

Development Management Delegated Decision Report

B/21/0471



SUMMARY OF APPLICATION			
Application Reference	B/21/0471		
Application Type	Full Planning Permission		
Proposal	Application for the amended housetypes relating to 5no. dwellings (Plots 22 to 26) following approval B/17/0362		
Location	Plots 22-26, Land adjacent to London Road/Drainside South, Kirton, Boston, PE20 1JH		
Applicant	Richard Reed (Builders) Ltd		
Agent	Mr Lewis Smith, Robert Doughty Consultancy Limited		
Received Date:	25-Oct-2021	Consultation Expiry Date:	
Valid Date:	25-Oct-2021	Statutory Expiry Date:	20-Dec-2021
Date of Site Visit:	08-Nov-21	Extension of Time Date:	10-Feb-21
Objections received?	YES		
5 day notification record:			
Councillors notified	Date	Response received – date	Ok to continue
Cllr Watson	02/02/22	03/02/22	OK
Cllr Welton	02/02/22	No	OK
Cllr Brown	02/02/22	No	OK
Recommendation	Approve with conditions		
Report by:	Ian Carrington		
Date:	21/02/22		

OFFICER REPORT

SITE AND SURROUNDINGS:

The application site consists of five plots (22, 23, 24, 25 and 26) on a housing estate development totalling 26 units currently being built out off London Road in Kirton. The plots comprise a group in the eastern part of the site four of which (22, 23, 24 and 25) are on the eastern boundary.

To the west are other dwellings forming part of the development scheme. South and west of the development site is open farmland. To the east a belt of mature trees separates the site from the road known as Drainside South. Main access is via an estate road off the B1397 London Road.

DETAILS OF PROPOSAL:

Application for the amended housetypes relating to 5no. dwellings (Plots 22 to 26) following approval B/17/0362.



RELEVANT HISTORY:

Note: A parallel application B/21/0470 seeking amendments to the designs on plots 16, 17, 18, 20 and 21 has also been submitted.

B/21/0358 - Application for the substitution of Housetypes relating to 2no. dwellings (Plots 8 and 10) following approval B/17/0362 - Approved 23rd September 2021

B/21/0222 - Application under s73 for the variation of Conditions 1 (Approved Plans), C2 (Protected Trees), C6 (Public Open Space) and C13 (Affordable Housing) attached to approval of reserved matters ref B/16/0457 for the erection of 26 dwellings. The amendments relate to the house type as shown on plots 1 and 19 and associated changes to the layout - Withdrawn 23rd July 2021

B/17/0362/NMA2 - Application under s96A for a non-material amendment to approval B/17/0362 to amend design of plots 7, 9 & 11 for internal changes and alterations to the fenestration – Approved 8th April 2021.

B/17/0362/NMA - Application under s96A for a non-material amendment to approval B/17/0362 to amend design of House Type 4 (plots 2, 21 & 24) and House Type 9 (plots 7, 22 & 25) – Approved 20th August 2018.

B/17/0362 - Application under s73 for the variation of conditions 1, 2, 6 and 13 attached to approval of reserved matters ref B/16/0457 for the erection of 26 dwellings. The amendments relate to the house type as shown on plots 1 and 19 and associated changes to the layout – Approved 8th December 2017.

B/16/0457 - Application for the approval of reserved matters for the construction of 26 dwellings including access, appearance, layout, landscaping and scale following the grant of outline planning permission for residential development ref B/15/0456 plus the discharge of conditions 4 (affordable housing) 5 (biodiversity), 9 (fire hydrant) and 10 (highway improvement works) attached to B/15/0456 – Approved 15th February 2017.

B/15/0456 - Outline application for residential development (45 dwellings) with all matters reserved – Approved 15th June 2016.

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 2: Development Management
- Policy 3: Design of New Development

OTHER RELEVANT DOCUMENTS / LEGISLATION / GUIDANCE:

National Planning Policy Framework (2021) (NPPF)

National Planning Practice Guidance (PPG)

National Design Guide (NDG)

CONSULTATION RESPONSES:

Kirton Parish Council - 'Resolution to Object based upon the correct amount of social housing included in the application'

Officer Note: The objection of Kirton Parish Council is noted. However the stated grounds ('correct amount of social housing included in the application') do not in fact apply. The final determination of B/17/0362 confirmed that plots 12, 13, 14 and 15 were allocated as affordable housing, and that is confirmed in the legend to the site plan submitted in this case. None of the affordable plots are affected by the amendments sought by this submission. Ward members were notified in writing of the objection and the proposed recommendation and none have exercised their right to call for determination by the planning committee.

LCC Highways/SUDS - 'no objection'

THIRD PARTY REPRESENTATIONS RECEIVED:

None received

EVALUATION:

The application seeks to amend the designs of the dwellings on five of the 26 plots. The plot boundaries are unchanged, with the key difference being that the proposed dwellings are slightly larger than originally approved.

In terms of design and appearance they remain in keeping with the original consent and those already built out, all being two storey brick built houses with tiled roofs, three with integral and two with detached garages. The detailing references the local vernacular traditional. Exact details of the bricks and tiles have been submitted and are secured by condition. The proposed houses will be in keeping with the character of the first phase of the estate and the wider locality.

The applicant notes in a supporting letter that finished floor levels are the same as those originally approved and the submission is supported by a revised Flood Risk Assessment. The applicant also states: 'The adopted road servicing the site has been constructed to base course level and is the subject of a section 38 agreement under the Highway Act. The surface water disposal scheme, foul water disposal scheme and Public Open Space have been completed in accordance with the original consent and subsequent condition compliance details. Plots 1-6 on the site have been completed and are now occupied'.

In terms of amenity impacts, there will be none on public amenity, and the existing access arrangements as already approved will serve. The layout and disposition of the dwellings and the proposed fenestration arrangements are such that no unacceptably harmful impacts on the residential amenities of future occupants of the estate will arise from these changes.

CONCLUSION:

The proposed amendments will not have a significant impact on the character or appearance of the area. Only the two northernmost dwellings (plots 25 and 26) will be visible from the main

highway to the north, the remainder being screened by other housing. The view from Drainside South will be significantly constrained by protected mature trees which are to be retained, and whose root protection areas the construction will avoid. The proposed designs and their layout and fenestration are such that no harmful amenity impacts are likely.

Conditions have been applied to coincide with the wider consented scheme.

RECOMMENDATION:

CONDITIONS / REASONS	
Pre-commencement conditions?	NO Agreed with applicant/agent - Date:
1	<p>The development shall proceed in accordance with the following approved plans all received by the LPA on 25th October 2021:</p> <ul style="list-style-type: none"> ▪ 1170-11_PL_LP01 Location Plan ▪ 1170-11_PL_SP01 Proposed Site Plan ▪ 1170-11_PL_GT1_GA01 Single Garage- Plans & Elevations ▪ 1170-11_PL_GT2_GA01 Double Garage- Plans & Elevations ▪ 1170-11_PL_HT14_GA01 House Type 14 (Plot 23)- Plans & Elevations ▪ 1170-11_PL_HT14_GA02 House Type 14H (Plot 26)- Plans & Elevations ▪ 1170-11_PL_HT16_GA01 House Type 16 (Plot 22)- Plans & Elevations ▪ 1170-11_PL_HT17_GA02 House Type 17H (Plot 24)- Plans & Elevations ▪ 1170-11_PL_HT9_GA02 House Type 9H (Plot 25)- Plans & Elevations <p>Reason: for the avoidance of doubt and in the interests of proper planning and to comply with Policies 1, 2, 3 and 4 of the South East Lincolnshire Local Plan (2011-2036)</p>
2	<p>Unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, the development shall be constructed in accordance with the materials detailed on the approved schedule of materials (1170/11/MS 25/02/2022 received 28 February 2022).</p> <p>Reason: To ensure use of appropriate materials which are sympathetic to the character of surrounding buildings and the street scene in the interests of visual amenity in accordance with the requirements of Policies 2 and 3 of the South East Lincolnshire Local Plan (2011-2036).</p>
3	<p>The development hereby permitted shall proceed in strict accordance with the details set out in the Flood Risk Assessment forming part of the approved application.</p> <p>Reason: To prevent the increased risk of flooding in accordance with Policies 2 and 4 of the South East Lincolnshire Plan (2011-2036)</p>
4	<p>The trees subject to the Kirton, Sutterton and Algarkirk Tree Preservation Order No 1 shall be protected during construction work by chestnut pale fencing or similar fencing 1.5 metres in height erected around the tree(s) at a distance from the trunk(s) equal to the spread of the crown(s) of the tree(s). The fence shall be retained until all construction works have been completed. Within the protected area no alteration to the ground level</p>

	<p>shall take place, no additional water shall be allowed to flow in, no vehicles shall be allowed to pass, no materials shall be stored, no waste tipped, no fires lit, no pruning of branches shall take place, no services shall be rioted without the written permission of the local planning authority.</p> <p>Reason: To protect the trees during construction work and to accord with policy 2 and 28 of the South East Lincolnshire Local Plan (2011-2036) and the objectives of the National Planning Policy Framework 2021.</p>
5	<p>Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any amendment or successor), no extensions or outbuildings shall be built underneath the canopies of the trees on this site subject to the Kirton, Sutterton and Algarkirk Tree Preservation Order No 1 without the prior approval of the local planning authority.</p> <p>Reason: To protect the health and stability of the protected trees and to accord with policy 2 of the South East Lincolnshire Local Plan (2011-2036) and the objectives of the National Planning Policy Framework (2021).</p>
6	<p>The development hereby approved shall be carried out in full accordance with measures and mitigation set out in the Construction Management Plan – Dated January 2018.</p> <p>The Construction Management Plan shall be strictly adhered to throughout the construction period.</p> <p>Reason: In the interests of the safety and free passage of those using the neighbouring road network, in the interests of the amenity of local residents and to ensure that the development hereby permitted is adequately drained without creating or increasing flood risk to land or property adjacent to, or downstream of, the permitted development during construction. This condition is imposed in accordance with policies 2, 3 and 4 of the South East Lincolnshire Local Plan (2011-2036) and paragraph 130 of the National Planning Policy Framework (2021)</p>
7	<p>The water consumption of any 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).</p> <p>The person carrying out the work must inform the Building Control Body that this duty applies.</p> <p>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 the dwelling.</p> <p>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).</p>

TO BE INCLUDED ON/WITH DECISION NOTICE
<u>STATEMENT OF PROACTIVE WORKING:</u> In determining this application, the authority has taken account of the guidance in paragraph 38 of the National Planning Policy Framework 2021 in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the Borough.