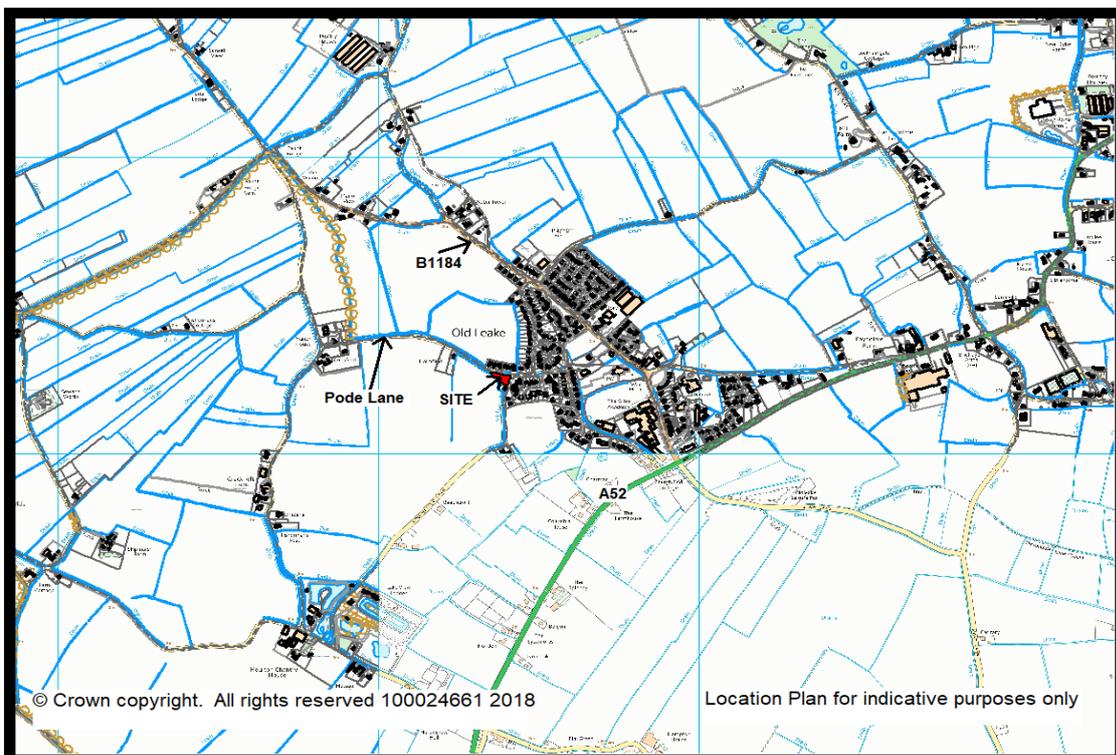
Applicant: Mrs Margaret Dickings
Agent: Mr Martin Stuart, Sensus Architecture Ltd
Ward: Old Leake and Wrangle
Parish: Old Leake Parish Council

Case Officer: Stuart Thomsett

Third Party Reps: Six

Link to Planning Record: [B/18/0456](#)

Recommendation: GRANT



1.0 Reason for Report

- 1.1 This application is presented to Planning Committee due to Councillor Pierpoint calling it in for the following reason:

“On the new proposed plans, I have visited the site.

If there is a suggestion to widen the road overall by 5 metres, with a two metre footpath, using land from the applicant, it doesn't leave much space for the proposed four car parking spaces on the end of the proposed new development - they will be almost on the path and road.

The road is very narrow, and just past that bungalow going out of the village it is a 60mph lane. When vehicles are coming towards the blue bungalow, they are still doing 60mph in a 30mph limit - on a slight bend too, which we have been tracking with the neighbours.

The four car parking spaces on the proposed development have no turning point, so they will have to either reverse out onto oncoming traffic or reverse in to the car parking spaces from the main road. The cars parked there will almost have to go onto the opposing neighbour's drive to get in and out of their spaces. Those 4 spaces will obstruct the opposing neighbour's view, and also create a massive headache and risk to their safety getting in and out of their drive too onto the road.

The overall scheme has eleven car parking spaces stated on the application, but again there is no turning point for the cars to get in and out.

If anyone visits the proposed new development they will inevitably have to park on the pavement outside or the road, which itself is not wide enough to allow two cars to pass, particularly lorries and tractors.

In the night, as there is no street lighting and a blind bend near the four car parking spaces, the pavement will be dark and not seen easily, and anyone coming round the blind bend could easily go up the kerb and possibly hit any pedestrians using that pavement.

Overall, the scheme is too big for the space that is available, and is too dangerous, taking into consideration the previous points in the application and those I have made above.’

2.0 Application Site and Proposal

- 2.1 The site is located on the south-west corner at the junction of Pode Lane and Southfield Lane. It is screened by a hedge approximately 2 metres high to the corner and a wall just over 1 metre high immediately to the front of the dwelling.
- 2.2 The site comprises a blue painted bungalow and garage block with garden which is currently a little overgrown. Surrounding the site are other dwellings, the majority of which are detached although to the east a number are semi-detached.

- 2.3 The proposal seeks outline consent with all matters reserved for up to 5 dwellings. In the event that outline permission and reserved matters are granted and the development is constructed, it will be necessary to demolish the existing bungalow and outbuildings. The submitted plans clearly show that the development as proposed would not be possible without the demolition of the existing buildings on site. Drawing no. 17044-002-02 shows the possible siting of the proposed dwellings (solid lines) and identifies the existing bungalow and garage/outbuilding (dotted lines) would be demolished as a result of this development. Indicative plans show 2 dwellings as semi-detached but appearing as 1 no. detached house (Plots 4&5), 2 dwellings as semi-detached (Plots 1&2) and 1 no. detached dwelling (Plot 3).
- 2.4 As all matters are reserved for later approval, it must be stressed that the submitted plans are purely indicative.

3.0 Relevant History

- 3.1 B/17/0533 Outline planning permission was sought for the construction of 6 no. dwellings on this site. Planning Committee refused the application for the following reasons: -

'The proposed development would compromise, by virtue of the potential number of dwellings, an overdevelopment of the site, resulting in a cramped appearance incompatible with the spacious character of the locality. The development would result in an incongruous addition to the edge of village location. The proposal would be contrary to Policies G1, G2 and H3(2) (in relation to density) of the Boston Borough Local Plan 1999 and paragraphs 122 and 127 of the National Planning Policy Framework 2018.'

- 3.2 No other relevant site history.

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 This site is on the edge of the village, within the settlement boundary and forms the dwelling and residential curtilage of Blue Bungalow.
- 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
- G8 - Air and soil resources
- H3 – Quality of housing development

National Planning Policy Framework (NPPF) (2018)

- 4.4 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 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, (this includes development proposals involving the provision of housing in situations where the Borough cannot demonstrate a 5 year supply of deliverable housing sites) 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 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 77 and 78 of the NPPF are relevant. Paragraph 77 indicates that in rural areas, planning policies and 'decisions should be responsive to local circumstances and support housing developments that reflect local needs'. Paragraph 78 states:

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

4.9 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.'

4.10 Section 11 of the NPPF relates to making effective use of land through achieving appropriate densities. Paragraph 123 states:

'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. In these circumstances:

a) plans should contain policies to optimise the use of land in their area and meet as much of the identified need for housing as possible. This will be tested robustly at examination, and should include the use of minimum density standards for city and town centres and other locations that are well served by public transport. These standards should seek a significant uplift in the average density of residential development within these areas, unless it can be shown that there are strong reasons why this would be inappropriate;

b) the use of minimum density standards should also be considered for other parts of the plan area. It may be appropriate to set out a range of densities that reflect the accessibility and potential of different areas, rather than one broad density range; and

c) local planning authorities should refuse applications which they consider fail to make efficient use of land, taking into account the policies in this Framework. In this context, when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards).'

South East Lincolnshire Local Plan 2011-2036

4.11 The site is included within the village boundary within the South East Lincolnshire Local Plan (SELLP). Old Leake is identified within the SELLP as a 'minor service area' (Policy 1). As such this development would not conflict with the SELLP.

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 early 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.

5 Representations

5.1 As a result of publicity 6 no. representations have been received from:

- Tawnmeade, Pode Lane
- Cherry Tree, Pode Lane
- Pode Farm, Pode Lane
- Farmview, Pode Lane
- 7 Poplar Court, Pode Lane
- Southview, Pode Lane

5.2 The objections and comments can be summarised as follows:

- Too many houses and large number of applications approved recently in Old Leake
- No street lighting or pavement
- Urban development in existing rural area
- Occupiers would be reliant on car
- More traffic / road safety / narrow roads
- Footpath would make the road even more narrow
- Parking would occur on the lane and no room for turning within site
- More noise
- Flood risk area
- Open sewer other side of road
- Strain on sewerage system
- Impact on adjoining occupiers
- Dyke to the rear of the site

6 Consultations

- 6.1 Old Leake Parish Council wishes to object to this outline planning application as the proposed density is substantially higher for the size of the plot which would be harmful to the character of the area.
- 6.2 County Highways Authority has raised no objections subject to a condition.
- 6.3 Lead Local Flood Authority has raised no objections.
- 6.4 Witham Fourth District Internal Drainage Board provides comments regarding consent required from them.
- 6.5 The Waste Authority is unable to support the outline application as it needs to be satisfied that all dwellings will be provided with adequate space to store up to 3no. 240L wheeled bins and be able to present them on curtilage for collection.
- However, this matter could be considered at reserved matters stage.
- 6.6 Environmental Health wished to raise no objections.

7 Planning Issues and Discussions

- 7.1 The key planning issues in the determination of this application are:
- Principle of the development
 - Impact upon residential amenities and character of the area
 - Sustainability
 - Impact on highway safety
 - Flooding

Principle of development

- 7.2 The NPPF supports sustainable housing development in rural areas. Although the Framework does not refer to settlement boundaries it does seek to recognise the character of the countryside. 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.
- 7.3 The site is identified as being within the settlement of Old Leake, within both the Adopted Plan and SELLP wherein subject to complying with Policy, there is no in principle objection to the proposal. The NPPF encourages housing in rural areas where it will maintain or enhance the vitality of rural communities, for example, where there are groups of smaller settlements, developments in one village may support services in a village nearby but it does not specifically support infill development within open countryside and in an unsustainable location.

Impact on residential amenity and character of the area

- 7.4 This application seeks outline planning permission for up to 5 dwellings with all matters reserved for later approval though an indicative plan has been submitted which shows how the site could be developed, including elevations. The site occupies 0.1217 hectares and comprises the dwelling and curtilage of Blue Bungalow. It is in a relatively rural location, towards the edge of the village. The site is not of high environmental value given it is not nationally or locally designated as a protected site of having any landscape value. The proposed development site would comprise 'infill' development due to its designation within the Local Plan and dwellings surrounding, to the north, east and south.
- 7.5 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. The indicative proposal shows that dwellings could be sited on the plot satisfactorily without causing harm to existing occupants such that planning permission should be withheld.
- 7.6 The proposed density would equate to approximately 40 dwellings per hectare (if 5 dwellings were constructed). The density of the immediate area is approximately 16 dwellings to the hectare and it can be seen from the indicative layout plan that the proposal would be much higher by virtue of the area of the application site compared to the number of dwellings indicatively shown and their curtilages compared to that of adjoining properties. With regards to the indicative layout, it is considered that 5 dwellings could be provided on the site subject to an appropriate layout and scale of development. However, the reserved matters application could be submitted, if outline permission is approved, for anywhere between 1 and 5 dwellings.
- 7.7 It is considered that, subject to a good quality housing scheme which may be submitted at reserved matters stage, with an appropriate number of dwellings taking account of the layout and scale of dwellings, this site could satisfactorily accommodate a sensitively designed residential development without causing substantial harm to residential amenity to the future or existing occupiers of this development as well as the character of the area.

Sustainability

- 7.8 The application site is on the edge of the village and is within relatively easy walking or cycling distance to the facilities and amenities which are available within the village. Although Old Leake does have a good level of services and facilities, the need for the future occupiers of the proposed dwellings on this site to travel outside of the settlement to access key services, employment and shops is a factor against this application. It is therefore likely that future occupiers would be highly dependent on the use of the motor vehicle to provide safe and convenient access day to day facilities within the nearby villages as well as Boston.

- 7.9 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. Although this application is for up to 6 dwellings and the impact on the local economy may not be significant, the development would meet the economic dimension of sustainable development.
- 7.10 The environmental dimension of the NPPF aims to protect and enhance the natural, built and historic environment and biodiversity. In environmental terms, the development would have limited impact as buildings exist on a large part of the site already. There may be some limited undermining of the visual amenity of some neighbours and local inhabitants. It is not considered that the development of this site would substantially erode the characteristics of the surrounding rural landscape or conflict with the objectives of Local Plan Policy C01. Indeed, any notable harm to the landscape may be mitigated by the use of landscaping in and around the site. It is considered that this development would meet the environmental thread of sustainability.
- 7.11 In social terms residential development of the site would make a minor contribution towards the supply of housing in the area which accords with paragraph 8 of the Framework and will provide some social benefit.
- 7.12 On balance, the proposal is considered acceptable in terms of its impact upon sustainability.

Impact on highway safety

- 7.13 This outline application does not include 'access' which is a matter reserved for later approval. Lincolnshire Highways has reviewed the proposal and advise that a 1.8 metre wide footway and vehicular access from Pode Lane and Southfields Lane. This is required in the interests of highway safety. Visibility splays (2.4 x 43 metres) are not required as access will be determined at a later stage. No concerns have been raised regarding the width of the highway in terms of this development.

Flooding and Surface Water

- 7.14 The site is within Flood Zone 3. The Environment Agency has advised the proposed development can be considered under South East Lincolnshire Flood Risk Standing Advice. The Flood Risk Assessment (FRA) identifies the site as falling with Flood Hazard 'Danger to most' with depth of flow 1.0 – 1.6m. In accordance with the standing advice, depths of 1-1.6m must have a minimum of 2 storeys, with finished floor levels set a minimum of 1m above existing ground level, flood resilient construction to a height 300mm above the predicted flood depth, and demountable defences to 600mm above finished floor levels.
- 7.15 The Lead Local Flood Authority has raised no objections.

Call-in Reasons

- 7.16 The application has been called-in for a number of reasons which predominantly refer to the highway adjacent to the site which is addressed at 7.13 above; and the manoeuvring of vehicles within the site which cannot be assessed on the basis of an indicative plan.

Summary

- 7.17 It is considered that this development will represent an acceptable infill to this part of the built up area, subject to appropriate numbers of dwellings, layout, scale, appearance, landscaping and access. The number and layout of dwellings that will be acceptable on this site will be considered and addressed at reserved matters stage.
- 7.18 Although the development would have some limited effect on residential amenity and will introduce additional housing in this semi-rural area, it is considered that the changes to the character of the area will not be substantial or cause demonstrable harm. It may also be argued that the impact on the surrounding countryside will only be local and will not represent a significant change to the character of the surrounding environment in the wider context.

8 Conclusion and addressing the previous reasons for refusal

- 8.1 Following the refusal of the previous outline application (B/17/0533) at September's Planning Committee, the proposed development was amended in an attempt to address the reasons for refusal. This scheme proposes a reduced number of (maximum) 5 dwellings which would result in a development that would reflect the character of the area and fully comply with policies contained within both the adopted Local Plan (1999) and the emerging SELLP as well as guidance contained within the NPPF (2018).
- 8.2 With regard to housing density, the nearby properties have been constructed at approximately 16 dwellings per hectare (dph) which is approximately 40% of the proposed development, which, if 5 dwellings are constructed would equate to 40 dph. However, it must be accepted that the character and size of Old Leake is completely different to the era when the existing dwellings were constructed in this area of Pode Lane. Land values were incomparable to those of today and the expectations of house and garden size were far in excess of today's standards. Paragraph 123 of the revised NPPF clearly states that:

'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. In these circumstances:

*plans should contain policies to optimise the use of land in their area and meet as much of the identified need for housing as possible. This will be tested robustly at examination, and should include the use of minimum density standards for city and town centres and other locations that are well served by public transport. These standards should seek a **significant uplift** (my emphasis) in the average density of residential development within these areas, unless it can be shown that there are strong reasons why this would be inappropriate.'*

- 8.3 It must be emphasised that this site is within the Old Leake settlement boundary within the adopted and draft local plans. Old Leake is a large village and one of the largest settlements in the Borough of Boston with a range of services and facilities that are well served by public transport.
- 8.4 It is considered that this application addresses the previous reasons for refusal and it is recommended that this application is approved it accords with policies contained within both the adopted Local Plan (1999) and the emerging SELLP as well as guidance contained within the NPPF (2018).

9 Recommendation

- 9.1 It is recommended that Committee GRANT Planning Permission subject to the following condition(s) and reason:-
1. No development shall commence until details of the layout, access, appearance, landscaping and scale of the development (hereafter referred to as the 'reserved matters') have been submitted to and approved by the Local Planning Authority.
Reason: This is an outline application only and such details must be approved before development commences in order to comply with the objectives of Boston Borough Local Plan 1999 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. No development shall commence above slab level until a surface water strategy has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the approved foul water strategy.
Reason: In the interests of satisfactory drainage and to accord with the objectives of Boston Borough Local Plan 1999 Policy G3.

5. Prior to the commencement of the development hereby permitted, a Construction Management Plan shall be submitted to the Local Planning Authority for approval in writing. 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 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 Boston Borough Local Plan 1999 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

- 6 The dwellings hereby permitted must have:

- A minimum of 2 storeys;
- Finished floor levels set a minimum of 1m. above existing ground level;
- Flood rated doors or demountable defences are provided at a height of 600mm above finished floor level to cover all ground floors; and
- Flood resilient and resistant construction techniques used up to a height of 300mm above predicted flood level.

Reason: To reduce the risk and impact of flooding in accordance with the National Planning Policy Framework 2018.

7. Notwithstanding the provision of the Town and Country Planning (General Permitted Development) (England) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extensions to provide additional habitable/living accommodation shall be erected unless:

- Finished floor levels are set a minimum of 1m. above existing ground level;
- Flood rated doors or demountable defences are provided at a height of 600mm above finished floor level to cover the ground floor; and
- Flood resilient and resistant construction techniques are used up to a height of 300mm above predicted flood level.

Reason: To reduce the risk and impact of flooding in accordance with the National Planning Policy Framework 2018.

8. At reserved matters stage, an updated Flood Risk Assessment addressing any risk from flooding from surface water together with any necessary mitigation shall be submitted for approval. The approved details shall subsequently be implemented and retained.

Reason: To reduce the risk and impact of flooding in accordance with the National Planning Policy Framework 2018.

9. Notwithstanding the submitted plan (Drawing no. 17044-002-02), no development shall take place before a scheme has been submitted to and approved in writing by the Local Planning Authority for the construction of a 1.8 metre wide footway including kerbing, lighting and ancillary works, together with arrangements for the disposal of surface water run-off from the highway at the frontage of the site. The approved works shall be fully implemented before any dwelling is first occupied.

Reason: To ensure safe access to the site and each dwelling in the interests of residential amenity, convenience and safety in accordance with the National Planning Policy Framework 2018.

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.

Informative

1. The applicant is advised to refer to the following document for information on flood resilience and resistance techniques to be included: 'Improving Flood Performance of New Buildings - Flood Resilient Construction' (DCLG 2007).

Lisa Hughes
Growth Manager