

Development Management Delegated Decision Report

B/21/0011



SUMMARY OF APPLICATION

Application Reference	B/21/0011		
Application Type	Full Planning Permission		
Proposal	Erection of 4 detached chalet bungalows		
Location	Land East of Llewelyn House, Main Road, Wigtoft, Boston, PE20 2NZ		
Applicant	Mr & Mrs Stevens		
Agent	Mr Thomas Luto		
Received Date:	15-Jan-2021	Consultation Expiry Date:	23-Mar-2021
Valid Date:	17-Feb-2021	Statutory Expiry Date:	14-Apr-2021
Date of Site Visit:	02-Mar-2021	Extension of Time Date:	----
Objections received?	No		
5 day notification record:	Not applicable		
Councillors notified	Date	Response received – date	Ok to continue
Recommendation	REFUSE		
Report by:	Grant Fixter		
Date:	30/03/21		

OFFICER REPORT

SITE AND SURROUNDINGS:

The application site comprises an area of grassland which is roughly rectangular in nature and is located off Main Road, Wigtoft. As per The South East Lincolnshire Local Plan, the site is within the countryside. The site is essentially bound by mature planting to all boundaries, with residential development to the east and west and agricultural land to the north and south. The wider character of the area is rural and agricultural in nature.

DETAILS OF PROPOSAL:

This proposal seeks full planning permission for the erection of four detached dwellings.

Access is principally taken from Main Road which leads to a shared service road where four private drives then serve the proposed dwellings.

The dwellings will be chalet bungalows and all be of a similar orientation, scale, footprint and have fenestration following a similar building line. Three different house types are proposed but the only difference between the dwellings are materials:



- House type 1 – brick to the lower extent of the build with off white render above;
- House type 2 – brick to the lower extent of the build with cedar cladding above;
- House type 3 – off white render with some inclusions of cedar cladding.

Full details of the submission are shown on the following plans:

- PL-001 - Location Plan;
- PL-003 - Proposed Block Plan;
- PL-004 - House Type 1;
- PL-005 - House Type 2;
- PL-006 - House Type 3;
- PL-007 - Tree Survey;
- PL-008 - Landscaping Scheme.

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:

Welland and Deepings IDB

“Do not object and made the following comments:

I note from the General Arrangements Plan, reference: LH-GA-400: Rev A, that foul water disposal is to discharge to mains sewer and the surface water disposal is to firstly discharge to a communal soakaway with an overflow discharge into the riparian dyke at the rear of the site.

This requires the submission of an application for consent to discharge surface water in advance of any site works. This is subject to the agreement of technical details, payment of the application fee and correct Development Contribution sum.

The current Development Contribution sum for individual plots/dwellings is £500 each; therefore, an application for Plots 1-4 currently has an applicable contribution total of £2,000. However, from the 1st April 2021 the Development Contribution rates will be subject to increase in line with RPI.

I am pleased to see that the riparian dyke to receive the surface water discharge is to receive a suitable headwall and to be cleaned out prior to receiving the positive discharge.

The future homeowners of each plot in perpetuity should be made aware of their riparian duties to look after the riparian dyke regardless of any boundary hedges, fences, walls, etc and it would be prudent for this to be highlighted in their deeds when purchasing the properties.”

Wigtoft Parish Council

Have no objections and made the following comments:

“The Parish Council query the number of properties on the site (the density of the development). The development is appropriate to the proposed site in the village.”

Lincolnshire County Council

Have no objections and stated a number of informatives.

Environmental Health

Have no objections in principle and made the following comments:

“The applicant has submitted details of mitigations in terms of air quality:

We propose to use 1x Pellet fed biomass boiler per property that has a minimum standard of 40mgNOx/kWh.

We will also install 1x external vehicle charging point per property, as electric vehicles are the future in helping to reduce emissions.

I would ask that these requirement are conditioned as appropriate.

In terms of contaminated land the site appears to be 'green field' in nature. Nonetheless it would be prudent to attach a condition regarding unforeseen contamination.

If, during development, ground contamination is identified, then the LPA shall be notified immediately and no further work shall be carried out until a method statement detailing a scheme for dealing with the suspect contamination has been submitted to and agreed in writing with the LPA."

THIRD PARTY REPRESENTATIONS RECEIVED:

No third party representations have been received.

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.

Paragraph 8 of the NPPF relates to sustainable development states what the three overarching objectives in achieving sustainable development are:

*"a) **an economic objective** – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;*

*b) **a social objective** – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of*

present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

*c) **an environmental objective** – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.”*

The NPPF sets out when sustainable housing development in rural areas will be supported and albeit the NPPF does not refer to settlement boundaries, it does seek to retain and recognise the character and appearance of the countryside where appropriate.

Paragraphs 77-78 of the NPPF state:

“77 In rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs. Local planning authorities should support opportunities to bring forward rural exception sites that will provide affordable housing to meet identified local needs, and consider whether allowing some market housing on these sites would help to facilitate this.

78. 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.”

Paragraph 79 of the NPPF considers isolated homes in the countryside. Whilst the site is located well outside of the settlement boundary and the built up area, there is residential development to the east and west. Based on the ‘*Braintree District Council v Secretary of State for Communities and Local Government, Greyread Limited & Granville Developments Limited [2017] EWHC 2743 (Admin)*’ which is a commonly known case regarding the term ‘isolated homes’, the site is not deemed isolated. Paragraph 79, therefore, does not apply.

Paragraph 12 of the NPPF also states:

“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.”

The application site is located a considerable distance outside the Wigtoft settlement boundary and as such, is not an area where new housing is normally approved unless such a proposal meets criteria outlined in local and national policy.

As per policy 1 of the SELLP, the first consideration is whether such a proposal is necessary to its location. Albeit the site is off a main road, it is well outside the settlement boundary and there is no justification as to why residential development is necessary to this site. From the submission before the officer, there is no consideration as to whether there are any more suitable sites for residential development either within or immediately to the settlement boundary.

Furthermore, it is also worth noting as of the 31st March 2020, the Council can demonstrate a 5.2 year housing land supply, therefore, the policies can be given full weight when considering the proposal.

It is, therefore, considered the proposal is not necessary to its location and fails to comply with part 1 of Policy 1(d).

Turning to part 2 of Policy 1(d), the next consideration is whether it has been demonstrated the proposal meets the sustainable development needs of the area in terms of economic, community or environmental benefits.

In respect of the economic considerations, the proposal would likely make a small contribution to the local economy through the build of the properties.

In respect of community benefits, it is not clear what these would constitute and no information has been submitted with the submission which outlines what these would be. Furthermore, there are concerns on the impact of the character of the area which are outlined later in the report. For those reasons, it is argued there would be no community benefits from this proposal.

Finally, the application is already extensively planted to the boundaries, with the submission proposing to plant 2 common ash trees and 3 field maple trees. The planting of 5 trees to an already extensively planted site will not provide any environmental benefits.

The proposal, therefore, does not fully comply with the second part of Policy 1(d). Taking this into account, the concerns regarding impacts on the character of the area and the fact the proposal does not comply with the first part of Policy 1(d), the principle of development is not deemed acceptable.

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.

Paragraph 127 of the NPPF states that developments should add to the overall quality of the area, not just for the short term but over the lifetime of the development, be visually attractive and sympathetic to local character with a high standard of amenity for existing and future users.

Paragraph 130 of the NPPF advocates that where a development is a poor design that fails to take the opportunities available to improve the character and quality of an area planning permission should be refused.

This section of the report will firstly focus on the land itself and the potential implications any development would have on the character of the area, then turning to specifics within the proposed development.

The site is well outside of the settlement boundary and at present, the land is vacant and is similar to that commonly seen in the countryside, where the pattern respects between development, vacant land and then further development. Albeit each application is assessed separately and on its own merits, such parcels of land are considered important to preserve the character of the countryside and area. Should all these parcels of land be developed, there would be continued erosion of the countryside and in turn would result in a linear forms of development that stretches the built form into the openness of the countryside.

When travelling outside the built up settlement area of Wigtoft and outside the settlement boundary, there are a number of parcels of land sited between development which help retain the countryside appearance and nature of the area. Sites such as this, therefore, are common along Main Road and Asperton Road, and any development on such parcels of land would lead to a continued erosion of the countryside. It is deemed this proposal, therefore, would lead to substantial harm on the character of the area through the erosion of the countryside.

The proposal itself will lead to a small estate development in the countryside and whilst it could be argued the development to the east also comprises a small estate development, the development to the west comprises one dwelling. Its amenity land borders the site, with the dwelling sited beyond this, so the dwelling itself is not immediately adjacent to the western boundary of the application site. This further enhances the openness of the application site. This proposal, therefore, will not only further erode the countryside, but will also be out of keeping with the character of the spacious dwelling to the west.

The proposal would consolidate the existing built up frontage of this part of the countryside, will substantially alter the linear pattern of development and will erode the character of the area.

Given the nature of the site and the scale of the proposed development, the proposal is not deemed to be 'infill'.

The proposal is for 4 detached dwellings and from review of the submission, all dwellings will be of a similar size, orientation and footprint. Albeit 3 different house types are proposed, the changes are essentially limited to materials which is addressed in the next paragraph. The location and extent of fenestration on each elevation across the three house types is identical. The officer is of the view this will lead to a very rigid, uniform development and will not achieve a good design, in addition to further detracting from the character of the area.

As stated above, there are three different house types and this is essentially limited to the materials used:

- House type 1 – brick to the lower extent of the build with off white render above;
- House type 2 – brick to the lower extent of the build with cedar cladding above;
- House type 3 – off white render with some inclusions of cedar cladding.

Whilst differing materials and design are often promoted to help break up proposals, it has to be proportionate, considerate to its area, be in keeping with the entire development and achieve a good design. Development to the east and west comprises red brick builds.

This proposal will be completely out of keeping with the area in regard to materials and considering the extent of the variation of materials, the proposal will be even more noticeable and as a result, further detract from the character of the area. The variation of materials between the house types is considered too extreme.

Given the countryside location of the site, from review of the proposed site plan it is also considered 4 dwellings on site would lead to a cramped development appearance, further detracting from the character of the area.

It is also worth noting gardens for dwellings west and east of the site are long, narrow and set back, compared to this proposal where the gardens are much shallower in nature.

The proposal, therefore, is contrary to policies 2 & 3 of the SELLP and the principles of good design and sustainable development advocated by the NPPF.

Impact on residential amenity

SELLP Policy 2, 3 and 30 advocate that a proposed development should consider if there is an impact on the amenity of the site and neighbouring sites as well as the impact upon neighbouring land uses in terms of noise, odour, disturbance or visual intrusion.

From the submitted site plan, the four dwellings would all have the same orientation and comprise a linear development. The existing and proposed landscaping would help protect surrounding amenity and the amenity of future occupiers. There would be no loss of privacy or outlook, in addition to the proposal not leading to any overshadowing.

The proposal is, therefore, complies with policies 2, 3 and 30 of the SELLP in respect of 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.

Access will be achieved off Main Road and will run along the northern extent of the site, with four private drives branching off. From the submitted flood plans, the dwellings would comprise 3 bedrooms and it appears there would be sufficient parking for 2 dwellings per property, meaning appropriate provision can be provided on site. There is also ample turning space within the site meaning vehicles can leave and enter the site in a forward gear.

The Local Highway Authority do not object to the scheme, appropriate parking provision can be provided and vehicles can enter and leave the site in a forward gear. It is not considered the traffic that may be generated from one dwelling will harm highway safety.

The proposal is, therefore, acceptable and highway safety and parking grounds.

Flood risk

Policy 4 of the SELLP states 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, that it is essential infrastructure in FZ3a & FZ3b, it is highly vulnerable development in FZ2 or is more vulnerable development in FZ3 providing wider sustainability benefits to the community that outweigh flood risk. Where supported by a site specific flood specific risk assessment a criteria will need to be adhered to.

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. One of which was to raise the FFL by 0.5m above existing ground level.

It is deemed the proposal would not increase the flood risk in the area and subject to a suitable surface and foul water strategy, would not have an adverse effect on surface water.

Planning balance

From the above, it has been deemed the proposal would be acceptable on flood risk, amenity and parking/ highway safety grounds. All of which weigh in favour of the proposal.

Turning to the principle of development, the proposal is within the countryside and, therefore, as per policy 1 needs to be necessary to its location and meet the sustainable needs of the area in terms of economic, community and environmental benefits. No information has been submitted to justify the proposal in respect of the requirements of policy 1. From review of the submission, it is deemed the principle of development is not acceptable as it is not necessary to its location and does not meet the sustainable needs of the area. This significantly weighs against the proposal.

Turning to the character of the area, the development of this land would consolidate the existing built up frontage of this part of the countryside, will substantially alter the linear pattern of development and will erode the character of the area. The design of the builds are identical in terms of footprint, scale, orientation and the placement of fenestration, leading to a very rigid, uniform development. Furthermore, the extent of the variation of materials is considered too extreme and will be completely out of keeping with the character of the area, in addition to not achieving a good design. The proposed site plan also appears to show a cramped form of development. All these will lead to the proposal having a detrimental impact on the character and appearance of the area.

The proposal, therefore, does not comply with local and national policy and does not meet the sustainable development considerations.

It is also worth noting as of the 31st March 2020, the Council could demonstrate a 5.2 year housing land supply, therefore, the policies can be given full weight when considering the proposal.

CONCLUSION:

This proposal is not deemed to be infill and does not comply with the requirements of policy 1 of the SELLP, meaning the principle of development is not acceptable. It has also been demonstrated the proposal would have detrimental impacts on the character and appearance of the area.

The proposal, therefore, does not comply with local and national policy and does not meet the sustainable development considerations.

RECOMMENDATION:

REFUSE

CONDITIONS / REASONS	
Pre-commencement conditions?	Agreed with applicant/agent - Date:
1	The application site falls outside of a settlement boundary and is located within the countryside. There is a significant lack of information submitted to provide a sufficient and sound justification for residential development of four dwellings in this location. The development has not been proven to be necessary to its location or meet the sustainable needs of the area. Therefore, the development would lead to the addition of four dwellings in an unsustainable location, contrary to the spatial objectives set out in Policy 1 of the South East Lincolnshire Local Plan (2011-2036). The lack of an essential need being demonstrated also means the proposal is contrary to Sections 2 and 5 of the National Planning Policy Framework (2019).
2	The development would consolidate the residential dwelling to the west and the further dwellings to the east, leading to an increased urban appearance to this rural, countryside location. The resultant effect would substantially erode the character and appearance of the countryside and open rural landscape. The provision of four dwellings on the site would also lead to a cramped form of development and would negatively impact the character of the area. The development, therefore, fails to meet the criteria of sustainable development. As such the development would be contrary to Policies 2, 3 and 30 of the South East Lincolnshire Local Plan (2011-2036) and Sections 2 and 12 of the National Planning Policy Framework (2019) which seeks to secure a high standard of design that is sympathetic to the character of an area.
3	The proposed development by reason of the similar, scale footprint and orientation would lead to an extremely rigid, uniform development which will not achieve a good design and will detract from the character of the area. Furthermore, whilst the three house types proposed will use different materials, it is deemed the extent of variation between the materials would be too extreme and not in keeping with surrounding development. The extent of the variation of materials will also lead to a poor design when viewing the development in isolation. All of which detract from the character and appearance of the area and the proposal, therefore, fails to accord with Policies 2 and 3 of the South East Lincolnshire Local Plan (2011-2036) and Section 12 'Achieving Well-designed Places' of the National Planning Policy Framework (2019).
	<p>Refused plans:</p> <ul style="list-style-type: none"> • PL-001 - Location Plan; • PL-003 - Proposed Block Plan; • PL-004 - House Type 1; • PL-005 - House Type 2;

	<ul style="list-style-type: none"> • PL-006 - House Type 3; • PL-007 - Tree Survey; • PL-008 - Landscaping Scheme.
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INFORMATIVES / NOTES TO BE INCLUDED ON/WITH DECISION NOTICE	
<p><u>STATEMENT OF PROACTIVE WORKING:</u></p> <p>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.</p>	