

Development Management Delegated Decision Report

B/24/0029



SUMMARY OF APPLICATION				
Application Reference	B/24/0029			
Application Type	Full Planning Permission			
Proposal	Application under s73 to vary Conditions 2 (Plans) & C13 (Flood Risk Assessment) of planning permission B/21/0526			
Location	Land adj to Woodbine Cottage, 184 Fishtoft Road, Fishtoft, Boston PE21 0BS			
Applicant	Aaron McLoughlin			
Agent	Rick Smith, Rick Smith Design Ltd			
Received Date:	22-Jan-2024	Consultation / Publicity Expiry Date:	20-Feb-2024	
Valid Date:	22-Jan-2024	Statutory Expiry Date:	18-Mar-2024	
Date of Site Visit:	29-Jan-2024	Extension of Time Date:		
Objections received?	No			
5 day notification record:				
	Councillors notified	Date	Response received – date	Ok to continue
Recommendation	Approve with Conditions			
Report by:	Lauren Birkwood			
Date:	13-Feb-2024			



OFFICER REPORT

SITE AND SURROUNDINGS:

The application site is a small parcel of land located to the south east of 184 Fishtoft Road. It is predominately grassland, served as garden amenity land for number 184, and is surrounded by an abundance of trees and hedging. The parcel of land is bordered by Blacksmiths Grove to the east and Alder Grove to the north.

DETAILS OF PROPOSAL:

The application is for variation of conditions 2 (Plans) & 13 (Flood Risk Assessment) of planning permission B/21/0526 (Proposed residential development for 7 No. detached dwellings with associated parking).

RELEVANT HISTORY:

B/21/0526 - Proposed residential development for 7 No. detached dwellings with associated parking. Approved 19th April 2022.

RELEVANT DEVELOPMENT PLAN POLICIES AND DOCUMENTS:

South East Lincolnshire Local Plan (2019)

The following policies contained within the South East Lincolnshire Local Plan (2019) (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 11: Distribution of New Housing
- Policy 17: Providing a Mix of Housing
- Policy 28: The Natural Environment
- Policy 29: The Historic 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 (2023)

At the heart of the 2023 Framework is a presumption in favour of sustainable development. The following sections are relevant to this scheme:

- Section 4 – Decision-making
- Section 5 – Delivering a sufficient supply of homes
- 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

- Section 16 – Conserving and enhancing the historic environment

National Planning Practice Guidance (PPG)

CONSULTATION RESPONSES:

Council's Environmental Health Officer – No objections.

Council's Waste Officer – No objections.

Environment Agency – No objections. Condition recommended.

Lincolnshire County Council Highways/SUDs Officer – No objections.

Heritage Lincolnshire Archaeologist – No objections.

THIRD PARTY REPRESENTATIONS RECEIVED:

No representations received.

EVALUATION:

The key material planning considerations in this case are:

- (1) Principle of Development
- (2) Impact on Character and Appearance of the Area
- (3) Impact on Residential Amenity
- (4) Drainage and Flood Risk
- (5) Highways and Parking
- (6) Landscaping and Biodiversity
- (7) Archaeology
- (8) Other Matters

Principle of Development

The principle of development on this site has been well established through the previous consent on the site. This proposal seeks to vary the wording of conditions regarding the previously approved plans and flood risk. It is therefore considered, in principle, to be acceptable provided that the re-wording of the conditions accords with the requirements of Policies 2, 3, 4, 28, 29, 30, 31 and 36 of the South East Lincolnshire Local Plan 2019.

Impact on Character and Appearance of the Area

The proposal includes the variation of the approved plans of application B/21/0526 which includes changes to the layout of the proposed housing development and a change in house types. The number of dwellings would remain unchanged and density of housing would remain relatively low.

The dwellings would be changed to a mixture of single and two storeys in height, ranging from 2-3 bedrooms and all dwellings would be detached units.

The layout of the dwellings would be in a curved shape centred around a large protected tree. The properties features would be contemporary in appearance but would include materials and other features that can be seen on Fishtoft Road. Nevertheless, many variations of buildings can be seen in the local area. It is considered that these variations add interest to the general character of the area and this proposal would simply contribute to that character.

The development, whilst modest in scale, would not represent an overdevelopment of the site given the land available, extent of gardens and landscaping and separation to neighbouring boundaries. Some properties would have two floors and the finished floor levels would be raised to mitigate against flooding issues. This would result in the properties being higher than those immediate neighbours. That being said, due to the separation and layout of the site, this ensures it is more reflective of the scale of neighbouring buildings.

Landscaping has the ability to enhance the setting of the development and soften the impact of built development. A repeat condition securing final details of this is recommended. Boundaries would also secure the site and these would be made up of fencing and hedges. These are considered to be appropriate in principle to secure the site and a repeat condition is recommended to ensure no adverse visual impacts.

Repeat conditions are recommended to secure final details of external materials, hard surfaces, boundaries and landscaping. Subject to conditions, the proposal is considered to be of good design and responds to local context. As such, it accords with policies 2, 3 and 17 of the South East Lincolnshire Local Plan 2019.

Impact on Residential Amenity

The proposal includes the variation of the approved plans of application B/21/0526 which includes changing to the layout of the proposed housing development and a change in house types.

It is considered there will be a change in the character of the area as currently grassed land will be developed, however the properties would be set into the site boundaries. Neighbours include those on Blacksmiths Grove (to the west), Alder Gove (to the north) and The Golf Yard (to the east).

In terms of The Golf Yard and Alder Grove, whilst the development would be somewhat visible, it is not expected to create significant dominance or massing issues given the levels of separation including the presence of the vehicular road (Fishtoft Road), an existing play area and a drain.

In terms of properties on Blacksmiths Grove, Plot 2 and Plot 4 would be situated on the boundaries shared with these neighbours. A hedge would act as a buffer and separate the new dwellings from the neighbours ensuring issues in terms of dominance and privacy would be minimal. Furthermore, given the proposed dwellings would be either single storey or dormer bungalows, residential amenity impacts would not be significant.

The proposal incorporates garden areas to the rear of each dwelling for future residents. These measures would ensure that the proposal provides adequate amenity space for future residents as required by the NPPF 2023. Therefore, in layout and amenity terms,

the development is considered acceptable under policies 2 and 3 of the South East Lincolnshire Local Plan 2019.

Drainage and Flood Risk

The site is within a flood risk area on the Environment Agency Flood Maps and the Council's Strategic Flood Risk Assessment. Due to the amended house types and layout, a revised Flood Risk Assessment has been provided. Flood resilience measures including "The ground floor level for the living accommodation will be raised 1.0m above the average existing ground level (2.70mODN) set at 3.70mODN". This has been reviewed by the Environment Agency and, subject to safeguarding conditions, they have no objections.

It is essential to ensure the satisfactory disposal of surface water and in accordance with policy 4 of the Local Plan. A repeat condition securing the details provided is recommended and this forms part of this recommendation in line with policy 4 of the Local Plan and the policies as outlined in the NPPF 2023.

Highways and Parking

The proposal incorporates access to the development from Fishtoft Road. In terms of the access, it has been demonstrated on the provided drawings that there will be a suitable visibility in each direction. The location of the access would ensure impacts on the existing hedgerow surrounding the site is reduced. Access will be retained to Woodbine Cottage in its current position. The Highway Officer agrees with the details provided and has no objections in regard to safety or capacity.

Individual plot access will be typically to the front of each property and would each have their own parking and garage. This would accord with the requirements set out in Appendix 6 (Parking Standards) of the Local Plan. This site has several bus stops and local services within walking distance which reduce the need to travel by car. Due to these factors, the level of parking is considered to be appropriate and is justified.

With regards to highways and parking, the development can be achieved without detriment to the highway network, safety or capacity and provides adequate levels of parking to serve the proposed dwellings, in line with policies 2, 3 and 36 of the South East Lincolnshire Local Plan 2019.

Landscaping and Biodiversity

The applicant submitted an Arboricultural Report on the previous permission. However, it did not include biodiversity uplift measures. Instead details were submitted which show the protection and retention of trees and hedging including a large tree in the centre of the site and hedging around the site. This remains the same.

The application is absent in mitigation measures to uplift the biodiversity for species within the site for instance, bird and bird boxes, hedgehog homes and highways. It is therefore considered that a full biodiversity scheme will be required with an accompanying management plan to show what measures would result in an uplift and how they would be managed in perpetuity. This would ensure the development would fully accord with South East Lincolnshire Local Plan Policies 3, 28 and 31.

Archaeology

The proposal is located to the west of Fishtoft village, where archaeological excavation has identified middle Saxon occupation. To the east of the proposed site Roman and medieval finds have been recovered. On this basis, it is considered that the site offers a potential for archaeological remains to be encountered during development. Therefore, a repeat condition is recommended that the developer commissions a Scheme of Archaeological Works, according to a written scheme of investigation in accordance with Policy 29 of the South East Lincolnshire Local Plan 2019.

Other Matters

The Council's Waste Manager requested details of a proposed bin storage area. Details were provided by the agent which shows a bin storage area near the access to the site. The Council's Waste Manager accepted this and has no objections.

CONCLUSION:

The proposed amendments to the previously approved scheme would not harm the site's visual amenities, would not harm neighbouring amenity and there would be no highways, drainage, flood risk, landscaping, biodiversity or heritage impacts. As such, the proposal is acceptable and accords with the policies set out in the South East Lincolnshire Local Plan 2019 and the National Planning Policy Framework (2023).

RECOMMENDATION:

Approve with Conditions

CONDITIONS / REASONS			
Pre-commencement conditions?		Agreed with applicant/agent - Date:	
1	The development hereby permitted shall begin before 19 th April 2026. Reason: To comply with S.91 of the Town and Country Planning Act 1990.		
2	The development shall be carried out in accordance with the following plans: <ul style="list-style-type: none">- Site Location Plan – Received 22nd January 2024- 233160-03A Proposed Site Plan- 233160-04 Plot 1 Details- 233160-05 Plot 2 & 3 Details- 233160-06 Plot 4, 5 & 6 Details- 233160-07 Plot 7 Details- 233160-08 Garage Details- 233160-09 Proposed Site Visuals Reason: For the avoidance of doubt in the interests of proper planning and in accordance with policies 2 and 3 of the South East Lincolnshire Local Plan 2019.		

3	<p>If, during development, contamination not previously considered is identified, then the Local Planning Authority 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 by the Local Planning Authority.</p> <p>Reason: To ensure all contamination within the site is dealt with and to accord with Policies 2 and 30 of the South East Lincolnshire Local Plan 2019.</p>
4	<p>No development shall take place above slab level until details of all external materials to be used in construction of the buildings are submitted to and approved in writing by the Local Planning Authority. The development shall then be built out in accordance with the approved details.</p> <p>Reason: To ensure the development has an acceptable external appearance and is in keeping with the visual amenity and character of the area in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan 2019.</p>
5	<p>No development shall take place above slab level until details of all boundary treatments are submitted to and approved in writing by the Local Planning Authority. The development shall then be built out in accordance with the approved details.</p> <p>Reason: To ensure the development has an acceptable external appearance and is in keeping with the visual amenity and character of the area in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan 2019.</p>
6	<p>No development shall take place above slab level until full details of the biodiversity enhancement measures across the site and a timetable for their implementation, are submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved scheme.</p> <p>Reason: In the interest of enhancing the ecology of the area in compliance with Policies 2 and 28 of the South East Lincolnshire Local Plan 2019.</p>
7	<p>The development hereby approved shall be carried out in strict accordance with the tree and hedgerow protection measures detailed in the Arboricultural Report dated 20th August 2020 and the Design and Access Statement dated 28th February 2022 approved under B/21/0526, unless otherwise agreed in writing by the Local Planning Authority before any clearance or development takes place (whichever is sooner). The identified tree protection measures shall be implemented before any development takes place and maintained as such thereafter for the entirety of the construction period. No works to hedgerows and trees shall be undertaken during bird nesting season (March to August inclusive) unless otherwise agreed in writing by the Local Planning Authority.</p> <p>Reason: To ensure that adequate measures are put in place to protect existing trees which are to be retained as part of the development before any construction works commence in accordance with the requirements of 2, 3 and 28 of the South East Lincolnshire Local Plan 2019.</p>

8	<p>The water consumption of each dwelling hereby permitted shall 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 (2019).</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 each individual 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 2019.</p>
9	<p>No development shall take place until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority. The CMP shall include:</p> <ol style="list-style-type: none"> 1. Details of measures to minimise and control noise, vibration, dust and fumes during the development; 2. Traffic management; 3. The location and storage of plant and materials; 4. Measures to prevent the spread of mud on to the public highway; 5. Hours of operation/site deliveries; and 6. Site security. <p>The measures shall be applied as agreed.</p> <p>Reason: In the interests of public health and to protect the amenities of nearby residents in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan 2019.</p>
10	<p>No development (including any works of site preparation) shall take place until a Written Scheme of Investigation (WSI) outlining a programme and timetable of archaeological investigation has been submitted to and approved in writing by the local planning authority. The WSI shall include:</p> <ol style="list-style-type: none"> (i) A phased programme and methodology of site investigation and recording to include: <ul style="list-style-type: none"> - a desk-based assessment including, where appropriate, historic building assessment(s), detailed survey and interpretative record; - a targeted archaeological evaluation; and - where appropriate, targeted area excavation. (ii) A programme for post investigation assessment to include: <ul style="list-style-type: none"> - analysis of the site investigation records and finds; - production of a final report on the significance of the archaeological interest represented. (iii) provision for publication and dissemination of the analysis and report on the site investigation.

	<p>(iv) provision for archive deposition of the report, finds and records of the site investigation.</p> <p>(v) nomination of a competent person(s) or organisation to undertake the work set out in the approved WSI.</p> <p>The development shall thereafter be carried out in full accordance with the approved WSI and the timetable contained therein.</p> <p>Reason: To ensure that a suitable programme of archaeological investigation is implemented prior to the commencement of any construction works in order to record and advance the understanding of the archaeological and historical significance of the site for archival and research purposes in accordance with the requirements of Policies 2 and 29 of the South East Lincolnshire Local Plan 2019 and the National Planning Policy Framework 2023.</p>
11	<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. No dwelling shall be occupied until the approved scheme has been completed or provided on the site in accordance with the approved phasing. The approved scheme shall be retained and maintained in full, in accordance with the approved details.</p> <p>Reason: To ensure that the permitted development is adequately drained without creating or increasing flood risk to land or property adjacent to, or downstream of, the permitted development which would accord with the requirements of Policy 2 and 4 of the South East Lincolnshire Local Plan 2019.</p>
12	<p>Before the access is brought into use, all obstructions exceeding 0.6 metres high shall be cleared from the land within the visibility splays illustrated on drawing number 233160-03A (Proposed Site Plan) and thereafter, the visibility splays shall be kept free of obstructions exceeding 0.6 metres in height.</p> <p>Reason: To ensure drivers entering the highway at the access may have sufficient visibility of approaching traffic to judge if it is safe to complete the manoeuvre in accordance with Policy 2 and 3 of the South East Lincolnshire Local Plan 2019.</p>
13	<p>The development shall be carried out in accordance with the submitted flood risk assessment (dated January 2024, compiled by RM Associates) and the mitigation measures it details. In particular, ground floor finished floor levels shall be set no lower than 3.7 metres above Ordnance Datum (AOD).</p> <p>These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.</p> <p>Reason: To reduce the risk of flooding to the proposed development and future occupants in accordance with Policy 4 of the South East Lincolnshire Local Plan 2019.</p>

INFORMATIVES / NOTES TO BE INCLUDED ON/WITH DECISION NOTICE

The applicant's attention is drawn to the comments received from the Lincolnshire County Council regarding highways matters and Witham Fourth District Internal Drainage Board on application B/21/0526 regarding drainage matters. To view these comments, please go to <https://www.boston.gov.uk>

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 2023 in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the Borough.