

Development Management Delegated Decision Report

B/22/0516



SUMMARY OF APPLICATION				
Application Reference	B/22/0516			
Application Type	Approval of Reserved Matters			
Proposal	Approval of reserved matters (Access, Appearance, Landscaping, Layout and Scale) following outline approval B/19/0457 (Outline planning permission for residential development (up to 9 dwellings) with all matters reserved for later approval)			
Location	Jasmine House, Asperton Road, Wigtoft, Boston PE20 2PJ			
Applicant	Mr Simon Collingwood			
Agent	Mr Chris Brearley, Archi-Scape Ltd			
Received Date:	12-Dec-2022	Consultation / Publicity Expiry Date:	06-Feb-2023	
Valid Date:	12-Dec-2022	Statutory Expiry Date:	06-Feb-2023	
Date of Site Visit:	11-Jan-2023	Extension of Time Date:	23-May-2023	
Objections received?	Yes			
5 day notification record:				
	Councillors notified	Date	Response received – date	Ok to continue
	Cllr. Cooper	13-Mar-2023	14-Mar-2023	OK
	Cllr. Spencer	13-Mar-2023	Not received	OK
Recommendation (delete as appropriate)	Approve with Conditions			
Report by:	Ian Carrington			
Date:	17-May-2023			



OFFICER REPORT

SITE AND SURROUNDINGS:

The site is located within the settlement limit boundary of Wigtoft and the Wigtoft Conservation Areas cuts across the site from west to east. The site is in a corner position with Main Road and Asperton Road to the south and west boundaries respectively.

The site appears relatively flat and is predominantly grassland although a small area of hardstanding for vehicles and trailers is located at the northwest corner of the site. The vehicular access to this area of hardstanding is via Asperton Road.

A post and rail fence runs along the southern, northern and western boundaries. The northern boundary has a private drive beyond this fence and a tall conifer hedge, approximately 4 metres high, runs along the west boundary, beyond which are the premises of Autotruck Ltd., a heavy goods vehicle repair and maintenance depot.

The nearest residential dwellings are located on the opposite sides of Main Road (south) and Asperton Road (west). Further dwellings are located on the northern side of the private drive (Spion Kop Lane) running along the northern boundary.

DETAILS OF PROPOSAL:

Approval of reserved matters (Access, Appearance, Landscaping, Layout and Scale) following outline approval B/19/0457 (Outline planning permission for residential development (up to 9 dwellings) with all matters reserved for later approval)

RELEVANT HISTORY:

B/17/0289 - Outline application with all matters (layout, scale, appearance, landscaping and access) reserved for the erection of 12no. dwellings – Withdrawn 25/09/2017

B/19/0457 granted outline approval for the erection of up to 9 no. dwellings.

Note: A Certificate of Lawful Use was granted under B/22/0231 for the adjacent site (now known as Autotruck) which related to an extension of the permitted use of the site to include MOT work on cars and light commercial vehicles. See file and report.

RELEVANT DEVELOPMENT PLAN POLICIES AND DOCUMENTS:

South East Lincolnshire Local Plan (2019) (SELLP)

Policy 1 – Spatial Strategy

Policy 2 – Development Management

Policy 3 – Design of New Development

Policy 4 – Approach to Flood Risk

Policy 28 - The Natural Environment

Policy 29 - The Historic Environment

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

Appendix 6 - Parking Standards

OTHER RELEVANT DOCUMENTS / LEGISLATION / GUIDANCE:

National Planning Policy Framework (2021) (NPPF)

National Design Guide (NDG)

National Planning Practice Guidance (PPG)

CONSULTATION RESPONSES:

LCC Highways/SUDS – no objections – requests informatives and conditions regarding construction management plan and footway

BBC Environmental Health – requests conditions to mitigate potential noise impacts from neighbouring commercial site

Welland & Deepings Internal Drainage Board – no objection; requests notification in case of change to plan to dispose of surface water via soakaways

Wigtoft Parish Council – comments from individual councillors passed on by Clerk in absence of resolution at a meeting – these included reiteration of objection to the outline application; desire to see a lower number of dwellings on the site; lack of noise assessment [subsequently supplied] and noise impacts from adjacent commercial site; highway safety; loss of green space and impact on local character.

THIRD PARTY REPRESENTATIONS RECEIVED:

Occupant of Antons Gowt – requests swift nesting bricks on each property

Occupant of Shannon House, Main Road – objects – grounds include a) design not in keeping with local character; b) loss of privacy; c) traffic and road safety; d) lack of local GP capacity; e) noise during construction.

ADDITIONAL CORRESPONDENCE

Additional correspondence was received from ward member Cllr. Cooper responding to a 5 day notification. Cllr. Cooper noted previous instances of noise complaints relating to the adjacent commercial site and expressed concern that this would adversely impact on future occupants. However since the principle of the development had been decided at the outline stage Cllr Cooper did not request a call-in.

EVALUATION:

Principle of the development

The principle of the development was determined under the outline application. There have been no subsequent changes to the development plan or relevant guidance which would undermine this principle.

Amenity impacts including access

Access is via three points – the dwellings facing Main Road will access that highway via a private drive, and the remaining two buildings will access onto Asperton Road and Spion Kop Lane. After some initial queries had been resolved, LCC Highways/SUDS commented that it had no objections to the scheme on highways grounds, and it is not considered that the proposal will have any material harmful impacts on public amenity including highways safety. Parking provision accords with the standards set out in the Local Plan. LCC has requested conditions relating to footway provision and construction management which are considered reasonable and necessary to impose.

In terms of impacts on neighbour amenity, the comments of an objecting neighbour regarding loss of privacy are noted. However since the neighbour's house is on the opposite side of Main Road the separation distances are such that in the context of the built form of the village no unacceptably harmful overlooking or other disturbance is likely. Loss of view of the existing attractive open space is not a material planning consideration.

The most significant amenity impact is the potential for noise disturbance of future occupants of the site from the adjacent commercial site. This is a business occupied with the repair and maintenance of commercial vehicles and in particular heavy goods vehicles. Whilst a Certificate of Lawful Use was granted under B/22/0231, this related only to the addition of MOT work for cars and light commercials to the existing HGV repair and maintenance operation. This is understood to have been taking place for at least 23 years under various proprietors, though possibly for much longer. The current operating company is known as Autotruck, and activities take place in a workshop with large sliding doors onto the yard immediately adjacent to the proposal site, this yard also being used for working on and manoeuvring vehicles. The company's website advertises its opening hours as follows: Mon to Thu – 6am to 10pm; Friday – 6am to 8pm; Saturday – 6am to 12pm; Sunday – Closed.

At the outline stage Environmental Health noted the potential for noise disturbance from this site and that it had no controls over operating hours. Environmental Health did not object in principle providing the design and layout was 'sympathetic' to the neighbouring site, also noting that the new housing might have restrictive impacts on the commercial operation in the future.

The principle of the development was approved at outline, but it is clear from neighbour and parish council comments as well as from the Environmental Health consultation that the neighbouring site has the potential to cause harm to the amenities of future occupants. A noise report was submitted to accompany the application and the Environmental Health team has requested conditions in the following terms:

The assessment makes an assumption that 'windows will be closed (for the worst affected properties) (section 5.2.2)'; however, this is not an appropriate mitigation measure to ensure satisfactory internal noise levels. Should approval for this proposal be granted we would request that fixed glazed windows and mechanical ventilation be conditioned for bedrooms facing onto Main Road and for the rear 1st floor bedrooms of plots 1 & 9. We would also request that the recommendations in the noise assessment relating to the glazing of living rooms and remaining bedrooms (5.2.4), and the installation of acoustic fencing to reduce noise levels in ground floor rooms and gardens (6.1.4) be conditioned as part of any approval. As these recommendations are physical in nature the conditions need to ensure that they are maintained in future. For example to prevent a future occupier replacing a fixed glazed window with an openable one.

The purpose of planning conditions is to make acceptable proposals which would otherwise be unacceptable. The presence of the HGV site is concerning, both in terms of its potential impact on future occupants of the housing and also in terms of potential impacts on the commercial operation by those future occupants. However since the principle of the housing has already been decided and since in the expert view of the Environmental Health team the scheme may be made acceptable with the mitigation to be secured by the requested conditions, it is recommended that the application is allowed on that basis.

Design, appearance, local character and heritage

The southern half of the application site is within the Wigtoft Conservation Area. The outline application was supported by a Heritage Statement and the Planning Justification Statement accompanying the present application deals in detail with the characteristics of the Conservation Area and the means by which the application responds to its character.

The Statement includes an analysis of key aspects of the local built environment, and states that the proposal seeks to avoid an 'overly pastiche' approach. Instead, the dwelling designs are varied, with detailing which references nearby architecture and the use of an indicative materials palette which draws on materials and combinations found locally.

The resulting scheme is of broadly traditional appearance, consisting of two storey detached and semi-detached houses. The 9 dwellings are in 6 buildings (i.e. detached or semi-detached) laid out with four fronting a private drive aligned behind the Main Road boundary, with a further two buildings aligned within the northern boundary onto Spion Kop Lane. The layout presents the dwellings to the street scene in a manner reflecting the largely linear form of the settlement, whilst the arrangement also responds to the need identified at the outline stage to mitigate potential noise impacts from the neighbouring commercial site. It does this by pulling all but two of the dwellings away from the eastern boundary.

In the street scene the development will clearly have an urbanising impact in that it will fill in an existing area of grassed open space. However it will be a positive presence in the street scene, with variations in design unified by a coherent overall character, detailing and materials palette. The landscaping plan includes existing boundary trees to be retained and additional new planting of trees and hedging, and as these mature they will soften the external visual impact of the development.

Taking all these elements together it is considered that the proposal will accord with the distinctive character of the locality, and with the character of this part of the Conservation Area which is in its built form very varied and includes modern as well as older buildings. There will be no significant negative impact on any heritage asset, designated or undesignated.

Flood risk and drainage

Surface water drainage will be to soakaways – the site is in Flood Risk Zone 1 and this approach is considered acceptable. The village is equipped for mains drainage and though as a minor application Anglian Water has not commented on the case it has a statutory obligation to accept additional foul water flows. A condition securing detailed foul and surface water details is recommended.

CONCLUSION:

The principle of the scheme has already been approved through outline consent. The details relating to the reserved matters ('Access, Appearance, Landscaping, Layout and Scale') are satisfactory subject to the use of appropriate conditions. Of particular importance is the mitigation of potential external noise impacts on future occupants and the securing of materials to accord with the indicative palette which contributes strongly to the integration of the scheme into the local built environment and Conservation Area.

Subject to conditions the proposal is considered to be acceptable and to accord with policies 1, 2, 3, 4, 28, 29, 30, 31, 32 and 36 of the South East Lincolnshire Local Plan and with relevant paragraphs of the NPPF.

RECOMMENDATION: Approve with Conditions

CONDITIONS / REASONS			
Pre-commencement conditions?	Yes	Agreed with applicant/agent - Date:	T/Con 17-May-2023
1	<p>The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this permission.</p> <p>Reason: Required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004.</p>		
2	<p>The development hereby permitted shall only be undertaken in accordance with the following approved plans:</p> <ul style="list-style-type: none"> • Drawing 16013-002-01 Rev B Location Plan Site B received by the LPA on 12-Dec-2022 • Drawing SC.ARW.AL.01 Ancillary Layout received by the LPA on 20-Jan-2023 • Drawing SC.ARW.CMP.01 Construction Management Plan received by the LPA on 12-Dec-2022 • Drawing SC.ARW.CSL.01 Coloured Site Layout Plan received by the LPA on 12-Dec-2022 		

	<ul style="list-style-type: none"> • Drawing SC.ARW.HP.01 Highway Plan received by the LPA on 20-Jan-2023 • Drawing SC.ARW.HSL.01 Hard & Soft Landscaping Plan received by the LPA on 12-Dec-2022 • Drawing SC.ARW.HT-01.ELE.01 Housetype 01 Front Elevation received by the LPA on 12-Dec-2022 • Drawing SC.ARW.HT-01.ELE.02 Housetype 01 Elevations received by the LPA on 12-Dec-2022 • Drawing SC.ARW.HT-01.FP.0 Housetype 01 Floor Plans received by the LPA on 12-Dec-2022 • Drawing SC.ARW.HT-02.ELE.01 Housetype 02 Front Elevation received by the LPA on 12-Dec-2022 • Drawing SC.ARW.HT-02.ELE.02 Housetype 02 Elevations received by the LPA on 12-Dec-2022 • Drawing SC.ARW.HT-02.FP.01 Housetype 02 Floor Plans received by the LPA on 12-Dec-2022 • Drawing SC.ARW.HT-03.ELE.01 Housetype 03 Front Elevation received by the LPA on 12-Dec-2022 • Drawing SC.ARW.HT-03.ELE.02 Housetype 03 Elevations received by the LPA on 12-Dec-2022 • Drawing SC.ARW.HT-03.FP.01 Housetype 03 Floor Plans received by the LPA on 12-Dec-2022 • Drawing SC.ARW.HT-04.ELE.01 Housetype 04 Front Elevation received by the LPA on 12-Dec-2022 • Drawing SC.ARW.HT-04.ELE.02 Housetype 04 Elevations received by the LPA on 12-Dec-2022 • Drawing SC.ARW.HT-04.FP.01 Housetype 04 Floor Plans received by the LPA on 12-Dec-2022 • Drawing SC.ARW.SL.01 Site Layout received by the LPA on 20-Jan-2023 • Drawing SC.ARW.SS-01 Street Scenes received by the LPA on 12-Dec-2023 <p>Reason: To ensure that the development is undertaken in accordance with the approved details, in the interests of residential amenity and to comply with Policies 2 and 3 of the South East Lincolnshire Local Plan 2019.</p>
Pre-commencement conditions:	
Conditions which apply during the course of and following completion of the development:	
3	Notwithstanding the approved plans, prior to any works above slab level plans showing fixed glazed windows and mechanical ventilation for any bedrooms facing onto Main Road and for rear first floor bedrooms on the dwellings sited on plots 1 and 9 as shown on approved layout drawing SC.ARW.SL.01 Site Layout received by the LPA on 20-Jan-2023. The development shall be implemented in strict accordance with the details so approved which shall thereafter be so retained.

	Reason: In the interests of the residential amenities of occupants of the site and to mitigate the impacts of external noise, and to accord with policies 2 and 3 of the South East Lincolnshire Local Plan 2019.
4	<p>Notwithstanding the approved plans, prior to any works above slab level plans showing the incorporation of the recommendations in the Noise Impact Assessment forming part of the approved application and received by the LPA on 2—Jan-2023 relating to the glazing of living rooms and remaining bedrooms (5.2.4), and the installation of acoustic fencing to reduce noise levels in ground floor rooms and gardens (6.1.4) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in strict accordance with the details so approved which shall thereafter be so retained.</p> <p>Reason: In the interests of the residential amenities of occupants of the site and to mitigate the impacts of external noise, and to accord with policies 2 and 3 of the South East Lincolnshire Local Plan 2019.</p>
5	<p>Notwithstanding the approved plans, prior to any works above slab level, full details of the proposed means of foul and surface water disposal to separate systems shall be submitted to and approved in writing by the Local Planning Authority and the details so approved shall be implemented in full before there are any flows into the receiving systems.</p> <p>Reason: To ensure that the site is adequately drained, to avoid pollution, and to prevent increased risk of flooding in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 14 of the National Planning Policy Framework 2021.</p>
6	<p>Where trees are shown on drawing SC.ARW.HSL.01 Hard & Soft Landscaping Plan received by the LPA on 12-Dec-2022 to be retained on site they shall be protected prior to and during construction work as follows:</p> <ul style="list-style-type: none"> i) tree protection measures shall be provided around the trees to be retained before any development is commenced at a minimum distance from the trunks equal to the spread of the crowns of the trees. ii) No materials, equipment, site huts, fuels or other items shall be placed or stored within the areas enclosed by the fencing so erected and the ground levels within those areas shall not be altered, nor shall any excavation be made iii) no burning of materials or other items shall take place within 3 metres of the crown spread of any of the trees to be retained; iv) no services shall be routed under the spread of the crowns of the trees to be retained; v) no retained tree shall be cut down, up-rooted, destroyed, topped or lopped unless first agreed in writing by the Local Planning Authority; vi) if any tree which is to be retained dies or is to be removed it shall be replaced within six months thereafter with a tree of such size and species which shall be first be agreed in writing by the Local Planning Authority. <p>Reason: To ensure the protection of trees on the site in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in the National Planning Policy Framework, 2021.</p>

7	<p>The scheme of landscaping and tree planting shown on drawing SC.ARW.HSL.01 Hard & Soft Landscaping Plan received by the LPA on 12-Dec-2022 shall be carried out and completed in its entirety during the first planting season following completion of the development. All trees, shrubs and bushes shall be maintained for the period of five years beginning with the date of completion of the scheme and during that period all losses shall be made good as and when necessary.</p> <p>Reason: To ensure that the development is adequately landscaped, in the interests of its visual amenity and character in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan 2019.</p>
8	<p>Prior to any works above slab level on the development hereby approved a schedule of external materials and hard surfaced areas according with the indicative palette shown in the approved document Design Justification Statement received by the LPA on 12-Dec-2022 shall be submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing by the Local Planning Authority, the development shall be constructed in accordance with the materials so approved.</p> <p>Reason: In the interests of the appearance and character of the development and the visual amenity of the area including Wigtoft Conservation Area in accordance with Policies 2, 3 and 29 of the South East Lincolnshire Local Plan, 2019.</p>
9	<p>Three swift nest bricks shall be incorporated within the external walls of each dwelling hereby approved and shall be retained thereafter.</p> <p>Reason: In the interests of biodiversity and in accordance with Policy 28 of the South East Lincolnshire Local Plan 2019.</p>
10	<p>The development hereby permitted shall not be occupied before a footway with pedestrian crossing points, to connect the development to the existing footway network, has been provided in accordance with details that shall first have been submitted to, and approved in writing by the Local Planning Authority. The works shall also include appropriate arrangements for the management of surface water run-off from the highway.</p> <p>Reason: To ensure the provision of safe and adequate pedestrian access to the permitted Development without increasing flood risk to the highway and adjacent land and property and to accord with policies 2 and 3 of the South East Lincolnshire Local Plan 2019.</p>

INFORMATIVES / NOTES TO BE INCLUDED ON/WITH DECISION NOTICE

1. The applicant should note that in addition to the conditions imposed as part of this reserved matters consent, planning conditions imposed on outline planning permission B/19/0457 remain in force including pre-commencement conditions relating to potential contaminated land and construction management plan. The applicant is advised to ensure that all conditions relating to the site are satisfied.

2. In accordance with Section 59 of the Highways Act 1980, please be considerate of causing damage to the existing highway during construction and implement mitigation measures as necessary. Should extraordinary expenses be incurred by the Highway Authority in maintaining the highway by reason of damage caused by construction traffic, the Highway Authority may seek to recover these expenses from the developer.

3. 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. Any traffic management required to undertake works within the highway will be subject to agreement. The access must be constructed in accordance with a current specification issued by the Highway Authority. Any requirement to relocate existing apparatus, underground services, or street furniture because of the installation of an access will be the responsibility, and cost, of the applicant and must be agreed prior to a vehicle access application. The application form, costs and guidance documentation can be found on our website, accessible via the following link:

<https://www.lincolnshire.gov.uk/licences-permits/apply-dropped-kerb>.

4. Please contact the Lincolnshire County Council Streetworks and Permitting Team on 01522 782070 to discuss any proposed statutory utility connections, Section 50 licences 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. For further guidance please visit our website via the following link: Traffic Management -

<https://www.lincolnshire.gov.uk/traffic-management>

5. The road serving the permitted development is approved as a private road which will not be adopted as a Highway Maintainable at the Public Expense (under the Highways Act 1980). As such, the liability for the future maintenance of the road will rest with those who gain access to their property from it.

6. Where a footway is to be constructed on private land, that land must be dedicated to the Highway Authority as public highway.

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 2021 in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the Borough.