

SUMMARY OF APPLICATION			
Application Reference	B/20/0448		
Application Type	Outline Planning Permission		
Proposal	Outline planning application for one dwelling with all matters reserved (Access, Appearance, Landscaping, Layout and Scale)		
Location	Land adj to Parsley Cottage, Drainside South, Kirton, Boston, PE20 1PZ		
Applicant	Mr Richard Goodman		
Agent	Mr Arthur Barton		
Received Date:	10-Nov-2020	Consultation Expiry Date:	04-Dec-2020
Valid Date:	12-Nov-2020	Statutory Expiry Date:	07-Jan-2021
Date of Site Visit:	18-Nov-2020	Extension of Time Date:	----
Objections received?	Yes		
5 day notification record:			
Councillors notified	Date	Response received – date	Ok to continue
Councillor N Welton	14/12/20	No response	Ok
Councillor D Brown	14/12/20	No response	Ok
Councillor P Watson	14/12/20	Happy for permission to be granted – 14/12/20	Ok
Recommendation	GRANT Outline Planning Permission		
Report by:	Grant Fixter		
Date:	22/12/2020		

## **OFFICER REPORT**

### **SITE AND SURROUNDINGS:**

The application site comprises an area of grassland located off Drainside South, Kirton. To the north is an IDB drain and fencing, beyond which is residential development, with a garden and residential development to the east. There is a line of mature planting comprising the southern boundary, beyond which is Drainside South and there is overgrown vegetation to the west. As per the South East Lincolnshire Local Plan, the site falls within the settlement boundary for Kirton.

### **DETAILS OF PROPOSAL:**

This application seeks outline planning permission for one dwelling with all matters reserved (Access, Appearance, Landscaping, Layout and Scale) for later approval.



There were no indicative plans submitted with this application, albeit, the Block Plan highlights the proposed access point to be off Drainside South.

The following plans were submitted with the application:

- Site Location Plan;
- Block Plan.

### **RELEVANT HISTORY:**

There is no relevant planning history.

### **RELEVANT DEVELOPMENT PLAN POLICIES AND DOCUMENTS:**

#### **South East Lincolnshire Local Plan (2011-2036)**

The following policies contained within the South East Lincolnshire Local Plan (2011-2036) (i.e. SELLP) are relevant to this application:

- 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 28 – The Natural Environment;
- Policy 30 – Pollution;
- Policy 31 – Climate Change and Renewable and Low Carbon Energy;
- Policy 36 – Vehicle and Cycle Parking.

### **OTHER RELEVANT DOCUMENTS / LEGISLATION / GUIDANCE:**

#### **National Planning Policy Framework (2019)**

At the heart of the 2019 Framework is a presumption in favour of sustainable development. The following sections are relevant to this scheme:

- Section 2 – Achieving Sustainable Development;
- Section 4 – Decision Making;
- Section 5 – Delivering a Sufficient Supply of Homes;
- 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;
- Section 15: Conserving and enhancing the natural environment.

### **CONSULTATION RESPONSES:**

### Black Sluice Internal Drainage Board

Do not object and made the following comments:

- Any soakaways or infiltration systems should be designed and proved in accordance with BRE Digest 365 or other approved code. Evidence that soakaways are suitable must be submitted to the local planning authority for their approval;
- If soakaways prove unsuitable, then the applicant will need to submit full details of an alternative scheme to the LPA;
- Discharge to any watercourse must have the written consent of the Board;
- If either or both of the proposed surface or treated water discharge outfalls is to be into any watercourse, then Section 23 Land Drainage Consent will be required for any structures placed in the bank or piped structure;
- Board has a byelaw (No.10) which prohibits the siting of any obstructions, whether temporary or permanent, including planting, within 9 metres of the lateral edge of the enclosing structure without the prior written consent of the Board;
- Written consent of the Board is required for any proposed permanent or temporary works or structures, within any watercourse, including infilling or diversion.

### Kirton Parish Council

Have no objections.

### Lincolnshire County Council

Had no objections and concluded that the proposed development would not be expected to have an unacceptable impact upon highway safety.

### Environment Agency

Do not object but commented to say the following mitigation measures outlined in the Flood Risk Assessment need to be implemented for the proposal to comply with the requirements of the National Planning Policy Framework:

- The development to have at least two storeys;
- The proposed dwelling to have non-habitable ground floors as stated in the FRA;
- Flood resilience and resistance measures to be incorporated into the proposed development as stated.

### **THIRD PARTY REPRESENTATIONS RECEIVED:**

One third party representation was received in the form of a joint objection from the occupiers of No.39, 41, 43, 45 and 47 Thorne Way who object on the following grounds:

- No longer have uninterrupted views to the rear of their house;
- Will be overlooked by the new dwelling;
- Possible increase in flood risk, with the road heavily flooded in 2019;
- May be an increase in noise nuisance;
- It has been reported that owls have been nesting in a tree on the land.

Where appropriate and the concerns are material planning considerations they have been discussed in the body of this report. It is worth noting that this is an outline application with all matters reserved, so there is no guarantee the proposal would create a negative impact on surrounding amenities. The Environment Agency also confirmed the proposal would be acceptable should it implement the outlined mitigation measures in the Flood Risk Assessment.

Of course, these comments will be carefully considered and discussed in the body of the report. The specific details will all be fully addressed in any subsequent reserved matters application and it can be said no scheme would be approved should it lead to an unacceptable loss in privacy for the identified property.

### **EVALUATION:**

The key considerations in regard to this application are set out below:

- Principle of development;
- Impact on the character and appearance of the area;
- Impact on residential amenity;
- Highway safety and parking;
- Flood risk.

#### **Principle of development**

Policy 1 of the SELLP sets out the settlement hierarchy, stating development will be permitted within the settlement boundaries of the respective settlements providing the proposal supports the designated role of the settlement in which it is to be executed. Applications in the countryside (outside of settlement boundaries) will be approved provided it is necessary to its location and/ or can be demonstrated that it meets sustainable development needs of the area.

As shown on 'Inset Map 6 – Kirton' of the SELLP, the site is within the settlement boundary of Kirton which is identified as a Main Service Centre. Development within the settlement boundaries of Main Service Centres will be supported providing that it helps fulfil their role.

The site is within the settlement boundary and the provision of one dwelling would make a limited, but positive contribution to housing supply. The principle of residential development on this site is acceptable subject to the objectives of the relevant policies in the SELLP as identified above being met.

#### **Impact on the character and appearance of the area**

Policy 2 of the SELLP states that proposals requiring planning permission will be permitted provided that sustainable development considerations are met. These include size, scale, layout, density and impact on the amenity, trees, character and appearance of the area as well as the quality of its design and orientation.

Policy 3 of the SELLP states all development must create a sense of place by respecting the density, scale, visual closure, landmarks, views, massing of neighbouring buildings and the surrounding area.

The application site falls within the settlement boundary and would be accessed via Drainside South, the road which essentially defines the southern limit of the Kirton settlement boundary. It is noted there is residential development to the north and east. It is considered the site is sufficient in area to accommodate a dwelling, which would reflect the carried pattern of development without it appearing cramped and detracting from the character of the area.

In respect of the ecological potential of the site and in response to the objector's comments, from the officer's site visit, the potential was deemed to be low. There were no obvious signs of nesting and the quantity of vegetation on site is low. It is also important to note that the objectors had neither seen the owls nesting, nor identified the specific vegetation. That is not to say the reports mentioned are not true, simply that there was no sign on the officer's site visit. For peace of mind and in the interests of the natural environment, a suitable condition will be attached which states that should vegetation be removed and evidence of nesting is found, no clearance of any vegetation shall take place during the bird nesting season until a methodology for protecting nest sites during the course of the development has been submitted to and approved in writing by the Local Planning Authority.

Subject to an appropriate reserved matters application, the proposal complies with policies 2 and 3 of the SELLP in respect of character and appearance of the area.

#### Impact on residential amenity

SELLP Policy 2 and 3 seek to ensure that a new development does not significantly impact neighbouring land uses by reason of noise, odour, disturbance or visual intrusion.

In terms of residential amenity, there is residential development to the north and east of the application site. Occupiers of some of the dwellings to the north objected to this application on amenity grounds.

Albeit no indicative plans have been submitted as part of this application, from attending site and reviewing the scale of surrounding development and the site itself, it is considered one dwelling could be accommodated on this site without undue impact on the adjacent properties. The more detailed matters of layout, massing, height and scale, as well as means of access, appearance and landscaping would be dealt with at the reserved matters stage. Issues of overbearing effect, loss of privacy and light would then be duly considered.

Those who objected to the north did so on the grounds of outlook, overlooking and potential noise disturbance.

Whilst, as always, the Council has fully considered the objection, this application is outline with all matters reserved, so it is not confirmed as to whether they would suffer a loss of privacy. Obviously, this concern and issue will be thoroughly considered at the subsequent reserved matters stage and the Council can assure the objectors no scheme will be approved should it lead to an unacceptable impact on their residential amenity.

When assessing the site and surrounding development, an appropriate design could be achieved that respects surrounding amenity. This could be done through orientating the dwelling a certain way, fenestration accounting for potential overlooking and an effective landscaping scheme to protect and enhance privacy.

Subject to details being submitted, it is considered that the proposal could comply with policies 2 & 3 of the SELLP in respect of residential amenity.

#### Highway safety and parking

Policy 36: Appendix 6 of the SELLP relates to parking standards. It requires 2 spaces for dwellings with up to 3 bedrooms and 3 spaces for dwellings with 4 or more bedrooms. It also requires 1 cycle space within each residential plot.

No indicative plan was submitted, however, it is deemed that a turning head can be provided to ensure vehicles can enter and leave the site in a forward gear, in addition to providing appropriate parking provision.

The Highway Authority do not object to the scheme and require more information at the reserved matters stage. It is considered the requirements can be met and the traffic that may be generated from one dwelling will not harm highway safety.

The proposal is, therefore, acceptable on highway safety and parking grounds subject to the information submitted at any subsequent reserved matters stage.

#### Flood risk

Policy 4 of the SELLP state a proposed development within an area of flood risk (Flood Zones 2 and 3) will be permitted where it can be demonstrated that there are no other sites available at a lower risk of flooding, the proposed works are essential infrastructure, and appropriate flood mitigation measures have been put in place. Development within all flood zones (and development larger than 1 hectare in Flood Zone 1) will need to demonstrate that surface water from the development can be managed whilst not increasing the risk of flooding to third parties.

The application site is within Flood Zone 3 and a Flood Risk Assessment forms part of this submission which outlines a number of mitigation measures that should be included in the design of the proposal. It is deemed the proposal would not increase the flood risk in the area or have an adverse effect on surface water.

#### **CONCLUSION:**

The application site falls within the settlement boundary and there is residential development to the north and east. Albeit the contribution would be small, this proposal will help deliver housing in the area and go towards maintaining the Council's 5 year land supply. Subject to details being submitted at the reserved matters stage, it is considered the proposal could be designed in a way which will protect the residential amenity, character and appearance of the area.

Accordingly, it is recommended to grant planning permission subject to conditions.

#### **RECOMMENDATION:**

GRANT Outline Planning Permission subject to the following condition(s) and reason:-

CONDITIONS / REASONS	
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Pre-commencement conditions?		Agreed with applicant/agent - Date:	
<p>No development shall commence until details of the access, layout, appearance, scale and landscaping of the development (hereafter referred to as the 'reserved matters') have been submitted and approved by the local planning authority.</p> <p><b>Reason:</b> This is an outline application only and such details must be approved before development commences in order to comply with the objectives of Policies 2 and 3 of the South East Lincolnshire Local Plan (2011-2036).</p>			
<p>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.</p> <p><b>Reason:</b> Required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004.</p>			
<p>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.</p> <p><b>Reason:</b> Required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004.</p>			
<p>Any application for approval of reserved matters submitted pursuant to condition 1 of this permission shall accord with the outline permission insofar as it relates to the maximum number of dwellings stated in the application description within the confines of the site as shown on drawings 'Site Location Plan' and 'Block Plan'.</p> <p><b>Reason:</b> The application is granted in outline only in accordance with the provisions of Article 4 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. Any application for reserved matters must be in accordance with and/or not exceed the parameters established as part of this permission and to comply with Policies 2 and 3 of the South East Lincolnshire Local Plan (2011-2036).</p>			
<p>The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) October 2020/Version 1/RM Associates and the following mitigation measures detailed within the FRA:</p> <ul style="list-style-type: none"> <li>• The development to have at least two storeys;</li> <li>• The proposed dwelling to have non-habitable ground floors as stated in the FRA;</li> <li>• Flood resilience and resistance measures to be incorporated into the proposed development as stated.</li> </ul> <p>The mitigation measures shall be fully implemented prior to occupation and subsequently remain in place.</p> <p><b>Reason:</b> To reduce the risk of flooding to the proposed development and future occupants and to accord with Policy 4 of the South East Lincolnshire Local Plan (2011- 2036).</p>			

No above ground works shall take place until a scheme for the disposal of foul and surface water from the site has been submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing with the Local Planning Authority, the scheme shall include:

- (i) separate systems for the disposal of foul and surface water;
- (ii) details of the rate of surface water discharge from the site to any soakaway, watercourse or sewer, including provisions to ensure that the post-development discharge rate does not exceed the pre-development rate (incorporating an appropriate allowance for climate change);
- (iii) details of any necessary flow attenuation measures, including the use of SUDS where appropriate; and
- (iv) details of how the scheme will be maintained and managed after completion.

The scheme shall be implemented in accordance with the duly approved details before the dwelling is first occupied, and shall be maintained and managed as such thereafter.

**Reason:** To ensure that the development is not at risk of flooding and does not increase flood risk elsewhere, and that adequate measures are put in place for the disposal of foul and surface water in accordance with the requirements of Policy 2 and 4 of the South East Lincolnshire Local Plan (2011- 2036).

No clearance of any vegetation in preparation for or during the course of development shall take place during the bird nesting season (March to August inclusive) unless an ecological survey has first been submitted to and approved in writing by the Local Planning Authority which demonstrates that the vegetation to be cleared is not utilised for bird nesting. Should the survey reveal the presence of any nesting species, then no clearance of any vegetation shall take place during the bird nesting season until a methodology for protecting nest sites during the course of the development has been submitted to and approved in writing by the Local Planning Authority. Nest site protection shall thereafter be provided in accordance with the duly approved methodology.

**Reason:** In order to prevent any habitat disturbance to nesting birds in accordance with Policy 28 of the South East Lincolnshire Local Plan (2011-2036) and the National Planning Policy Framework (2019).

When application is made for approval of the 'reserved matters' that application shall show details of arrangements to enable a motor vehicle to turn within the site so that it can enter and leave the highway in a forward gear.

**Reason:** In the interests of highway safety in accordance with Policy 2 of the South East Lincolnshire Local Plan (2011-2036) and the National Planning Policy Framework (2019).

When application is made for approval of the 'reserved matters', that application shall show details of parking arrangements for each dwelling.

**Reason:** To ensure the retention of adequate car parking provision to serve the development in the interests of highway safety in accordance with Policy 36 of the South East Lincolnshire Local Plan (2011-2036) and the National Planning Policy Framework (2019).

Prior to the commencement of development above slab level, final details of measures that aim to reduce pollution and promote renewable and low carbon energy (including measures such as facilities for EV car charging) and details relating to the timing of their implementation, shall be submitted to and approved in writing with the Local Planning Authority. The development shall be constructed in accordance with the approved measures.

**Reason:** To help reduce pollution and promote renewable and low carbon energy in new development schemes and to accord with Policies 2, 3, 30 and 31 of the South East Lincolnshire Local Plan (2011-2036) and to accord with the intentions of the National Planning Policy Framework (2019).

The water consumption of each dwelling hereby permitted should not exceed the requirement of 110 litres per person per day as set out as the optional requirement in Part G of the Building Regulations (2010) and the South East Lincolnshire Local Plan (2011-2036).

The person carrying out the work must inform the Building Control Body that this duty applies.

A notice confirming the requirement for the water consumption has been met shall be submitted to the Building Control Body and Local Planning Authority, no later than five days after the completion of each individual dwelling.

**Reason:** To protect the quality and quantity of water resources available to the district. This condition is imposed in accordance with Policy 31 of the South East Lincolnshire Local Plan (2011-2036).

## **INFORMATIVES / NOTES TO BE INCLUDED ON/WITH DECISION NOTICE**

### **Highway Informative 03**

The permitted development requires the formation of a new/amended vehicular access. These works will require approval from the Highway Authority in accordance with Section 184 of the Highways Act. The works should be constructed in accordance with the Authority's specification that is current at the time of construction. Relocation of existing apparatus, underground services or street furniture will be the responsibility of the applicant, prior to application. For approval and specification details, please contact [vehiclecrossings@lincolnshire.gov.uk](mailto:vehiclecrossings@lincolnshire.gov.uk)

### **Highway Informative 08**

Please contact the Lincolnshire County Council Streetworks and Permitting Team on 01522 782070 to discuss any proposed statutory utility connections and any other works which will be required within the public highway in association with the development permitted under this Consent. This will enable Lincolnshire County Council to assist in the coordination and timings of these works.

### **STATEMENT OF PROACTIVE WORKING:**

In determining this application, the authority has taken account of the guidance in paragraph

38 of the National Planning Policy Framework 2019 in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the Borough.