

# Development Management Delegated Decision Report

B/24/0103



SUMMARY OF APPLICATION			
Application Reference	B/24/0103		
Application Type	Outline Planning Permission		
Proposal	Outline planning permission including Access with other matters reserved (Appearance, Landscaping, Layout & Scale) for later approval for the erection of 2no. chalet bungalows		
Location	Fen Cottage, Ralphs Lane, Frampton, Boston PE20 1QU		
Applicant	Mr Rickell		
Agent	Mr Lee Chapman, LPC Architectural Design		
Received Date:	12-Mar-2024	Consultation/Publicity Expiry Date:	25-Apr-2024
Valid Date:	12-Mar-2024	Statutory Expiry Date:	07-May-2024
Date of Site Visit:	04-Apr-2024	Extension of Time Date:	
Objections received?	Yes – Third Party Objection		
5 day notification record:			
Councillors notified	Date	Response received – date	Ok to continue
Councillor D. Middleton	01-May-2024	02-May-2024	Yes
Councillor R. Pryke	01-May-2024		
Councillor C. Rylott	01-May-2024		
Recommendation	Refuse		
Report by:	Charlie Parry		
Date:	01-May-2024		

## OFFICER REPORT

### SITE AND SURROUNDINGS:

The site to which the application relates is a parcel of land to the east of Fen Cottage, Ralphs Lane. The site forms part of the domestic curtilage of Fen Cottage and contains existing outbuildings. The garden is bordered to the south by metal railings and there are mature trees set back from the boundary treatment. To the north of the site is a residential cottage known as 'The Cottage'. Across the road from the site is an existing farm and towards the west is a collect of residential properties. The site is located on a minor bend and there are no footpaths within the immediate vicinity. The site is within Floodzone 3.

### DETAILS OF PROPOSAL:



Outline Planning permission is sought including Access with other matters reserved (Appearance, Landscaping, Layout & Scale) for later approval for the erection of 2no. chalet bungalows.

### **RELEVANT HISTORY:**

B/08/0342 - Single storey rear extension  
Granted: 29-Jul-2008

### **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 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:**

#### **Environmental Health**

No objection.

#### **Waste Management**

No objections.

#### **Frampton Parish Council**

“Frampton Parish Council comment that this plan appears to be over development. We have had some concerns from neighbours regarding the moving of septic tanks and the insertion of new fencing to prevent overlooking. This build is also on land not in the local plan, it is two additional dwellings where previously there were none and it is outside the development envelope for the local plan.”

**Lincolnshire County Council** (Local Highway and Lead Local Flood Authority)

“I understand that this is an Outline Planning Application for the erection of 2no. chalet bungalows with all matters reserved for later approval, with the exception of means of access to be considered at this time, as shown on the proposed site layout drawing number: LPC-359-02B dated February 2024, albeit indicative only.

The proposal will require new accesses off Ralphs Lane and therefore, we would ask the applicant to demonstrate suitable clear visibility splays for both accesses in both directions for a 40mph carriageway in accordance with Manual for Streets, so that drivers intending to enter the highway at the accesses may have sufficient visibility of approaching traffic to judge if it is safe to complete the manoeuvre.

We would also ask the applicant to make consideration of pairing the accesses in the interests of highway safety.”

**Black Sluice Internal Drainage Board**

No response received

**THIRD PARTY REPRESENTATIONS RECEIVED:**

There has been one objection from a neighbouring property on the basis that:

- There will be a loss of privacy
- The houses will overlook The Cottage’s garden
- There would be a loss to trees
- Septic tanks would cause a problem on the site
- There is no footpath on Ralphs Lane
- It is a busy road with heavy goods vehicles.

**EVALUATION:**

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

- Principle of Development
- Impact on the Character and Appearance of the Area
- Impact on Residential Amenity
- Impact on Flood Risk
- Impact on Biodiversity
- Highway Related Matters

## Principle of Development

In accordance with inset maps 1, 36, and 50 of the South East Lincolnshire Local Plan (2019), the site is located outside of a settlement boundary. To the south along Bannister's Lane is part of the small village of Frampton West. The site is on the B1391 between Wyberton (within the town of Boston settlement boundary) and Kirton End. The site is therefore located within the countryside.

Part D of Policy 1 of the Local Plan indicates that, *"in the Countryside development will be permitted that is necessary to such a location and/or where it can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community or environmental benefits."* The Reasoned Justification to Policy 1 indicates that *"housing needs may also, by exception, be justified in the countryside."*

In considering this proposal against the provisions of part D of Policy 1 of the Local Plan, it is important to note that this part of the Policy sets out two separate tests, but that its wording requires a proposal to satisfy only one of the tests, and not both. Thus, if the proposal is deemed to comply with either of the tests, it will comply with Policy 1.

The first test set out in part D of Policy 1 is whether the proposed development is necessary to its countryside location. The Local Plan provides sufficient opportunities for new residential development on Housing Allocations and via windfall developments within Settlement Boundaries. The submitted planning statement states that there's no allocated land within Frampton West, a village identified within Policy 1 as an area of development restraint. This is noted but there are borough wide opportunities within settlement boundaries and the site is close to Boston, which sees a bulk of the strategic allocations in the Borough. No specific justification has been put forward to demonstrate that residential development is necessary on this site. Consequently, it is considered that new residential development is not 'necessary' on the application site. Thus, it is considered that the first test of part D of Policy 1 is not passed.

The second test set out in part D of Policy 1 is whether it would demonstrably meet the sustainable development needs of the area in terms of economic, community or environmental benefits. Looking at these issues in turn:

- Economic benefits - It is accepted that the construction of two new dwellings on the application site would bring some benefit to the local economy. However, such benefits could be realised equally well within a town or village;
- Community benefits - The proposal would also bring community benefits (in that it would provide a home for a family) but such benefits could be realised equally well within a town or village, where the occupants would have better access to services and facilities; and
- Environmental benefits – The proposed development would result loss of garden space as well the loss of 6 mature tree. The planning statement acknowledges that the site provides a 'huge opportunity' for environmental benefits. The measures noted in the statement include planting of hedging, trees and nesting opportunities as well as the use of renewable materials. Whilst this is noted, this is the minimum expected and is not considered significant enough to address this concern. The proposal does not address this element of policy 1.

The proposal, therefore, is not considered to comply with Policy 1 of the Local Plan. The principle of the development is not acceptable and refusal is recommended on this basis.

### **Impact on the Character and Appearance of the Area**

Policy 2 of the Local Plan states that a proposal 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 states that 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.

As this is an outline application with all matters reserved, details regarding the appearance, layout and scale of the development are not to be considered as part of this application.

Nevertheless, the submitted plans do show how two bungalows could fit on the site. However, they appear 'crammed' in to the site creating an over development of the plot. This is particularly evident when compared to the nature of the neighbouring properties that have large outdoor amenity areas and are detached. These plots have limited parking and turning space and are denser than the surrounding development.

On this basis, it is likely the application would be unacceptable in this respect and while two dwellings on this plot may be achievable, it has not been demonstrated that this can be done without harm to the character of the area from the higher density. The proposal would therefore be contrary to Policy 2 and 3.

### **Impact on Residential Amenity**

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

The plans submitted are indicative only but give an indication on how the dwellings would impact the neighbouring residential dwellings. The dwellings are unlikely to impact the neighbouring properties in terms of loss of light or outlook. Concern has been raised about a loss of privacy to the garden to the north. This is noted and the windows would likely need to be removed at the reserved matters stage or obscurely glazed.

The application is likely to be acceptable in this respect.

### **Impact on Flood Risk**

SELLP Policy 4 seeks to ensure that new development is not unnecessarily exposed to flood risk, and does not increase flood risk elsewhere. It identifies the process by which planning applications in Flood Zones 2 and 3 will be considered, and sets out particular requirements for certain types of applications. Development within all flood zones (and development over 1 hectare in size in Flood Zone 1) will need to demonstrate that surface water from the development can be managed and will not increase the risk of flooding to third parties.

SELLP Policy 4 requires development to demonstrate that it cannot be located on another site at lower risk of flooding by means of a Sequential and Exceptions Test. This is in line with national policy and guidance. The applicant has included a sequential test within the Flood Risk Assessment. Within this section the applicant has stated that:

- The site is located close to two residential dwellings
- The whole of the surrounding area is in Flood Zone 3
- No other sites in a lower Flood Zone

Whilst the above is noted, it is not accepted. There are areas within Flood Zone 1 in the Borough, furthermore, the South East Lincolnshire Local Plan (2019) has allocated land for residential development within it, which the applicant has noted but concluded they have the same flood hazard rating. They did not include any sites, whether allocated in the local plan or potentially available sites within Lower Flood Zone areas. The applicant has also failed to acknowledge sites within settlement boundaries, where Policy 1 of the SELLP (2019) steers development. As previously mentioned, growth outside a recognised settlement boundary is restricted unless the proposal satisfies the criteria of Policy 1. As there is no requirement for two dwellings in this location, there is no justification to support a smaller search area. Therefore, a borough wide search area is required, no assessment of available sites at lower risk has been provided and consequently, the proposal is not deemed to be acceptable in this respect and refusal is also recommended on this basis.

### **Impact on Biodiversity**

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

It should be noted that Landscaping is a matter reserved for later approval.

The development does include some biodiversity and landscaping measures such as:

- Trees
- Hedging
- Bat and bird boxes

The proposed measures are deemed to be acceptable and would be in accordance with the relevant policies. Subject to a planting schedule being submitted it is likely that this aspect would be acceptable at the reserved matters stage. The proposal therefore accords with Policies 2 and 31 of the SELLP.

### **Highway Related Matters**

Policy 2 of the Local Plan identifies vehicular access as a sustainable development consideration.

Policy 36 of the Local Plan indicates that all new developments should provide vehicle and cycle parking in accordance with minimum standards set out in Appendix 6.

The Local Highway Department requested further information which included visibility splays and to make the access paired. The requirement for further information means that at this stage it is unknown how safe the access is. On this basis, refusal should be recommended.

## **CONCLUSION:**

In determining the application it is important to assess the planning balance. The proposed development is not considered to be necessary to its location or have any significant environmental, economic or community benefits. The proposal therefore contradicts Policy 1 of the Local Plan. The principal of development is therefore not established and refusal is recommended on this basis.

Furthermore, the proposal fails the sequential and exceptions test required under Policy 4 of the SELLP, 2019. This is because a search of sites at lower risk, sites within settlement boundaries or on allocated land are available for residential development has not been completed. The development is therefore not relevant to this location and could be recognised equally as well within a settlement boundary. Refusal is therefore recommended on the basis that the application fails sequentially.

Due to no visibility splays being provided at this time it is unknown how safe the access is. The proposal therefore has an unacceptable risk on highway safety at this stage. And is contrary to Policy 2.

A plan has been provided that shows an indicative layout. The scheme shows a comparatively dense development in comparison to the surrounding area that would harm the character of the area. It has therefore not been demonstrated that two dwellings could be provided on site without causing harm to the character of the area.

## **RECOMMENDATION: Refuse**

<b>CONDITIONS / REASONS</b>			
Pre-commencement conditions?		Agreed with applicant/agent - Date:	
	N/A		N/A
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 the dwellings in this location. An essential need, therefore, has not been demonstrated and thus the development would lead to the addition of two dwellings in an unsustainable location, contrary to the spatial objectives set out in Policy 1 of the South East Lincolnshire Local Plan (2019). The lack of an essential need being demonstrated also means the proposal is contrary to Sections 2 and 5 of the NPPF.		
2	The proposal falls within Flood Zone 3 and is within the 'high vulnerability' flood risk vulnerability category. The sequential test requires development to be directed to areas at lower risk of flooding. In the absence of justification to support a smaller search area, Policy 4 advocates a Borough wide search area for sites at lesser risk, and has failed to demonstrate that the development could not be located in an area at lower risk. Therefore given the nature of the proposal in combination with the lack of justification for the development in this location the development fails to pass the sequential test as required by Policy 4 of the South East Lincolnshire Local Plan (2019) and the NPPF. As such the proposal would be contrary to Policy 4 of the South East Lincolnshire Local Plan (2019),		

	Section 14 of the National Planning Policy Framework (2023), and the National Planning Policy Guidance.
3	Due to no visibility splays being provided, it is unknown how safe the proposed access' are at this stage. Therefore the proposal could have an adverse impact on highway safety and refusal is recommended in accordance with Policy 2 of the South East Lincolnshire Local Plan (2019).
4	Drawing No. LPC-359-02 Rev B shows an indicative layout of how two dwellings could be provided on the site. This layout would, by virtue of its density and cramped appearance, have a harmful impact on the character of the area, contrary to Policy 2 and 3 of the South East Lincolnshire Local Plan 2019. It has not been demonstrated that 2 dwellings could be accommodated on the site without causing harm to the character of the area.

**INFORMATIVES / NOTES  
TO BE INCLUDED ON/WITH DECISION NOTICE**

**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.