

BOSTON BOROUGH COUNCIL

Planning Committee – 12 February 2019

Reference No: B/17/0396

Expiry Date: 10-Jan-2018

Application Type: Full Planning Permission

Proposal: Construction of 18 dwellings (including 3 affordable dwellings) garages, public open space, estate road and new vehicular access following demolition of existing dwelling

Site: Land to the rear of Westminster Terrace, South Street, Swineshead, Boston

Applicant: Mrs Sarah Beardsley

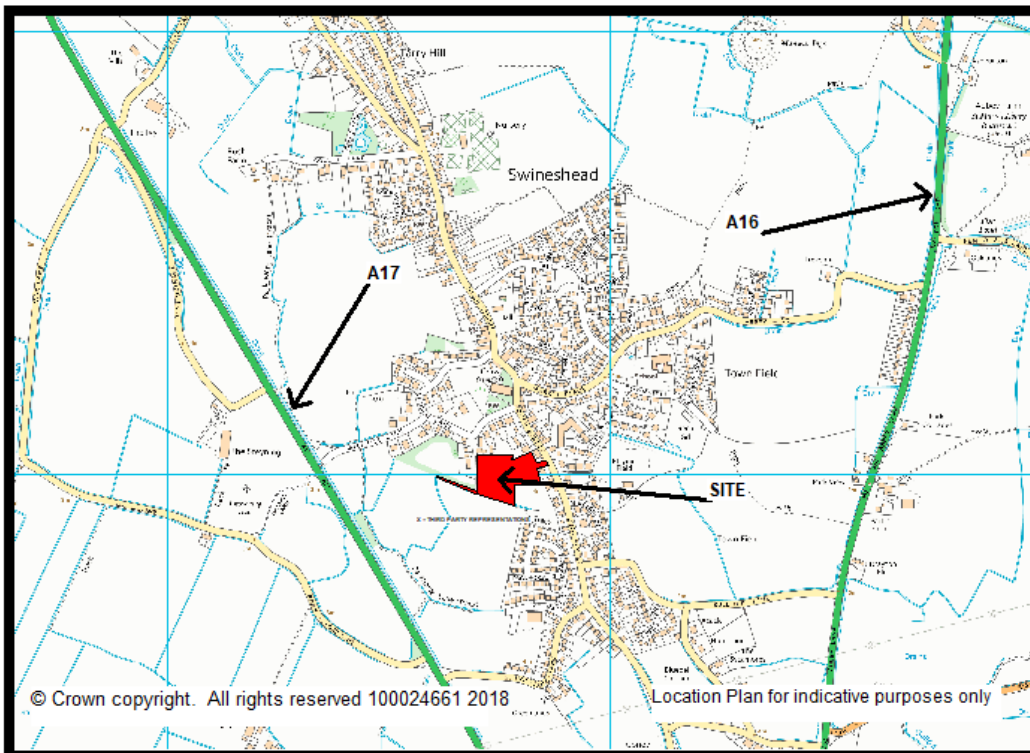
Ward: Swineshead and Holland Fen

Parish: Swineshead Parish Council

Case Officer: Trevor Thompson

Third Party Reps: 14

Recommendation: MINDED TO GRANT



1.0 Background

- 1.1 This application was presented to the Planning Committee on the 24th July 2018 where it was resolved to grant planning permission subject to amendments to recommended conditions 8 and 18 and the completion of a section 106 planning obligation with the Council requiring the provision of three affordable housing units and a contribution of £50,974 towards education.
- 1.2 After nearly 6 months, the section 106 agreement has still not been completed and therefore no formal decision has been made on the application. However it is understood that the agreement is nearing completion.
- 1.3 Since the meeting in July there have been changes in planning policy at both a national and local level. At a national level, the National Planning Policy Framework 2018 came into effect on 24th July (i.e. on the same date that the application was discussed by the Planning Committee). At a local level, the South East Lincolnshire Local Plan 2011-2036 (SELLP) has been subject to public consultation in relation to Main Modifications.
- 1.4 Therefore this item is being presented to the Planning Committee for further discussion. As Members may recall applications ref B/17/0513 and B/18/0012 were presented to this Committee for similar reasons in December last year.
- 1.5 It is anticipated the South East Lincolnshire Local Plan 2011-2036 (SELLP) will likely be adopted in the near future. Therefore, the policies contained within this document are attracting increasing weight. Objections have not been received in relation to the settlement boundaries and therefore significant weight can be attributed to Policy 1 (Spatial Strategy) as set out within the Main Modifications. The main part of the site is not included within the Swineshead village boundary as identified within the South East Lincolnshire Local Plan (SELLP).
- 1.6 In this case, legal advice has been sought due to the change in policy since the resolution was made at Planning Committee on 24th July 2018. The advice is that when there has been a material consideration that comes to light between the Committee resolution and the issuing of the permission then it is for the Local Planning Authority to consider this and as to how it could affect the decision.
- 1.7 In this instance, the revised NPPF and SELLP which now has weight allocated to it, meets the criteria of being a material consideration. The application should therefore be returned to committee to reconsider
- 1.8 This report is essentially the same as presently previously with the exception of the relevant sections and paragraphs to take into account the revised National Planning Policy Framework (2018), the additional weight to be attributed to the relevant policies contained within the SELLP and the 'planning balance'.

2.0 Reason for report

- 2.1 This application was originally presented to the Planning Committee because objections had been raised by neighbouring residents and because the site is within countryside and edge of village settlement location. The application therefore raises issues relating to the interpretation of planning policy.

3.0 Application site and proposal

- 3.1 The majority of the application site is agricultural land and is located to the side and rear of existing residential properties which front onto South Street, Swineshead. The site covers approximately 1.25 hectares and includes one single detached house which is to be demolished to facilitate a new vehicular access and estate road which forms part of this development. There are existing residential properties to the north and west of the site and on the opposite side of the road to the east. There are other residential properties fronting South Street either side of the proposed access, including Westminster Terrace plus a single storey outbuilding which is used by the local brass band for practice purposes.
- 3.2 To the south lies open agricultural land with open ditches. There is a public right of way which links Church Lane to the north and runs along the site's western boundary. The amended layout of this proposed housing scheme now shows a pedestrian link to this public right of way.
- 3.3 This application seeks full permission for the erection of 18 dwellings on this site plus a new vehicular access, estate road, public open space and associated infrastructure. The application also includes the demolition of a property known as Harwin House which fronts onto South Street. The application also includes the delivery of 3 affordable houses. Each of the proposed 18 dwellings will have 2 car spaces.
- 3.4 The application has been amended a number of times since it was originally submitted in order to address concerns expressed by the County Highway Authority, Local Lead Flood Authority and neighbouring residents.

4.0 Planning history

- 4.1 There are no relevant previous applications on this site though Members may recall that planning permission was granted last year for 74 dwellings at land to the north and west of Cole's Lane Swineshead. This decision was subject to a section 106 agreement relating to the delivery of affordable housing units and contributions towards education and health. (Ref B/17/0404).
- 4.2 Both the application site at Coles Lane and the current application site off South Street are both at edge of settlement locations. The current application site is about 800m south east of the application site at Coles Lane.

5.0 Relevant policy

Boston Borough Adopted Local Plan

- 5.1 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.
- 5.2 The majority of the site is identified as 'countryside' within the Local Plan though a small part of the site near South Street lies within settlement limits.

5.3 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 H2- Windfall Housing sites
- Policy H3 – Quality of housing development
- Policy H4- Open space in housing estates
- Policy T2 – Roads and Footpaths in New Developments

South East Lincolnshire Local Plan 2011- 2036

5.4 As indicated above, it is anticipated the South East Lincolnshire Local Plan 2011-2036 (SELLP) will likely be adopted in the near future. Therefore, the policies contained within this document are attracting increasing weight. Objections have not been received in relation to the settlement boundaries and therefore significant weight can be attributed to Policy 1 (Spatial Strategy) as set out within the Main Modifications. The majority of site is not included within the village boundary within the South East Lincolnshire Local Plan (SELLP) though a small part of the site near South Street lies within the village limits. Therefore, 'Countryside' 'D' within Policy 1 applies which 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.”

5.5 Other Policies within the emerging South East Lincolnshire Local Plan of relevance to this application are as follows:

Policy 2: Development Management

This policy indicates that planning permission will be granted for proposals provided that sustainable development considerations are met in relation to, amongst other things, size, scale, layout, density, design, access and impact on the amenity, trees, character and appearance of the area and the relationship to existing development and land uses.

Policy 6: Developer Contributions

This policy requires sites proposing residential development of 11 or more dwellings or 1000m² or more floor area to contribute towards local and strategic infrastructure.

Policy 18 Affordable Housing

The policy requires the provision of about 20% affordable housing on sites of 11 dwellings or more, or residential development of 1000m² internal floor area or more.

Policy 36: Vehicle and Cycle Parking

This policy sets out minimum vehicle and parking spaces for certain types of development unless a high quality design can demonstrate that a lower standard of provision delivers the requirements set out in the policy.

National Planning Policy Framework (2018)

- 5.6 At the heart of the 2018 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. 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.
- 5.7 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.
- 5.8 Paragraph 11 of the NPPF indicates for decision making, this means;
- c) approving development proposals that accord with an up-to-date development plan without delay; or
 - d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, (this includes development proposals involving the provision of housing in situations where the Borough Council cannot demonstrate a 5 year supply of housing) granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 5.9 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.'

- 5.10 Under the heading 'achieving well designed places, paragraph 127 of the NPPF says, amongst other things that decisions should ensure that developments:

'...will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit...'

6.0 Representations

- 6.1 14 letters of representation have been received from the occupiers of the following properties with regard to the scheme as originally submitted and as subsequently amended:

- Kyrenia, Church Lane Swineshead (x2)
- The Retreat, South Street Swineshead
- The Anchorage, South Street Swineshead
- 5 Cope Court, Swineshead
- 4 Cope Court, Swineshead (x4)
- Good Acres House, South Street Swineshead (x2)
- Burleen, South Street Swineshead (x2)
- Adjacent converted barn (i.e. Swineshead Silver Band)

- 6.2 The neighbours have raised objections or concerns on the following grounds:

Impact on residential amenity

- Overlooking, and loss of privacy, impact on standard of living
- Loss of open aspect of neighbourhood and impact on visual amenity
- Development will be over bearing
- Need for additional tree planting to minimise impact
- Distance between the proposed dwellings and the neighbouring properties
- Loss of sunlight and daylight
- Development will add to sense of enclosure, will appear dominant, overbearing and create a feeling of being 'hemmed in'
- Use of pile foundations may cause damage to neighbouring properties and will cause noise disturbance during the construction period
- Development will cause over-shadowing
- Development will contravene human rights

- Need for a high fence along the side of the estate road and side boundary serving 'Burleen' to provide privacy and along western boundary of this property.

Impact on local heritage

- Harwin House is one of the oldest buildings in the village and may date to around 1783. It is of historical interest and would be a great loss to the heritage and character of the village.

Impact on highway safety

- Concerns over parked cars along South Street near the new estate road access onto South Street which may affect access visibility especially when cars are parked in front of Westminster Terrace. Also, at various times the road becomes congested with parked vehicles associated with the band practice building, the chip shop and during football matches are being held at the local recreation ground within the locality of the site.
- Site's access will be on a blind bend- road is at its narrowest point and the development is inappropriate. Motorists exiting the site will not be able to see on coming vehicles.
- Increased levels of traffic generation, road is already congested at times which will be exacerbated by proposed development.

Impact on character of area

- Development is outside development/settlement boundary
- Site is designated as countryside
- Site should remain as farm land- development will destroy farm land which contributes the main income for Lincolnshire
- Development will have a negative impact on local character , visual enjoyment especially since the land is low lying and visually open
- Development is on grade 1 farmland
- Increased light pollution of new street lighting

Need for the development

- No reason to develop on this site
- Only a small number of houses have been sold at the housing site at North End- numerous other houses are for sale in the village.

Impact on local infrastructure

- Impact on local schools and doctors surgeries.

Flood risk

- Site collects large amounts of water during heavy downpours and takes time for it to drain away.
- Concerns about third party flooding given proposed use of block paving.

Incorrect information

- Converted barn next to site access is owned by Swineshead Silver Band and not the applicants as stated in the submitted particulars.

7.0 Consultations

- 7.1 Swineshead Parish Council has 'no comments regarding the dwellings, however it was resolved that the Highways should look into the entrance to the site, due to the narrowing of the highways, and the volume of parked cars in that area due to residents and the chip shop'. No further comments have been received from the Parish Council with regard to the amended plans.
- 7.2 County Highways Authority has no objections subject to five conditions.
- 7.3 Environment Agency has no objections subject to one condition.
- 7.4 Black Sluice Internal Drainage Board (BSIDB) considers that the proposed surface water system is acceptable in principle.
- 7.5 Local Housing Authority supports this application (see below)
- 7.6 Lincolnshire County Council Strategic Development Officer (Education) considers that this development will impact on local schools and has requested a contribution of £50,974 to mitigate this impact.
- 7.7 Lincolnshire Police has no objections.
- 7.8 LCC Director of Development (Footpaths Officer) has no objections but suggests conditions regarding surfacing of the proposed footpath link to the public right of way and future maintenance.
- 7.9 NHS England has written to say it will not be submitting a request for a contribution towards health.
- 7.10 Anglian Water Services has raised no objections.

8.0 Planning Issues and Discussions

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

- Principle of the development
- Impact upon residential amenities
- Landscape and visual impact
- Impact on highway safety
- Developer contributions and the impact on local schools
- Density
- Design and layout of development
- Affordable housing
- Surface water disposal and flood risk
- Loss of Harwin House
- Sustainability

Principle of development

- 8.2 The NPPF supports sustainable housing development in rural areas. Although the Framework does not refer to settlement boundaries it does seek to recognise the character and beauty of the countryside. Policy G2 of the Local Plan seeks to resist development which would have an adverse effect on the existing landscape and Policy G1 seeks development which does not substantially harm the general character of the area because of its scale, density, layout or appearance. These aims are consistent with the Framework.
- 8.3 The majority of the site, apart from the site's access and Harwin House, is identified as being within countryside as defined within the adopted Development Plan, where saved Local Plan Policy CO1 primarily seeks to resist development unless supported by other Local Plan policies. The objective of this policy is essentially to conserve the character of the countryside.
- 8.4 The Borough does not have a five year housing land supply and therefore the presumption within the Framework replaces the housing supply policies in the Plan. Assessment against the development plan as a whole is the starting point but the Framework's 'presumption' in favour of sustainable development and that in principle the proposed development at the present time would make a moderate contribution towards meeting a five year supply is a material consideration of substantial weight.
- 8.5 Thus 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 assessed more generally in relation to the objectives of Local Plan policy G1 which resists development which will cause substantial harm to the amenity and character of an area.
- 8.6 Thus, as with the previous recommendation, it may be argued that the principle of residential development on this site is still acceptable subject to the objectives of Local Plan policies and the NPPF being met. However the site is mainly outside the settlement boundary of Swineshead as identified within the SELLP which now has increasing weight. Thus, it may be argued that the application is therefore contrary to policy 1 of the SELLP . This policy states in part;
- '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.'
- 8.7 The offer of three of the 18 dwellings to be affordable homes should also be considered positively when assessing the 'tilted balance' for this proposal. The delivery of three affordable dwellings equates to a contribution of 16.6% which accorded with this Council's previous affordable housing requirement. However, Policy 18 of the SELLP requires the provision of **20%** affordable housing on

eligible sites. This would equate to 3.6 dwellings. This development therefore does not comply with policy 18 of the SELLP. This matter is discussed below.

8.8 In addition paragraph 78 of the revised NPPF states:

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

Impact on residential amenities

8.9 There are residential properties within the immediate vicinity of the site and the occupiers of some of the neighbouring properties have raised objections on the grounds of impact on residential amenity as detailed above. In particular this development will have an impact on the amenities of the properties at 4, 5 and 6 Cope Court to the north of the site and 'Burleen', and Good Acres House, South Street, Swineshead.

8.10 Following the submission of objections from neighbours relating to the scheme as originally submitted, the applicant has submitted revised scheme(s) which shows alterations to the dwelling types on plot 1 (to the rear of a bungalow known as 'Burleen', South Street and next to the site access) and plot 14 (next to 4 and 5 Cope Court). It is now proposed to erect a chalet bungalow on plot 14 instead of a house and the dwelling type on plot 1 and its distance from the neighbouring property has also been substantially changed. However some neighbours remain concerned about the impact this development will have on residential amenity. The views expressed by the neighbours are understandable given that this site is currently open farmland.

8.11 As Members are aware, there are no locally adopted standards relating to minimum distances between the rear elevations of existing and proposed properties or in relation to overlooking of rear garden areas. However, the 22m 'rule of thumb' between rear elevations of existing and proposed properties and 12m 'rule of thumb' from the side and rear elevations has been used on many occasions by this Committee which assumes two storey properties on level land.

8.12 The proposed chalet bungalow on plot 14 will be about 5.5m (as amended) from the boundaries shared with the dwellings at 4 and 5 Cope Court and will be about 12m away from the rear elevations of these properties. This would normally not comply with these commonly applied 'yardsticks'. However the proposed chalet bungalow will be sited at an angle to both of the neighbouring properties at 4 and 5 Cope Court and therefore the likelihood of direct overlooking is substantially reduced. The rear elevation (north-west elevation) of the proposed chalet bungalow on plot 14 includes a dormer window in the rear roof-slope which will serve a bathroom. The proposed side elevation of the chalet bungalow (ie north-eastern elevation facing 5 Cope Court) does not include any first floor windows, only ground floor windows. The layout now proposed and the spatial relationships between properties are not dissimilar to other similar locations within urban environments and it is not considered that the amenity of the neighbouring residents at Cope Court will be substantially harmed by this development.

- 8.13 The side elevation of the proposed dwelling on plot 1 next to 'Burleen', South Street will be about 7m from the shared boundary and about 10m from the rear elevation of the neighbours' property. It is not intended to insert any first floor windows on the side elevation of this property which will face the neighbours rear garden area or rear elevation. It is intended to erect a detached garage within plot 1 next to the shared boundary at the rear of the plot and a 1.8m high fence along part of the site's boundaries shared with 'Burleen' and 'Good Acres House' to maintain residential amenity. Although the distance between the side elevation of the proposed dwelling on plot 1 and the rear elevation of 'Burleen' does not meet the 'yardsticks' as indicated above, it is considered that this revised scheme is significantly better than the original planned dwelling on this plot and the proposed dwelling will not substantially harm the amenity of the occupiers of the neighbouring properties to warrant refusal of the application.

Landscape and visual impact

- 8.14 The site is located at an edge of village location and is mainly used for agricultural purposes though part of the site is used for residential purposes. It is characterized by flat open landscape with agricultural fields further to the south. The main part of the site is not previously developed land but neither is it of high environmental value given it is not specifically nationally or locally designated as a protected site of having any landscape value. The site may provide some visual amenity to the occupiers of neighbouring residents and for those people using the public right of way which runs along the western boundary.
- 8.15 The settlement boundary for Swineshead as identified on inset map 22 of the Local Plan follows the northern and partly the eastern boundaries of the site. The application site will encroach significantly beyond the boundary limits of the settlement but, given the shape of the site and its relationships with surrounding properties, it would not present an awkward encroachment into countryside or undermine the existing landscape character or value of the area. It may therefore be argued that the development satisfactorily links the western and eastern urban parts of the village closely together, consolidating the form and pattern of development within this part of the village.

Impact on highway safety.

- 8.16 It is proposed to construct a new estate road approximately 130m in length from the junction with South Street with a turning feature at its western end. The road design incorporates surface water disposal via swales to be located on the north side of the access road.
- 8.17 Swineshead Parish Council and a number of neighbouring residents have made comments or raised concerns about the impact on highway safety and visibility problems that may be experienced by motorists exiting the site especially at times when vehicles are parked either side of this junction. Both neighbours and the Parish Council point out that at various times the road becomes congested with parked vehicles associated with the band practice building, the chip shop and when football matches are being held at the local recreation ground. Neighbours

also say that visibility at the new junction may also be affected given that the band practice building is constructed abutting the footpath and may affect sight lines.

- 8.18 The applicant indicates that the land behind the band practice building is owned/controlled by the applicant and it is intended to construct a vehicular access off the new estate road to provide car parking to the rear of the building to ease some of the on street parking problems raised by some neighbours.
- 8.19 Paragraph 109 of the NPPF indicates 'development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. In addition Local Plan Policy G6 seeks to resist development that would harm highway safety.
- 8.20 In addition 'Manual for Streets 2' (which is a document published by the Chartered Institute of Highways and Transportation and provides national highway design guidance and design) indicates that on street parking within visibility spays of a road junction in built up areas is common yet does not appear to create significant problems in practice. It adds that in some circumstances where speeds are low some encroachment may be acceptable. The County Highways consider that given the widespread acceptance of this guidance and the circumstances of this application, it would be difficult to defend a reason for refusal at appeal on grounds relating to the impact of the existing on-street parking along South Street upon the use of the proposed access.
- 8.21 The County Highways Authority has no objections subject to five conditions.

Developer contributions and the impact on local schools

- 8.22 Where a relevant determination is made which results in planning permission being granted for development, a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:
- (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.

In this instance the Lincolnshire County Council Strategic Development Officer (Education) considers that this development will impact on local schools and has requested a contribution of £50,974 to mitigate this impact. This contribution may be secured through a section 106 agreement. The applicant has agreed to this request.

- 8.23 NHS England has written to say it will not be submitting a request for a contribution towards health.

Density

- 8.24 The application site covers about 1.25 hectares and it is proposed to erect 18 dwellings on this site. The proposed density will therefore be around 14 dwellings per hectare (dph). The density of the estate to the south of the site (off Packhorse Gardens) is around 20 dwellings per hectare and the density of the residential

development to the north and west of the site ranges between 41dph (at Cope Court) and 17 dph overall. It is considered that the proposed density of this development is acceptable.

Design and layout of development.

- 8.25 The proposed layout is designed as a cul – de sac with dwellings sited either side of the spine road and around a turning area and public open space at the western end of the site. As indicated above, it is now proposed to provide a pedestrian link to the public right of way along the site's western boundary which provides pedestrian access to the village centre. The proposed development consists of both detached and semi –detached properties, both chalet bungalows and dwelling houses. The proposed public open space equates to around 8% of the site area which accords with Local Plan policy H4. This policy requires, on eligible sites, 7.5% of a site to be devoted to the provision of public open space and children's' play areas.
- 8.26 It is considered that the proposed layout of the site, its relatively low density at the edge of village location and the appearance of the proposed dwellings represents a good quality housing scheme that assimilates well within its surroundings. However it is acknowledged that an estate development is at odds with the flat open countryside to the south of residential properties to the north and west and general frontage development to the east.

Affordable housing

- 8.27 As indicated above, the application includes the delivery of 3 affordable houses. Originally, it was intended to provide 2 x 2 bed houses as affordable rent and 1 x 3 bed house as shared equity. The provision of three affordable dwellings accorded with this Council's former stance on affordable housing (i.e. a minimum of 15%).
- 8.28 However Policy 18 of the SELLP now requires the provision of 20% affordable housing on eligible sites. This would equate to 3.6 dwellings. It may therefore be argued that an additional dwelling as part of the affordable housing contribution is therefore necessary to meet the requirements of Policy 18 of the SELLP.
- 8.29 Following discussions with the Local Housing Authority, the applicant has now agreed to deliver all three affordable houses as affordable rent with no provision for shared equity within the site. It is not intended to increase the number of affordable houses to accord with Policy 18. The Local Housing Authority supports this proposal and considers that there is a high demand for rented accommodation in the district and this application will help to meet this demand, notwithstanding this number is less than is required by Policy. The delivery of the affordable housing will be secured through a s106 agreement.

Surface Water Disposal and Flood Risk

- 8.30 The proposed disposal of surface water from this development has been subject to extensive discussions between the applicant, the Local Lead Flood Authority and the Internal Drainage Board (IDB). The submitted Flood Risk Assessment indicates that it is proposed to raise the floor levels of the proposed dwellings 300mm above existing ground levels. Each dwelling will incorporate safe haven at first floor levels. Surface water from the proposed houses and the estate road will be dispersed via swales before entering a riparian watercourse to the west which

in turn will eventually discharge to an IDB drain to the south west of the site. It is intended to upgrade the riparian watercourse to IDB requirements. The part of the ditch to be improved, (some 95m) lies within the site boundary.

- 8.31 The applicant indicates that most of the site will have floor levels 150mm above existing ground level. Plots 5 – 11 lie in the lowest part of the site and will have floor levels set at a minimum of 3.7m ODN (i.e. 300mm above existing ground level) Thus it is not proposed to significantly raise existing ground levels other than the provision of footpaths surrounding each dwelling.
- 8.32 The County Highway Authority (acting also as Lead Local Flood Authority) has no objections to the revised surface water scheme subject to conditions. The BSIDB considers that the proposed surface water system is acceptable in principle.

Loss of Harwin House

- 8.33 It is proposed to demolish a detached dwelling known as 'Harwin House' which fronts onto South Street to accommodate the proposed new access and estate road. Concerns have been expressed by some neighbours about the loss of this building which they consider to be of historical significance. Some neighbours have suggested that this dwelling may date to around 1783.
- 8.34 This building is not a listed building, nor is it located within the Swineshead Conservation Area.
- 8.35 Paragraph 197 of the revised NPPF indicates that 'the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset'.
- 8.36 Paragraph 198 adds that local planning authorities should not permit the loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred.
- 8.37 Harwin House is an example of a 'half house' and few of these buildings are listed. They were built in the late 18th early 19th century and were typical fen cottages. The objectors could apply to Historic England to ascertain if Harwin House could be considered for listing and the loss of this building as a result of this development is a material consideration. The loss of this building must be balanced, amongst other issues, against the need to provide housing, including affordable housing in the Borough.

Sustainability

- 8.38 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. The Framework explains that these three roles should not be undertaken in isolation because they are mutually dependent.

- 8.39 The application site is at an edge of a main settlement and is within easy walking or cycling distance to the many facilities and amenities in this main village including shops, a church, public houses, play areas and a primary school.
- 8.40 In social terms the provision of 18 new dwellings would make a moderate contribution towards the supply of housing in the area which accords the Framework and will provide some social benefit. The provision of 3 affordable houses will also add to the social thread of sustainable development.
- 8.41 In economic terms, the proposal would provide employment at construction stage and may support local businesses and the local economy both during construction and when the dwellings are occupied. On this basis, although the contributions this development may have on the local economy may be modest, the development would meet the economic dimension of sustainable development.
- 8.42 The environmental dimension of the NPPF aims to protect and enhance the natural, built and historic environment and biodiversity. In environmental terms, the development will have an impact on the local environment given it is currently open farmland and provides some visual amenity of the neighbours adjacent to this land. Furthermore, the development will represent a significant change to the residents' current outlook.
- 8.43 It is considered that although this development will extend into countryside, it may be viewed as a natural expansion of the village settlement boundary and follows the overall form, shape and character of the village. Consequently the resultant development will not result in an awkward or incongruous encroachment into the countryside and will not cause substantial harm to the surrounding environment. It is considered that this development meets the environmental thread of sustainable development.

9.0 Conclusion

- 9.1 This 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 14 of the Framework 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.
- 9.2 The application site is located at the edge of a main settlement, close to existing facilities and amenities within the village and is within a sustainable location. It is also mainly located within countryside as identified within the adopted Local Plan and the SELLP. This factor weighs against this application. The proposed development will represent an encroachment within countryside and will have an impact on the surrounding environment and the amenity of the occupiers of the surrounding properties, especially to the north, east and west as detailed above. The main issue therefore is whether the adverse impacts detailed above outweighs the benefits.

- 9.3 The contribution that this proposal would make to housing provision, including the number and tenure of affordable housing, the design quality of the scheme, and the economic benefits in relation to supporting local services coupled with the contributions towards education weigh in favour of this development.

It may also be argued that the impact on the surrounding countryside will be only local and will not represent a significant change to the character of the village or the surrounding environment in the wider context. Indeed, it may also be argued that the development follows the shape and pattern of development and will not represent an incongruous or alien enlargement of the village. The proposed relationships between the proposed new dwellings and the neighbouring properties are an important consideration and whilst the concerns expressed by neighbours are understandable, the distances between properties would not be dissimilar to other estates within an urban environment. On this basis, it is considered that such impact on amenity or the character of the area would not be viewed as significant.

- 9.4 Policy 1 of the SELLP indicates that in the Countryside development will be permitted where it 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. If this application were to be submitted today, it would be recommended for refusal because it does not comply with Policy 1 of the SELLP and this fact weighs significantly against the application. However, there are factors which weigh in favour of this application as identified above. Notwithstanding the planning background as identified above and the economic and social benefits, this development would also provide three affordable houses as affordable rent instead of shared equity units. Furthermore, the applicant is confident that the development will be delivered early and will commence within two years from decision date. The 'standard' time limit condition requires development to commence within three years. Condition 1 below has therefore been amended to two years to ensure early delivery of this development.

- 9.5 Should Members consider that this application should be refused on the grounds that it now does not comply with Policy 1 of the SELLP, it is likely that the applicant will appeal against this decision and may apply for costs on the grounds that this Council has acted unreasonably. Awards against the Local Planning Authority may be either procedural relating to the appeal process or substantive relating to the planning merits of the appeal. In this case, the section 106 agreement has taken a long time to reach completion which may partly have been outside of the applicants' control. On the other hand, legal advice is that when a material consideration that comes to light between a Committee resolution and the issuing of the permission then it is for the Local Planning Authority to consider this and how it could affect the decision. In this case, the SELLP and the revised NPPF are now both material considerations. Given the circumstances, it is considered that this Council has not acted unreasonably by taking this matter back to Committee for further consideration. However the planning circumstances of this specific case, including the change to the tenure of the affordable units, needs to form part of the planning balance.

9.6 Bringing these matters together as part of the planning balance, it is considered that the factors which weigh in favour of this application would just 'tip the balance' to enable this application to be supported. The limited adverse environmental impacts would not significantly or demonstrably outweigh the social and economical benefits. It is considered that the proposal constitutes sustainable development and complies with the objectives of Local Plan policies, the SELLP and the NPPF.

9.7 It therefore follows that this application should, on balance, be supported.

10.0 **RECOMMENDATION**

10.1 That the Planning Committee resolve that they are Minded to Approve this application subject to conditions and:

- Any permission is not released until the applicants have entered into a section 106 planning obligation with the Council requiring the provision of 3 affordable housing units and a contribution of £50,974 towards education.
- Authority is delegated to the Growth Manager to approve this application upon satisfactory completion of the planning obligation.

1. The development hereby permitted shall be begun before the expiration of two years from the date of this permission.

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in accordance with the following approved plans

- Proposed site layout ref 16-2316-P-02 rev N (2H/27)
- Location plan ref 16-2316-P-03 rev E (3D /27)
- Plans and elevations- plot 1 ref 16-2316-P-04 rev A (4a/27)
- Plans and elevations – plot 2 ref 16-2316-P-05 (5/27)
- Plots 3 and 4 ref 16-2316-P-06 (6/27)
- Plots 5, 6, 9 and 10 ref 16-2316-P-07 (7/27)
- Plans and elevations plot 7 ref 16-2316-P-08 (8/27)
- Plans and elevations plot 8 ref 16-2316-P-09 (9/27)
- Plans and elevations plot 11 ref 16-2316-P-10 (10/27)
- Plans and elevations plot 12 ref 16-2316-P-11 (11/27)
- Plans and elevations plot 13 ref 16-2316-P-12 (12/27)
- Plans and elevations plot 15 ref 16-2316-P-14 (14/27)
- Plans and elevations plots 14 and 16 ref 16-2316-P-15 rev A (15a/27)
- Plans and elevations – plot 17 ref 16-2316-P-16 (16/27)
- Plans and elevations – plot 18 ref 16-2316-P-17 (17/27)
- Garage details plots 2 and 13 ref 16-2316-P-18 (18/27)
- Garage details plot 7 ref 16-2316-P-21 (21/27)

- Garage details plots 8,11 and 17 ref 16-2316-P-22 rev A (22a/27)
- Garage details plots 1, 12 and 15 ref 16-2316-P-23 rev A (23a/27)
- Garage details plots 14 and 16 ref 16-2316-P-24 rev A (24a/27)
- Garage details plot 18 ref 16-2316-P-25 (25/27)
- Garage details plots 4,9 and 10 ref 16-2316-P-20 rev A (26A/27)

Reason: To ensure the development is undertaken in accordance with the approved details and to accord with Boston Borough Local Plan 1999, Policy G1.

3. No development shall take place above ground level until full details of hard and soft landscaping works have been submitted to and approved in writing by the local planning authority. The scheme shall include:
 - a) boundary treatment
 - b) hard surface materials
 - c) planting schedules (species, sizes densities)
 - d) existing trees to be retained/removed

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 Boston Borough Local Plan 1999, Policies G1 and H3.

4. All landscape works, including the approved fencing scheme, shall be carried out in accordance with the approved details and in accordance with timescales that shall be submitted to and agreed in writing by the Local Planning Authority before any development takes place 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 Boston Borough Local Plan 1999, Policies G1 and H3.

5. No development shall take place above slab level until details of the materials proposed to be used in the construction of the external surfaces have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the new buildings are in keeping with the character of the area and to accord with Boston Borough Local Plan 1999, Policy G1.

6. The development hereby approved shall be carried out in accordance with the approved Flood Risk Assessment (FRA) dated October 2017 Version 1 by RM Associates including the following mitigation measures detailed within the FRA:

- The finished floor level of the dwellings shall be no lower than 3.7m AOD
- Flood resistant and resilient construction techniques shall be utilised as described.

Reason: To reduce the risk of flooding to the proposed development and future occupiers and to accord with the objectives of Boston Borough Local Plan 1999, Policy G1.

7. The proposed area of public open space as shown on plan Proposed site layout ref 16-2316-P-02 rev N (2H/27) shall be laid out in a manner to be submitted to and agreed in writing by the Local Planning Authority before any development takes place above slab level. The public open space shall be made available for use in accordance with timescales to be submitted to and approved in writing by the Local Planning Authority.

Reason: To provide a satisfactory level of publicly available amenity open space within the development and to accord with Boston Borough Local Plan 1999, Policy H4.

8. A landscape management plan including future management responsibilities and maintenance schedules of the public open space 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 Boston Borough Local Plan 1999, Policy H4.

9. The first floor bathroom windows in the rear elevations of the chalet bungalows on plots 14, 15 and 16 as shown on approved layout plan ref 16-2316-P-02 rev N (2H/27) shall be permanently fixed and fitted with obscure glazing before occupation and retained in that form thereafter.

Reason: in the interests of residential amenity of the neighbouring occupants and to accord with the objectives of Boston Borough Local Plan 1999, Policy G1.

- 10 The Swineshead Public Footpath 11 which is located to the west of the site shall not be obstructed whilst works are being carried out on the site.

Reason: To maintain public right of way and public safety and to accord with the objectives of the National Planning Policy Framework.

- 11 In the event that pile foundations are to be used in the construction of this development, details of the pile foundations and a method statement which identifies the measures to be taken to ensure that the amenity of neighbours are not adversely affected by noise and disturbance during the insertion of the pile foundations shall be submitted to and approved in writing by the Local Planning Authority before any dwelling is commenced on site. The works shall be carried out in accordance with the approved statement.

Reason: In order to protect the amenity of the neighbours should pile foundations be used. This condition accords with the objectives of Boston Borough Local Plan

1999, Policy G1.

- 12 Before each dwelling is occupied the roads and/or footways providing access to that dwelling, for the whole of its frontage, from an existing public highway, shall be constructed to a specification to enable them to be adopted as Highways Maintainable at the Public Expense, less the carriageway and footway surface courses. The carriageway and footway surface courses shall be completed within three months from the date upon which the erection is commenced of the penultimate dwelling.

Reason: To ensure safe access to the site and each dwelling in the interests of residential amenity, convenience and safety and to accord with the objectives of Boston Borough Local Plan 1999, Policy G6.

- 13 No dwellings shall be commenced before the first 60 metres of estate road from its junction with the public highway, including visibility splays, as shown on drawing number 16-2316-P-02 Rev. N dated 22-6-18 has been completed.

Reason: In the interests of safety of the users of the public highway and the safety of the users of the site and to enable calling vehicles to wait clear of the carriageway of South Street. This Condition accords with the objectives of Boston Borough Local Plan 1999, Policy G6.

- 14 Before any dwelling is commenced, 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 and approved in writing by the Local Planning Authority.

Reason: In the interests of safety of the users of the public highway and the safety of the users of the site, and to accord with the objectives of Boston Borough Local Plan 1999, Policy G6.

- 15 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, unless agreed otherwise with the surface water receiving body, 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, including any arrangements for adoption by any public body or Statutory Undertaker and any other arrangements required to secure the operation of the drainage system throughout its lifetime.

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: To ensure the permitted development is adequately drained without increasing flood risk to adjacent land and properties. This condition accords with the objectives of Boston Borough Local Plan 1999, Policy G3.

- 16 Prior to the commencement of any part of the development hereby permitted, a Construction and Traffic Management Plan, detailing: a) where construction vehicles and the vehicles of site personnel will be parked within the site, b) where material delivery vehicles will be parked, unloaded and manoeuvred within the site and c) where site accommodation and welfare facilities will be located within the site, shall be submitted to the Local Planning Authority. The development shall thereafter be completed in accordance with the permitted Construction and Traffic 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.

- 17 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that order with or without modification) no first floor windows shall be inserted in the side (east) elevation of the dwelling house on plot 1.

Reason: In the interests of residential amenity and to accord with the objectives of Boston Borough Local Plan 1999, Policy G1.

- 18 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that order with or without modification), no additional windows shall be inserted in the rear roof-slopes of the chalet bungalows hereby approved on plots 14, 15 and 16.

Reason: In the interests of residential amenity and to accord with the objectives of Boston Borough Local Plan 1999, Policy G1.

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