

BOSTON BOROUGH COUNCIL

Planning Committee - 20 August 2019

Reference No: B/19/0068

Expiry Date: 16-Apr-2019
Extension of Time:

Application Type: Full Planning Permission

Proposal: Demolition of existing dwelling and erection of terrace block of 5 three storey dwellings with new access and associated site works

Site: 118, Church Road, Boston, PE21 0LG

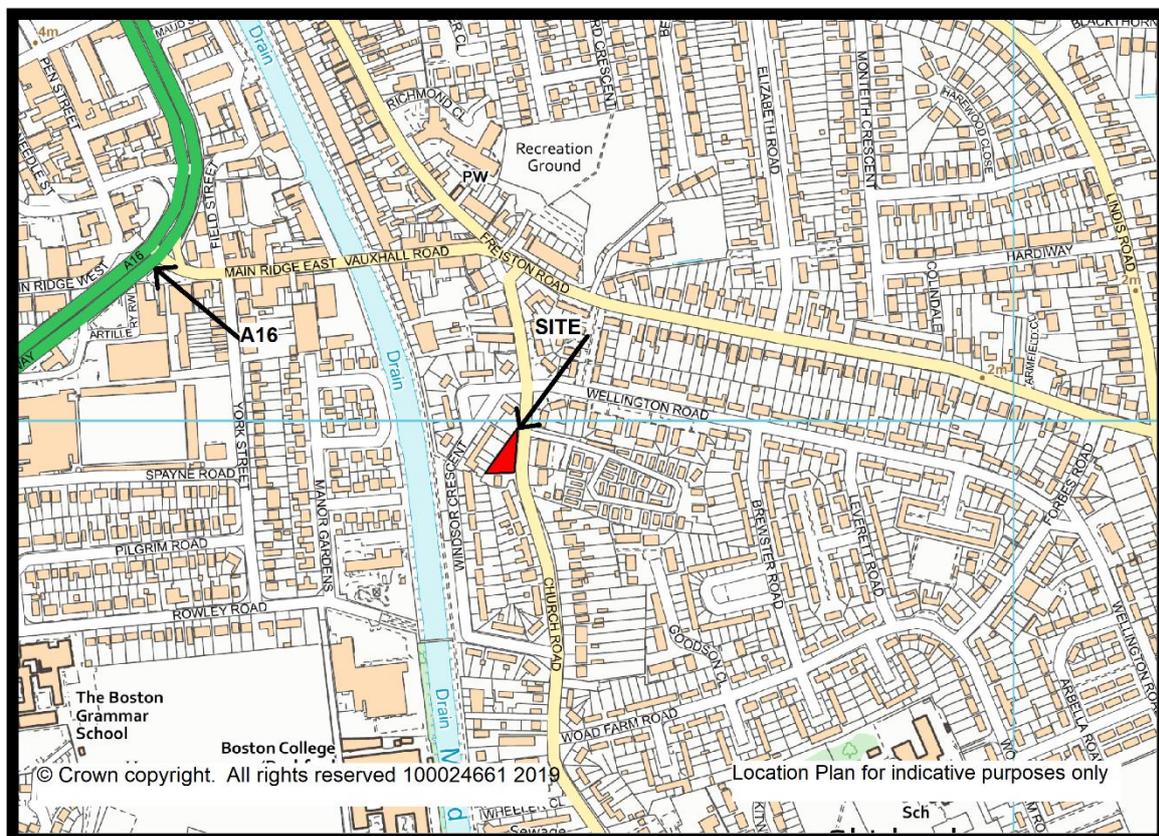
Applicant: Mrs B Orrey
Agent: Mr Clive Wicks, Clive Wicks Associates

Ward: Skirbeck Parish: Boston Town Area Committee

Case Officer: John Taylor Third Party Reps: 13 received

Link to Application: [B/19/0068](#)

Recommendation: REFUSE



1.0 Reason for Report

- 1.1 This application has been referred to the Planning Committee at the request of Councillor Alistair Arundell, the reason for the call-in being that the previous scheme for this site was presented before the Committee.

2.0 Application Site and Proposal

- 2.1 The site is located within the built up area of Boston and is a triangular parcel of land forming the southern part of the junction of Windsor Crescent and Church Road. It consists of a detached house, i.e. no 118 Church Road and detached garage within a large residential curtilage. The site lies within a residential area and there are residential properties to either side, to the rear and opposite the site. Lea Park residential mobile home site (currently 33 homes) is located on the opposite side of Church Road.
- 2.2 The application site area is 0.08 hectares (800 sqm) with a road frontage of 46 metres and a depth ranging from 28.5 metres to 5 metres nearer the junction with Windsor Crescent.
- 2.3 This proposal seeks the demolition of existing dwelling and erection of a terrace block of 5 three-storey dwellings with new access and associated site works.
- 2.4 This proposal differs from the previous refusal in such that it has removed one of the dwellings within the terrace, revised the parking area, improved the landscaping and made minor changes to the fenestration and design.

3.0 Relevant History

- 3.1 B/18/0263 – Demolition of existing dwelling and erection of a terrace block 6no. three-storey dwellings – Refused by committee on 19/10/2018.

The reason for refusal was as follows:

'The proposed development, having regard to the size of the application site coupled with the modern design of the proposed terrace will appear out of character with the overall pattern of development in the area and will be out of keeping with the designs and forms of other properties in the vicinity of the site. The proposed development will result in an overdevelopment of the site and appear alien and visually intrusive, will lead to a car-dominated environment and will cause substantial harm to the amenity of neighbouring residents. The development will therefore contravene the objectives of Local Plan Policies G1, H2 and H3'

- 3.2 B/06/0172 – 118 Church Road - Planning permission for the change of use from residential dwelling to house of multiple occupancy (5 units) plus single storey extension to south elevation to form bathroom, two storey side extension to the north elevation for multiple occupancy use (4 units) plus associated parking and new access. Originally, 6 no. additional units were proposed in the extension but following discussions with the Local Planning Authority (LPA), this was reduced to 4 no. units. Therefore, this development provided 9 no. separate dwelling units served by 8 no. car parking spaces and was approved by Planning Committee on 30th May 2006.

- 3.3 B/05/0828 – 118 Church Road – Retrospective application for the change of use from residential to house of multiple occupation (5 units) plus single storey side extension to form bathroom and two storey side extension to form four self-contained flats - withdrawn following discussions with the LPA.
- 3.4 B/05/0392 – 118 Church Road – Retrospective application for change of use of workshop to offices (recruitment agency) – approved subject to conditions restricting operating hours and making the permission applicable to a named company (recruitment agency) only. The garage/workshop had to revert to its original domestic use in association with host property once the commercial use ceased.
- 3.5 B/05/0393 – 118 Church Road – Advertisement Consent granted for a flat panel sign advertising the business (recruitment agency). An attached condition required the sign to be removed once the use ceased.
- 3.6 B05/0512/97 – Plot of land between 116 & 118 Church Road - Outline application for the construction of one dwelling – withdrawn following discussions with LPA.
- 3.7 B05/0128/98 – Plot of land between 116 & 118 Church Road - Outline application for the construction of one dwelling – approved.
- 3.8 B05/0117/9 – 118 Church Road - Full application for the construction of a replacement garage – approved.
- 3.9 B/02/0117 - Plot of land between 116 & 118 Church Road - Outline application for the construction of one dwelling and new vehicular access – approved subject to a condition which limited the house to two storeys to retain the character of the locality.
- 3.10 B/02/0369 – Plot of land between 116 & 118 Church Road - Full application for the construction of one dwelling - approved. As this was a Full application for a two storey, house of standard design, no restrictive conditions were necessary.

4.0 Relevant Policy

South East Lincolnshire Local Plan (2011-2036) (SELLP)

- Policy 1 – Spatial Strategy
- Policy 2 – Development Management
- Policy 3 – Design of New Development
- Policy 4 – Approach to Flood Risk
- Policy 5 – Meeting Physical Infrastructure and Service Needs
- Policy 10 – Meeting Assessed Housing Needs
- Policy 11 – Distribution of New Housing
- Policy 17 – Providing a Mix of Housing
- Policy 30 – Pollution
- Policy 31 – Climate Change and Renewable and Low Carbon Energy
- Policy 32 – Community, Health and Well-being
- Policy 36 – Vehicle and Cycle Parking

National Planning Policy Framework (2019) (NPPF)

- Section 2 – Achieving Sustainable Development
- Section 4 – Decision Making
- Section 5 – Delivering a Sufficient Supply of Homes
- Section 8 – Promoting Healthy and Safe Communities
- Section 11 – Making Effective Use of Land
- Section 12 – Achieving Well-designed Places
- Section 14 – Meeting the Challenge of Climate Change, Flooding and Coastal Change.

5.0 Representations

5.1 As a result of the publicity for this application thirteen objections have been received from the following addresses:

- Windsor Crescent – No's 2, 4, 6, 8 and 10
- Church Road – No's 116A and 120
- 'The Garden House', Main Street, Willoughby Waterleys, Leicester
- 3 Tippett close Milton Keynes
- 'Southwold', 10 Kingswood Road, Copthorne, Shrewsbury
- 85 Harrington Street Bourne
- 6 Frewins, Budleigh Salterton, Devon.

5.2 The concerns are summarised as follows:

- Overall height of houses
- Amount of development
- Loss of light
- Loss of privacy when in my house and my garden
- If size and design of development is suitable we would support it but proposal fails in these respects
- Over-intensification of site
- Design and materials are unsuitable
- Unsafe exit for tandem parking layout
- Proposal does not respect the form and character of area
- Incongruous appearance
- Commercial appearance rather than residential
- Increase in noise and disturbance
- Revised scheme (removing one unit) does not overcome the reason for refusal
- Physical dominance of proposal
- Insufficient bin storage
- Insufficient amenity space for each dwelling
- Building footprint way out of proportion with other developments
- Church Road is not within the town centre as stated in the submitted information
- Developers have misrepresented and misunderstood the character of the area
- Increase in traffic
- Elevated building will be visually intrusive.

6.0 Consultations

- 6.1 County Highways Authority (Also acting as Lead Local Flood Authority (LLFA)) – No objections subject to advisories
- 6.2 Witham Fourth Internal Drainage Board – If there is any change in the method of surface water then contact should be made with the Board for advice
- 6.3 Environment Agency – Advise using appropriate mitigation for the predicted flood levels for the site
- 6.4 National Grid Plant Protection Team – Confirm that they have apparatus within the site and prior to any development commencement (if the application is approved) applicants need to contact the Plant Protection Team for advice.

7.0 Planning Issues and Discussions

7.1 The key considerations in regards to this application are:

- Planning history
- The principle of development
- Design, size and scale and the resulting impact on the character and appearance of the area
- Impact on residential amenity
- Flood risk
- Highway safety and car parking
- Conclusion.

Planning History

7.2 A previous application (B/18/0263) for 6 dwellings was refused by members of the committee last year. As stated in para' 3.1 of this report the reason for refusal stated:

'The proposed development, having regard to the size of the application site coupled with the modern design of the proposed terrace will appear out of character with the overall pattern of development in the area and will be out of keeping with the designs and forms of other properties in the vicinity of the site. The proposed development will result in an overdevelopment of the site and appear alien and visually intrusive, will lead to a car-dominated environment and will cause substantial harm to the amenity of neighbouring residents. The development will therefore contravene the objectives of Local Plan Policies G1, H2 and H3'

7.3 The above decision is now a material consideration that is required to be taken into account when assessing this proposal. Although the policy context has changed (with the adoption of the SELLP) it is considered that significant weight should be afforded to this decision owing as it is a relatively recent decision and there have been no significant changes to the site. The scheme has however changed in some respects, as discussed in further detail in the following sections of this report, but there are similarities between the schemes.

Principle of Development

- 7.4 Policy 1 of the SELLP, generally supports the redevelopment of the site for housing as it is located within the settlement boundary of Boston and will help support Boston's role as a sub-regional centre.
- 7.5 However, whilst the principle of residential development may be acceptable for this site, the proposal has to be acceptable in all other respects and should accord with other relevant policies in the SELLP.

Design, Size and Scale and the resulting impact on the Character and Appearance of the Area

- 7.6 The proposed terrace would be approximately 25m wide by 7.5m deep with an overall height of 8.5m from existing ground level. It is proposed to raise the ground floor 500mm above existing ground level with the use of flood resilient construction and 600mm high flood barriers to accommodate flood risk.
- 7.7 As identified, a previous application for a very similar scheme was rejected by the planning committee last year. This scheme has seen revisions to the previously refused scheme in the form of removing one of the units within the terrace block (six to five) and providing a revised car parking layout that allows 2 dedicated spaces per residential unit. Minor amendments to the fenestration have also been made but the design, size and scale are largely the same as the scheme that was previously refused at planning committee. It is acknowledged that the removal of one unit has reduced the width of the terrace block from 30 metres to 25 metres.
- 7.8 As stated earlier in para' 3.1 of this report the reason for refusal states:
- 'The proposed development, having regard to the size of the application site coupled with the modern design of the proposed terrace will appear out of character with the overall pattern of development in the area and will be out of keeping with the designs and forms of other properties in the vicinity of the site. The proposed development will result in an overdevelopment of the site and appear alien and visually intrusive, will lead to a car dominated environment and will cause substantial harm to the amenity of neighbouring residents. The development will therefore contravene the objectives of Local Plan Policies G1, H2 and H3'*
- 7.9 The Policies referred to above from the Boston Borough Local Plan (1999) are no longer relevant as that plan has been replaced with the South East Lincolnshire Local Plan (2011-2036).
- 7.10 Policies 2 and 3 are the key policies that would be used when assessing the appearance of the building, its size and scale and how the development will assimilate with its surroundings. Residential amenity, as well as other matters, are also assessed under these policies. These are supplemented by the principles of good design embedded in Section 12 of the NPPF.

- 7.11 The previous scheme was refused by members of the committee due to serious concerns being raised on a number of issues. Notwithstanding that the width of the terrace has been reduced by 5 metres it is considered that the size and scale of the building would still appear to overdevelop the site and its modern design would not be in keeping with the form, character and overall pattern of development in the area. The proposal would thus appear incongruous and visually intrusive within its setting and the streetscene is likely to be harmed as a result of this development.
- 7.12 It is noted that the applicant's agent has sought to justify the development based on similar examples in other contexts. However, this justification is afforded minimal weight as each site and context is different and proposals should be influenced by and respectful of their context in order to integrate into their surroundings effectively. This development would fail to achieve this. Furthermore, whilst the agent has proposed further changes to the scheme (at a late stage and which have not been consulted upon), these minor changes do not in the officer's opinion address the cumulative failings in the scheme.
- 7.13 It is therefore considered that the previous reason for application (B/18/0263) has not been addressed and the application should be refused on similar grounds.
- 7.14 Although each application must be appraised on its own merit, this previous refusal must be afforded significant weight in the planning balance. Notwithstanding, it is concluded that without the refusal, similar concerns can be levied against the current scheme in respect of matters relating to poor design, impact on the area etc. In respect of those design concerns, the scheme would fail to accord with policies 2 and 3 of the SELLP and the objectives of securing high quality, sustainable design advocated by the NPPF.

Impact on residential amenity

- 7.15 The layout of the proposal indicates that the rear garden areas for the five dwellings will range from 6m deep to 4m deep. Habitable room windows in the rear elevation are proposed on the first floor with en-suite bathroom windows only on the second floor. The rear elevation of the proposal will have a separation distance of approximately 20 metres between the rear elevations of the dwellings to the west that front onto Windsor Crescent.
- 7.16 Although the separation distance between the built form maybe acceptable the shallow garden depths for the new dwellings, some of which are 4 metres, would lead to an element of overlooking into the garden areas for the existing dwellings. This proposal is a three-storey development with an elevated finished floor level (FFL) to account for flood risk. The size of the new building coupled with the design, which identifies a flat roof with eaves forming the highest part of the roof, gives a greater perception of being severely overlooked from this dominant structure and private use of the neighbour's garden areas will be compromised through overlooking.
- 7.17 This amended scheme therefore fails to fully address the harm caused to neighbouring amenity and it is considered that this concern is a continued failing of the scheme.

Flood Risk

- 7.18 The proposal states that FFL's are to be raised 500mm above existing ground levels to account for the risk of flooding. The Environment Agency advise that the Local Planning Authority use their standing advice only and do not raise any objection to the scheme. Subject to a condition setting out the FFLs and mitigation measures proposed with the submitted Flood Risk Assessment no further concerns are raised in respect of flood risk.

Highway safety and car parking

- 7.19 The proposal includes two dedicated spaces per unit and one visitor car parking space. This is a small increase in the level of parking to that provided within the previously refused scheme and the level of parking would accord with the minimum parking standards set out in Annex 6 of the SELLP. However, the parking has been somewhat 'squeezed' into the site with some of the spaces having little relationship to the particular unit that they will serve. For example, unit 1 has one space positioned at the southern end of the site and one space at the northern end of the site (making 2 spaces). This gives the impression that the parking is a somewhat sporadic afterthought rather than an organised parking arrangement for a new development and, on balance, this is to the detriment of the scheme, and is a further indication of poor design and the overdevelopment of the site.
- 7.20 Notwithstanding that the Highways Authority do not object to the scheme, in design terms the proposal would still lead to a car-dominated environment. The previous reason for refusal included this within the reason and it is considered that this revised scheme has not fully addressed this issue and it should remain as part of the reason for refusal for this application.

8.0 Summary and Conclusion

- 8.1 Section 38 (6) requires proposals to be determined in accordance with the development plan unless material considerations indicate otherwise. The previous (2018) refusal is a significant material consideration in this instance.
- 8.2 Whilst the principle remains acceptable against the SELLP, this revised proposal does not appear to have fully addressed the reason for refusal set out in the previous application (B/18/0263) and therefore it is considered that this proposal should be refused on similar grounds.
- 8.3 Owing to the design and amenity concerns identified, the proposal would fail to accord with Policies 2 and 3 of the SELLP and Section 12 of the NPPF.

9.0 Recommendation

9.1 It is recommended that Committee REFUSE the application for the following reason:

1. *'The proposed development, having regard to the size of the application site coupled with the modern design of the proposed terrace will appear out of character with the overall pattern of development in the area and will be out of keeping with the designs and forms of other properties in the vicinity of the site. The proposed development will result in an overdevelopment of the site and appear alien and visually intrusive, will lead to a car dominated environment and will cause substantial harm to the amenity of neighbouring residents. The development will therefore contravene Policies 2 and 3 of the South East Lincolnshire Local Plan (2011-2036) and would not accord with the intentions of Section 12 'Achieving Well-designed Places' of the National Planning Policy Framework (2019)*

Refused Plans:

- Ref: 17-2384-P-03 Rev A 'Location Plan'
- Ref: 17-2384-P-01 Rev G 'Proposed Plan and Elevations'
- Ref: 17-2384-P-04 'Landscape Specification'

Mike Gildersleeves
Growth Manager