

Development Management Delegated Decision Report

B/20/0513



SUMMARY OF APPLICATION				
Application Reference	B/20/0513			
Application Type	Major - Full Planning Permission			
Proposal	Construction of 12 residential dwellings			
Location	Baptist Farm, Slippery Gowt Lane, Wyberton, Boston, PE21 7SQ			
Applicant	Mrs Rebecca Archer, Chestnut Homes Ltd			
Agent				
Received Date:	29-Dec-2020	Consultation Expiry Date:	11-Feb-2021	
Valid Date:	18-Jan-2021	Statutory Expiry Date:	19-Apr-2021	
Date of Site Visit:	10-Feb-2021	Extension of Time Date:	30-Apr-2021	
Objections received?	No			
5 day notification record:				
	Councillors notified	Date	Response received – date	Ok to continue
Recommendation	Conditional Approval			
Report by:	Consultant Planning Officer (Ian Carrington)			
Date:	27-Apr-2021			



OFFICER REPORT

SITE AND SURROUNDINGS:

The application site is in the parish of Wyberton approximately 1.5km north east of Wyberton village and 2.5km south of the centre of Boston. To the immediate north and west is the Heron Park development site for c.200 dwellings which is currently under construction, beyond which lie a mixture of residential and commercial areas forming part of the built form of Boston.

To the south and south west there is open countryside largely in agricultural use and bisected by hedges and field drains. C.250m beyond pasture land to the immediate east is an area of employment land in commercial and industrial use.

The site is in effect a 0.7 hectare rectangle inset into the south east corner of the much larger Heron Park site. Access to the proposed dwellings would be from that site and also from Herons Way and Slippery Gowt Lane which form the eastern and southern site boundaries.

The site is in Flood Risk Zone 3 (FRZ3).

DETAILS OF PROPOSAL:

Full planning application for the erection of 12 dwellings on the site of an existing detached dwelling which is to be removed. The development consists of 4 detached houses, one pair of semi-detached and two rows of three terraced houses. The site links to the larger Heron Park development to the north via a private drive to Dunlin Close which provides access for the two terraced blocks whilst the detached and semidetached houses access Slippery Gowt Lane and Heron Way to the south and east respectively.

The final proposed site plan shows improved access arrangements responding to Highways Authority comments including a pedestrian link to the new development and footways on Slippery Gowt Lane and Heron Way.

RELEVANT HISTORY:

Whilst there is no known planning history on the site itself, the adjoining Heron Park development was approved under B/17/0317 and B/18/0489. Various reserved matters applications have been approved for the development which is partly under construction including most recently B/21/0039 (Phase 3) and B/20/0511 (5 dwellings for self build).

RELEVANT DEVELOPMENT PLAN POLICIES AND DOCUMENTS:

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

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: Flood Risk

- Policy 6: Developer Contributions
- Policy 10: Meeting Assessed Housing Requirements
- Policy 17: Providing a Mix of Housing
- Policy 18: Affordable Housing
- Policy 31: Climate Change and Renewable and Low Carbon Energy
- Policy 32: Community, health and Wellbeing
- Policy 36: Vehicle & Cycle Parking

OTHER RELEVANT DOCUMENTS / LEGISLATION / GUIDANCE:

National Planning Policy Framework (2019) (NPPF)

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

- Paragraphs 8, 11, 12, 34, 117, 118, 127, 128, 130, 150, 163, 165,

National Planning Practice Guidance (PPG)

National Design Guide (NDG)

CONSULTATION RESPONSES:

Wyberton Parish Council – ‘no objection’

Lincolnshire County Council Highways/SUDS – requested further information (supplied) – see file and report

Black Sluice IDB – no objection – observations regarding surface water drainage, access to watercourses and byelaws and site levels – see file and report

Anglian Water – no objection – requests regarding conditions – see file and report

Environment Agency – no objections – requests that Flood Risk Mitigation proposals are secured by condition and notes that if dwellings are two storey then non-habitable ground floors will not be necessary

BBC Housing Strategy – Originally noted that they ‘cannot support’ – a) notes that to comply with Local Plan requirements an affordable housing contribution of 2 properties would be necessary; b) notes that proposed tenure arrangements are not in accordance with BBC requirements and c) observation regarding minimum size of bedroom in affordable properties. Since this initial response, considerable discussion has been held with regard to the affordable housing offer, and they have indicated an agreement to securing 2 units by condition – that condition is proposed later in this report.

BBC Environmental Health – no objection – observations regarding conditions, the provision of electric vehicle charging points and a construction management plan

THIRD PARTY REPRESENTATIONS RECEIVED:

Neighbour comment – an occupant of Antons Gowt has written requesting a condition to secure the provision of nesting bricks for swifts

EVALUATION:

Principle of the Development

The proposal site is outside the boundary of Boston as shown in the Local Plan proposals maps, in an area shown as open countryside. Technically, therefore, the proposal is contrary to Local Plan policy and national guidance which both seek to direct new housing development from less sustainable to more sustainable locations.

However the position shown on the policy maps is not the sole determining factor, and due consideration should be given to the immediate context of the site which has seen significant recent development. Permission B/17/0317 approved the principle of the Heron Park development to the immediate north and east, which forms a bridging link to the southern edge of the built form of Boston. The application was approved as a departure from the Local Plan then obtaining. The present proposal site was at that time a private house and grounds at the south east corner of the Heron Park development. With the above and subsequent permissions, Heron Park is currently under construction. The present proposal would form an integral part of Heron Park, the existence of which means that the site is no longer an open countryside one, but is instead on what will become the southern edge of Boston.

Paragraph 12 of the NPPF states:

The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

In this case the proposal conflicts with the mapped element of the Local Plan, but that is out of date in the sense that it does not reflect the existence of Heron Park. It is noted that a) the present proposal would fit within the highways which form the boundaries of Heron Park; b) that site was domestic rather than rural in character and the proposal will have a minor visual and landscape impact; c) that no significant biodiversity loss would be caused by the scheme and d) the proposal would contribute 12 units toward the Borough's housing provision in a location which, by reason of adjacent development, is suitable for new market housing.

It is also noted that the previous use of the land was residential/domestic curtilage, and hence the principle of residential use if the site has already been established.

These factors together with all others contributing to the planning balance regarding the principle of the development have been carefully considered in the light of paragraph 12 of the Framework. It is concluded that the material considerations in favour of the development significantly outweigh any adverse impacts and strongly indicate that in this case the Plan as set out in Inset Map 1 of the SELLP should not be followed. The principle of the development is considered sound.

Amenity Impacts

LCC Highways requested that the applicant demonstrate improved facilities for the parking and turning of vehicles and for pedestrian safety. Amended site layout drawing BFB/09 Rev A addresses these matters, including the provision of a footway adjacent to the Heron Way and Slippery Gowt Lane. Access for the proposed dwellings is divided between these two highways (which are speed limited at this point) and an internal estate road, Dunlin Close; in addition there is dedicated pedestrian access between Dunlin Close and Slippery Gowt Lane at the western site boundary. Whilst the arrangements at the north end of the site could be more spacious, it is considered that taken together and in context the revisions are acceptable and that vehicular and pedestrian access will be safe, and that a refusal on highway safety grounds could not be sustained.

The layout and fenestration arrangement of the dwellings is such that their future occupants will enjoy appropriate amenity space and will not suffer unacceptably harmful amenity impacts from overlooking, loss of light, massing or other causes.

Design, layout, appearance and local character

The proposal is in effect an extension of the Heron Park development already permitted, using the same estate layout and house types. The dwellings will present externally to the highway and internally to the estate very much as the emerging development to the immediate north, and will be in keeping with the character of the local built environment and the wider locality. The new footways on Slippery Gowt Lane and Heron Way will be a significant urbanising feature in what has hitherto been a distinctly rural street scene, but they and the pedestrian link into the new development at Dunlin Close will provide a material betterment in terms of road safety and active transport.

Details of the materials for external walls and fences are supplied and are considered acceptable. Details of materials for the dwellings are not supplied. However these are believed to reflect those of the rest of Heron Park and can be secured by condition.

Development in a flood risk area

The proposal site is in an area of elevated flood risk (FRZ3) and is supported by a Flood Risk Assessment (FRA) and a Preliminary Drainage Strategy. As an extension to the Heron Park development already allowed, the proposal could not be sited elsewhere and therefore the Sequential Test does not apply. No objections on flood risk or drainage grounds have been received. The local Internal Drainage Board notes in its comments that Board consent is required to discharge into a local watercourse and that Board consent is required for any structure or planting within 9m of that watercourse. The Board's comments acknowledge discussions it has already held with the applicant to ensure its 9m protection zone is protected. Foul water will be to the mains sewer, and a surface water drainage scheme is included. Anglian Water has commented on the proposal and whilst requesting some conditions has not objected. The proposal meets the criteria set out in Policy 4 of the Local Plan regarding development in flood risk areas.

Subject to the use of the details in the FRA and Drainage Strategy is considered that the proposal is capable of implementation without causing increased risk of flooding on or off the site.

Biodiversity

Noting comments from a resident and the Authority, the final revised plans show the locations of bird nesting bricks and bat boxes in the interests of supporting biodiversity on the site.

Affordable Housing

The initial affordable housing contribution was considered insufficient at 1 unit, and the final revised plans show the locations of two dwellings (no.s 104 and 105) which are indicated as for affordable housing. Notwithstanding this, agreement has been reached regarding the provision of 2 units in total, with the precise type, location, tenure etc all to be secured by a condition. This is recommended. In the context that the adjacent site has been developed out in partnership with a Registered Provider (Longhurst) it is considered likely that there would be more than 2 units provided as part of the overall scheme and this has formed the foundation of discussions with the Applicants agent. To that end, the Council considers that the imposition of the respective condition would enable a policy compliant scheme to come forward, or indeed allow a suitable justification to be presented for any alternative mix of type or tenure, once formal discussions with an RP have been undertaken and concluded. To that end, it is considered that subject to the condition as recommended, policy 18 would be met.

CONCLUSION:

The proposal is sound in principle, will cause no unacceptably harmful amenity impacts and will integrate with its context and be in keeping with the character of the locality. The proposal is capable of implementation without causing increased risk of flooding on or off the site. Subject to the use of appropriate conditions the proposal is considered to accord with policies 1, 2, 3, 4, 6, 10, 17, 18, 31, 32, 36 of the South East Lincolnshire Local Plan and with relevant paragraphs of the Framework as cited above.

RECOMMENDATION:

APPROVE

CONDITIONS / REASONS			
Pre-commencement conditions?	No	Agreed with applicant/agent - Date:	
<p>1. The development hereby permitted must be begun not later than the expiration of four years beginning with the date of this permission.</p> <p>Reason: To take account of the present restrictions on implementing permissions, in order to assist the recovery and in order to comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.</p>			

2. The development hereby permitted shall only be undertaken in accordance with the following approved plans:

BFB/09 Rev B Site Layout Plots 6-11 & 104-109 received by the LPA on 15/04/21

925-V4-01 Plans and Elevations received by the LPA on 29/12/20

113-V1(op) 01 Plans and Elevations received by the LPA on 29/12/20

111-V5(op) 01 Plans and Elevations received by the LPA on 29/12/20

913-V1 (3 Block) 02 Elevations received by the LPA on 29/12/20

925-V4-01 Plans and Elevations received by the LPA on 29/12/20

925-V4-116-V1 01 Rev B Plans and Elevations received by the LPA on 29/12/20

913-V1 (3 Block) 01 Plans received by the LPA on 29/12/20

06 (Detail 6) Rev I Wall and Fencing Details received by the LPA on 29/12/20

16-225-01 Topographical Survey received by the LPA on 29/12/20

Reason: Reason: To ensure the development is undertaken in accordance with the approved details, in accordance with Policies 2, 3 and 4 of the South East Lincolnshire Local Plan (2011-2036) and with the intentions of the National Planning Policy Framework 2019.

3. The development hereby permitted shall be carried out in accordance with the approved Flood Risk Assessment and Preliminary Drainage Strategy both received on 29/12/20. The mitigation measures shall be fully implemented prior to occupation and shall thereafter be so maintained.

Reason: To reduce the risk of flooding to the proposed development and future occupants in accordance with Policy 4 of the East Lincolnshire Local Plan and paragraph 163 of the National Planning Policy Framework.

4. Before any works above the damp proof course a schedule of external materials, including samples where requested, to be used in the construction of buildings and hard surfaced areas shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details.

Reason: In the interests of the character and appearance of the development and the visual amenity of the area in which it is set. This condition is imposed in accordance policies 2 and 3 of the East Lincolnshire Local Plan and paragraph 127 of the National Planning Policy Framework.

5. Prior to any works other than site clearance a method statement for the demolition and/or construction of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The demolition and construction works shall be carried out in accordance with the approved method statement. The statement shall provide for:

- the routing and management of construction traffic
- the parking of vehicles of site operatives and visitors;
- loading and unloading of plant and materials;
- storage of plant and materials used in constructing the development;
- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- wheel cleaning facilities;

- measures to control the emission of dust and dirt during construction;
- protection of Public Rights of Way
- details of noise reduction measures
- a scheme for recycling/disposing of waste resulting from demolition and construction works
- the hours during which machinery may be operated, vehicles may enter and leave, and works may be carried out on the site

Works shall then only be undertaken in accordance with the agreed details.

Reason: In the interests of highway safety and the amenity of nearby residents. This condition is imposed in accordance with paragraph 127 of the National Planning Policy Framework.

6. Before any works above the damp proof course a foul water strategy including details of the connection point to the main sewer shall be submitted to and approved in writing by the Local Planning Authority. No building shall be occupied until the works have been carried out in accordance with the foul water strategy so approved.

Reason: To ensure that the site is adequately drained and to avoid pollution. This condition is imposed in accordance with paragraph 163 of the National Planning Policy Framework.

7. Prior to each dwelling being occupied the road and/or footway serving that dwelling shall be completed in accordance with the approved plans.

Reason: Reason: To ensure that the estate streets serving the development and completed and maintained to the approved standard, and are available for use by the occupants, and other users of the development in the interest of highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the approved development; and to safeguard the visual amenities of the locality and users of the highway, in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan.

8. Notwithstanding the details shown on the approved plans, no dwelling hereby permitted shall be occupied until an affordable housing scheme to secure the provision of affordable housing on the site has been submitted to and approved in writing by the Local Planning Authority.

The affordable housing scheme shall include details of:

- (i) the numbers, type, tenure and location of the affordable housing provision to be made;
- (ii) the timing of the construction of the affordable housing and its phasing;
- (iii) the arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing (if no Registered Provider is involved);
- (iv) the arrangements to ensure that such provision is affordable for both the first and subsequent occupiers of the affordable housing; and
- (v) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy shall be enforced.

The affordable housing shall meet the definition of affordable housing in the NPPF (or any future guidance that replaces it), and shall be provided in full accordance with the details and

timetable contained within the duly approved scheme, and shall be retained as such thereafter.

Reason: To ensure that an appropriate contribution of 2 units towards affordable housing is made as part of the development in order to meet local need, and to ensure that any affordable housing remains affordable in perpetuity in accordance with the requirements of Policies 6 and 18 of the South East Lincolnshire Local Plan 2011-2036 and the National Planning Policy Framework.

INFORMATIVES / NOTES TO BE INCLUDED ON/WITH DECISION NOTICE

1. With regard to the above condition on affordable housing, the Applicant / Developer is advised that to satisfy the condition, the Council's preference is for the tenure split of the affordable housing to comprise 1xRented and 1xShared Ownership tenure. An alternative tenure split will be considered, however an appropriate written justification should accompany the condition discharge request.

2. The applicant's attention is drawn to the comments on the case dated 15th April 2021 by the Black Sluice Internal Drainage Board. The applicant is advised to discuss the matters raised therein with the Board's officers prior to the scheduling or commencement of any works.

3. The development hereby permitted requires the formation of a new vehicular access. These works will require the approval of the Highway Authority in accordance with Section 184 of the Highways Act 1980. The works should be constructed to the satisfaction of the Highway Authority in accordance with the Authority's specification that is current at the time of construction. For approval and specification details please contact vehiclecrossings@lincolnshire.gov.uk

4. 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 in the public highway in association with the development permitted by 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.

