

Development Management Delegated Decision Report

B/24/0072



SUMMARY OF APPLICATION			
Application Reference	B/24/0072		
Application Type	Full Planning Permission		
Proposal	Erection of 2no. residential dwellings including off road parking and associated external works		
Location	Land to the north east of 60c, Tattershall Road, Boston PE21 9LF		
Applicant	Mr Justin Rushworth, Terra Firma Estates Ltd		
Agent	Mr Andrew Oglesby, Oglesby & Limb Ltd		
Received Date:	21-Feb-2024	Consultation / Publicity Expiry Date:	07-Apr-2024
Valid Date:	29-Feb-2024	Statutory Expiry Date:	25-Apr-2024
Date of Site Visit:	07-Mar-2024	Extension of Time Date:	---
Objections received?	None		
5 day notification record:			
Councillors notified	Date	Response received – date	Ok to continue
Recommendation	Approve with Conditions		
Report by:	Emma Turvey		
Date:	15 th April 2024		

OFFICER REPORT

SITE AND SURROUNDINGS:

The application site is within the settlement of Boston and consists of a triangular piece of land located on the south-western side of Tattershall Road and adjacent to a railway line and associated land owned by Network Rail. The railway level crossing is to the north and residential properties opposite, including the junction to Sherwood Avenue. To the south of the site is a row of terrace properties.

DETAILS OF PROPOSAL:

It is proposed to erect a pair of semi-detached dwellings, parking spaces and private garden spaces with a new access point from the highway. The pair of dwellings measures 14m in width by 6.3m in depth with a roof height of 4.2m to the eaves and 7.3m to the ridge and will provide two bedrooms, bathroom and open plan living, dining and kitchen space.

The semi-detached pair is designed with a gable roof construction with first floor dormer and rooflight style windows. A canopy covers both entrance doors on the principal



elevation. The materials consist of red/brown facing brickwork, pantile roof and uPVC windows and doors.

The site is immediately adjacent to the railway line and therefore a 1.8m concrete post and wire fence is required along the rear boundary line with a non-climbable fence erected application side of the boundary.

The proposal also includes an area of green space at the north-west corner of the site.

There is an extant planning permission for the erection of one dwelling on the site, which has not been implemented.

RELEVANT HISTORY:

B/18/0520 Erection of detached two storey dwelling, with detached single garage – Approved.

B/18/0520/CD1 Application to have details approved relating to condition 6 (land contamination) and 7 (remediation method statement) of planning permission B/18/0520 (Erection of detached two storey dwelling, with detached single garage) – Both conditions discharged.

B/20/0358 Application for the erection of 2no. residential dwellings, off road parking and external works – Approved.

B/22/0050 Erection of a detached two storey dwelling with detached garage – Approved.

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 10: Meeting Assessed Housing Requirements;
- Policy 28: The Natural Environment;
- Policy 30: Pollution;
- Policy 31: Climate Change and Renewable and Low Carbon Energy; and
- 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 2: Achieving sustainable development;
- Section 4: Decision-making;
- Section 5: Delivering a sufficient supply of homes;
- Section 9: Promoting sustainable transport;

- Section 11: Making effective use of land;
- Section 12: Achieving well-designed and beautiful places;
- Section 14: Meeting the challenge of climate change, flooding and coastal change; and
- Section 15: Conserving and enhancing the natural environment;

National Planning Practice Guidance (PPG)

CONSULTATION RESPONSES:

Lincolnshire County Council (Local Highway and Lead Local Flood Authority) does not wish to object to this planning application as it has been concluded that the proposed development would not be expected to have an unacceptable impact upon highway safety or a severe residual cumulative impact upon the local highway network or increase surface water flood risk and have requested that three informatives be added if approved.

Witham Fourth District IDB have requested that they are to be contacted if any changes to the surface or treated water disposal arrangements than stated in the application.

Environmental Health have no objections to this application.

Environmental Operations have no objections to this application.

Network Rail have not responded despite several attempts.

THIRD PARTY REPRESENTATIONS RECEIVED:

As a result of publicity, a letter has been received from the occupier of The Limes, Meer Booth Road, Antons Gowt, Boston, recommending that a planning condition be added to ensure the installation of a minimum of three swift nesting bricks to this proposal to provide enhancement for biodiversity.

EVALUATION:

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that the determination of an application must be made in accordance with the Plan unless material considerations indicate otherwise. The key considerations in regard to this application are considered to be:

- Principle of development
- Design of the proposal and impact on the character and appearance of the area
- Impact on residential amenity
- Flood risk and drainage
- Impact on highway safety and parking
- Ground contamination
- Biodiversity and ecology
- Impact on air quality
- Water use issues

Principle of development

SELLP Policy 1 sets out a hierarchy of settlements and states that development will be permitted within the settlement boundaries of these respective settlements providing the proposed development supports the designated role of the settlement in which it is to be executed. The site is currently undeveloped and overgrown; however, the site sits in a predominantly residential location within a sustainable location, therefore the principle of development is deemed acceptable subject to the other relevant policy considerations being met.

It is also noted that this is a resubmission of a previously approved scheme for a similar proposal.

Design of the proposal and impact on the character and appearance of the area

Policy 2 of the SELLP indicates that developments will be permitted which will not have harmful impacts upon the character and appearance of the area. Policy 3 states that all developments must create a sense of place by respecting the density, scale, visual closure, landmarks, views, massing of neighbouring buildings and the surrounding area.

The site lies within a residential area. The dwelling types within the vicinity of the site are a mixture of terrace, detached and semi-detached with a variation of their design and materials. The plot size and means of enclosure of the surrounding dwellings also shows a significant variation.

The application site is currently vacant and consists of an overgrown and unattractive parcel of land which undermines the visual amenity of the area, given its prominent location. The site is not in a conservation area nor is it in a sensitive location and it is considered that this proposed development would visually contribute to the appearance of the street scene. Conditions will be added to ensure appropriate material are used and an acceptable level of landscaping is incorporate into the development

The two combined curtilages will measure approximately 37m deep by roughly 15m wide. It is considered that the dimensions of the plot are satisfactory given the context of the site and meaning the development will not appear cramped, over-developed or out of character with the area.

To conclude it is considered that this proposal is in accordance with SELLP policies 2 and 3.

Impact on residential amenity

Policies 2, 3 and 30 of the SELLP seek to ensure that a new development does not significantly impact neighbouring land uses by reason of noise, odour, disturbance, or visual intrusion.

Paragraph 130 of the NPPF (2023) seeks, amongst other things, to create places that are safe, inclusive and accessible. Furthermore, it advocates the promotion of health and well-being, with a high standard of amenity for existing and future users. Crime and disorder, and the fear of crime, should not undermine the quality of life or community cohesion and resilience.

The application site is located in a residential area and given the acceptable separation distance from the surrounding properties; it is considered unlikely to cause a significant loss of amenity.

No letters of objection have been received. In respect of the impact on the occupiers of nearby dwellings, the proposal is considered to accord with SELLP Policies 2 and 3.

Flood risk and drainage

Policy 2 of the Local Plan requires proposals to meet sustainable development considerations, including sustainable drainage and flood risk. Policy 3 requires development proposals to secure the mitigation of flood risk through flood-resistant and flood-resilient design and sustainable drainage systems. Policy 4 indicates that development within Flood Zones 2 and 3 will be permitted if it is supported with a Flood Risk Assessment which: demonstrates that the proposed use is compatible with the flood zone; and proposes appropriate flood resistance and resilience measures.

Within the submitted flood risk assessment (FRA) there is a section on the sequential test. This section acknowledges that whilst other sites are available in zones of lower flood risk, they are a significant distance from this site. The application site is within settlement boundary and is considered to be a more sustainable location in comparison to the surrounding area.

The FRA also includes the following Protection measures:

- Site is higher than road nearby.
- Finished floor levels no lower than 3.4m ODN.
- No ground floor sleeping accommodation.

The protection measures are considered acceptable in ensuring the safety of the future occupiers. The development is not considered to increase the likelihood of flooding elsewhere. The Exception tests is considered to have been passed.

In respect of drainage, the on site surface drainage from the proposed new building should be discharged into soakaways and these should be designed to BRE Digest 365 and approved under Building Regulations. Hardstanding's around the buildings should be constructed with permeable paving. This will be dealt with by condition.

With the addition of a condition restricting the hardstanding to be constructed with permeable paving, it is considered that the proposal meets the requirements of SELLP Policy 4.

Impact on highway safety and parking

SELLP Policy 2 states that developments will be permitted providing that sustainable development considerations are met relating to access and vehicle generation levels.

SELLP Policy 3 states that developments will be permitted where the provision of facilities for the storage of refuse/recycling bins, storage and/or parking of bicycles and layout of car parking is secured. Appendix 6 supports Policy 3 and sets out the standard for car parking in new developments. In this case flats up to three bedrooms should be

provided with two parking spaces. Where it can be justified by the character and location of the site the standards may be relaxed.

Access and egress for vehicles is located to the southern area of the site. A hardstanding area provides space for two car parking spaces per dwelling and a limited turning area.

In the absence of an objection, it is considered the proposed access and egress is acceptable.

The scheme provides a sufficient number of car parking spaces to accord with SELLP Policy 36. There is space within the curtilage of each property for the storage of bicycles.

The scheme is in general accord with SELLP Policy 2, 3 and 36 in respect of effect on access, parking and highway safety.

Ground contamination

SELLP Policy 30 seeks to ensure that new development will not have harmful environmental impacts, and that existing pollution will not have harmful impacts upon any development proposals.

NPPF Paragraph 183 advocates that planning policies and decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination.

Taking into account the previous use of the land it is considered the likelihood of land contamination to be relatively low. However, in the interests of public safety and to accord with SELLP Policy 30 it is considered expedient to attach a planning condition to require the submission of a method statement to remediate the site should unforeseen contamination be found during the development.

Biodiversity and ecology

Policy 3 of the Local Plan requires the incorporation of existing hedgerows and trees into development proposals, and the provision of appropriate new landscaping to enhance biodiversity.

Policy 28 requires all development proposals to provide an overall gain in biodiversity protecting the biodiversity value of land, buildings and trees, maximise opportunities to enhance natural habitats and species and incorporate beneficial biodiversity conservation features and will provide new habitat and help wildlife.

Policy 31 further requires all development proposals to incorporate measures which promote and enhance green infrastructure and provide a net gain in biodiversity.

The application site is currently an undeveloped piece of land which currently contains a variety of trees and hedges which screens the railway line that runs alongside the south-western boundary of the site. There is currently a metal security fence along the north-eastern boundary which runs along the front of the site up to the level crossing. In its current state, it is likely to be of low biodiversity value. To ensure that the proposed

development results in a biodiversity uplift for the site, it is necessary to secure such details by condition, thereby also satisfying SELLP Policies 3, 28 and 31.

Impact on railway

The application site is immediately adjacent to the railway line and land owned by Network Rail.

Network Rail have been consulted but have not responded. However, as this application is a resubmission of previous approvals of a similar scheme, any issues raised by Network Rail during the previous application have either been addressed with this new application or will be dealt with by way of condition. The impact on the railway is considered to be acceptable subject to the appropriate conditions being attached to the decision.

Impact on air quality

SELLP Policy 30 requires the issue of air quality to be considered as part of any application. Considering the scale of the proposed development it is envisaged there would be a degree of traveling motor vehicles which would affect air quality. However, it is considered appropriate mitigation measures can be secured by condition.

Water use issues

SELLP Policy 3 requires development proposals to minimise the use of water, and Policy 31 specifically requires residential development to comply with the Building Regulation water efficiency standard of 110 litres per person per day.

It is considered necessary for a condition to be attached to require the water consumption of each dwelling to not exceed 110 litres per person per day.

Subject to a condition to require the water consumption of the dwelling to not exceed 110 litres per person per day, it is considered that the proposal will satisfactorily minimise water use and will meet these requirements of SELLP Policies 3 and 31.

CONCLUSION:

To conclude it is considered that the proposal for 2no dwellings in this location would not have a detrimental impact upon the character or appearance of the area or residential amenity. Issues in relation to the previous use of the land, the proximity to the rail way line and drainage can be adequately dealt with through the imposition of conditions. It is therefore considered to be an acceptable form of development that accords with Policies 1, 2, 3, 4, 28, 30, 31 and 36 of the South East Lincolnshire Local Plan 2019 and guidance contained in the National Planning Policy Framework (2023).

RECOMMENDATION: Approve with Conditions

CONDITIONS / REASONS			
Pre-commencement conditions?	Yes	Agreed with applicant/agent - Date:	Yes 25/04/24

1	<p>The development hereby permitted shall be begun before the expiration of three years from 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 not be carried out except in complete accordance with the following details shown on the submitted plan(s):</p> <ul style="list-style-type: none"> ▪ A1363-30 Rev B Site Plan & Site Location Plan as Existing ▪ A1363-31 Rev B Layouts, Elevations & Site Plan as Proposed ▪ <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 1, 2, 3, 4, 11, 17, 28, 30, 31, 33 and 36 of the South East Lincolnshire Local Plan 2019, and guidance contained in the National Planning Policy Framework (2023).</p>
3	<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>
4	<p>Notwithstanding the details shown on the approved plans, the development hereby permitted shall not be occupied until full details of both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority. The details shall include the formation of any banks, terraces or other earthworks, hard surfaced areas and materials, planting plans, specifications and schedules (including planting size, species and numbers/densities), existing plants / trees to be retained and a scheme for the timing / phasing of implementation works.</p> <p>The landscaping works shall be carried out in accordance with the approved scheme for timing / phasing of implementation or within the next planting season following final occupation of the development hereby permitted, whichever is the sooner.</p> <p>Any trees or shrubs planted or retained in accordance with this condition which are removed, uprooted, destroyed, die or become severely damaged or become seriously diseased within 5 years of planting shall be replaced within the next planting season by trees or shrubs of similar size and species to those originally required to be planted.</p> <p>Reason: In the interests of visual amenity and design quality and to ensure that the approved scheme is implemented satisfactorily in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan (2019).</p>
5	<p>Prior to the commencement of development above slab level, final details of measures that aim to reduce pollution and promote renewable and low carbon energy (including measures such as facilities for EV car charging) and details relating to the timing of their implementation, shall be submitted to and approved in writing with the Local Planning Authority. The development shall be constructed in accordance with the approved measures prior to first occupation of the unit.</p>

	<p>Reason: To help reduce pollution and promote renewable and low carbon energy in new development schemes and to accord with Policies 2, 3, 30 and 31 of the South East Lincolnshire Local Plan 2019 and to accord with the intentions of the National Planning Policy Framework (2023).</p>
6	<p>Remediation shall be carried out in accordance with the 'Ground Contamination Investigation and Assessment Phase 3- Remediation Strategy'. No deviation shall be made from this scheme without the express written agreement of the LPA.</p> <p>Reason: To ensure all contamination within the site is dealt with in accordance with Policies 2 and 30 of the South East Lincolnshire Local Plan (2019).</p>
7	<p>On completion of remediation, two copies of a closure report shall be submitted to the LPA. The report shall provide validation and certification that the required works regarding contamination have been carried out in accordance with the approved Method Statement(s). Post remediation sampling and monitoring results shall be included in the closure report.</p> <p>Reason: To provide verification that the required remediation has been carried out to the required standards and to accord with Policies 2 and 30 of the South East Lincolnshire Local Plan (2019).</p>
8	<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 with the Local Planning Authority.</p> <p>Reason: To ensure all contamination within the site is dealt with in accordance with Policies 2 and 30 of the South East Lincolnshire Local Plan (2019).</p>
9	<p>Prior to the commencement of any development, a scheme for the provision and implementation of surface water drainage shall be submitted to and approved in writing with the Local Planning Authority. The works/scheme shall be constructed and completed in accordance with the approved plans.</p> <p>Reason: To prevent the increased risk of flooding and protect the safety, operational needs and integrity of the railway, in accordance with Policies 2 and 4 of the South East Lincolnshire Plan (2019).</p>
10	<p>The developer must provide a suitable trespass proof fence adjacent to Network Rail's boundary (approx. 1.8m high) and make provision for its future renewal and maintenance. Network Rail's existing fencing/wall must not be removed or damaged. We note that the proposals include fencing to the boundary to meet Network Rail's specification which should meet this requirement subject to agreement by Network Rail.</p> <p>Reason: To ensure the safety, operational needs and integrity of the railway in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan (2019).</p>
11	<p>Where exterior lighting is to be erected adjacent to the operational railway, the potential</p>

	<p>for train drivers to be dazzled must be eliminated. In addition, the location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway.</p> <p>Reason: To ensure the safety, operational needs and integrity of the railway in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan (2019).</p>
12	<p>The water consumption of the dwellings 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 (2019).</p> <p>The person carrying out the work must inform the Building Control Body that this duty applies.</p> <p>Reason: To help promote the sustainable use of water and to accord with Policies 2, 3 and 31 of the South East Lincolnshire Local Plan (2019) and to accord with the intentions of the National Planning Policy Framework (2023).</p>
13	<p>The paved drive as shown on the submitted plan ref A1363-31 Rev B shall be constructed with permeable paving and retained in that form thereafter.</p> <p>Reason: To avoid flooding onto neighbouring land and the public highway. This condition accords with the objectives of Policies 2 and 4 of the South East Lincolnshire Local Plan (2019).</p>
14	<p>Prior to the commencement of above slab detail, a construction methodology shall be submitted to and approved in writing by the Local Authority. The construction methodology shall demonstrate consultation with the Asset Protection Project Manager at Network Rail. The development shall thereafter be carried out in accordance with the approved construction methodology unless otherwise agreed in writing by the Local Planning Authority.</p> <p>Reason: The safety, operational needs and integrity of the railway in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan (2019).</p>

INFORMATIVES / NOTES

TO BE INCLUDED ON/WITH DECISION NOTICE

LCC dated 08/04/2024.

Highway Informative 03

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

the Highway Authority's website, accessible via the following link:

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

Highway Informative 08

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 the Highway Authority's website via the following link: Traffic Management -

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

Highway Informative 02

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.

As Lead Local Flood Authority, Lincolnshire County Council is required to provide a statutory planning consultation response with regard to drainage and surface water flood risk on all Major applications. This application is classified as a Minor Application, and it is therefore the duty of the Local Planning Authority to consider the surface water flood risk and drainage proposals for this planning application.

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.