

BOSTON BOROUGH COUNCIL

Planning Committee - 11 February 2020

Reference No: B/19/0375

Expiry Date: 06-Dec-2019

Extension of Time: 04-Jan-2020

Application Type: Full Planning Permission

Proposal: Erection of 4 dwellings and associated access

Site: Land at Park Lane, Freiston, Boston

Applicant: Greenfinch Homes

Agent: Rick Smith Design

Ward: Coastal

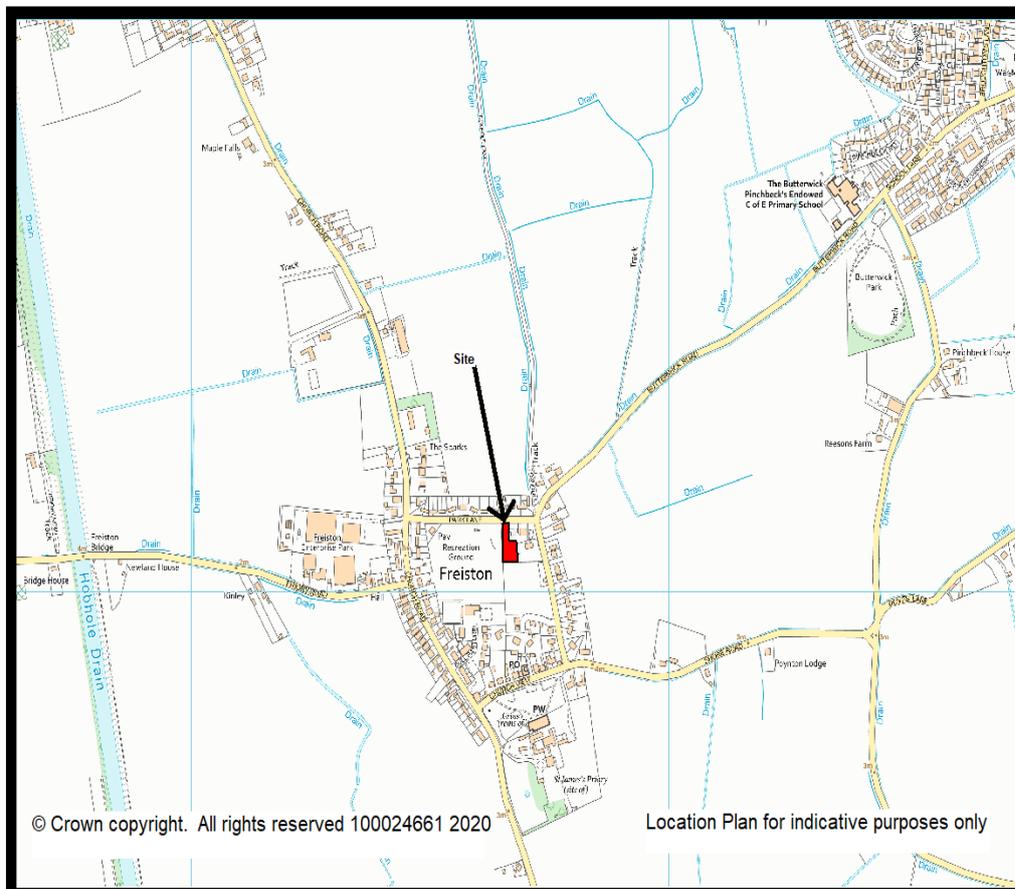
Parish: Freiston Parish Council

Case Officer: John Taylor

Third Party Reps: Four received

Link to application: [B/19/0375](#)

Recommendation: GRANT subject to conditions.



1.0 Reason for Report

- 1.1 The application has been 'called-in' to Planning Committee at the request of Councillor Peter Bedford who raises concerns regarding over-intensification, sewerage, loss of light affecting the living standards of a neighbour and the effect on the children's play area and the adult equipment on the adjacent recreation ground.

2.0 Application Site and Proposal

- 2.1 The site is located within the settlement boundary of Freiston with the front of the plot facing onto Park Lane. An established area of recreational open space (football pitches/cricket etc.) runs along the full length of the western boundary and to the east is the rear garden boundary of a dwelling known as Kingstone. To the northeast are the rear gardens of no's 29 and 30 Park Lane with an undeveloped area of open land to the south.
- 2.2 The entrance to the site would be off Park Lane and the dwellings would be sited at the rear of the plot slightly behind the footprint of no's 29 and 30. It is noted that on the frontage of Park Lane are 4 relatively new properties, and a further property fronting Butterwick Road.
- 2.3 A number of mature trees are positioned along the boundary of the site and the area of open space (to the west). Although these trees are not protected they do contribute to the visual amenity of the area.
- 2.4 This proposal seeks full planning permission for the erection of 4 dwellings and associated access. The dwellings would be arranged as 2xsemi-detached pairs, with ridge heights of 6.8m and eaves of 4.4m. Each pair would measure 9.75m x 9.5m, and they would be constructed of brick under tiled roof. All of the units would be accessed via a private driveway, leading to a parking court with 2 spaces per unit provided along with turning space. Rear gardens would be provided to the south of the units.

3.0 Relevant History

- 3.1 B/17/0465 – Erection of two bungalows – approved on 28/02/2018.
- 3.2 B/16/0057 – Outline consent for 5 dwellings – Allowed on appeal on 22/11/2016.

4.0 Relevant Policy

- 4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that determination must be made in accordance with the plan unless material considerations indicate otherwise.

South East Lincolnshire Local Plan (2011-2036)

The following policies are considered to be the most relevant to this proposal:

- Policy 1 – Spatial Strategy
- Policy 2 – Development Management
- Policy 3 – Design of New Development

- Policy 4 – Approach to Flood Risk
- 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
- Appendix 7 - Local Plan implementation

National Planning Policy Framework (2019)

- Section 2 – Achieving Sustainable Development
- Section 4 – Decision Making
- Section 5 – Delivering a Sufficient Supply of Homes
- Section 8 – Promoting Healthy and Safe Communities
- 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

5.0 Representations

5.1 As a result of the publicity four letters of representation were received from

- Outgate (Leverton): ‘Threeways Cottage’
- Butterwick Road: no.11 & ‘Kingstone’
- Park Lane: no.30

A summary of the concerns raised are:

- Detrimental effect on the area
- Loss of sunlight to neighbours
- Trees will be damaged as a result of the development
- Feel uncomfortable using the play area if houses are developed as the play area will be overlooked
- Area feels more urban than rural as a result of the houses
- Impact on highway safety and more cars would contribute to deterioration of the road
- Overdevelopment
- Danger to children crossing the road
- Too much traffic already using the roads
- Concerns over foul drainage connections
- Poor access into site
- Encourage more parking on Park Lane
- Totally out of character for area
- Tranquillity and visual appearance of area affected
- Increase in noise and emissions
- Contribute to flooding in area

6.0 Consultations

6.1 County Highways Authority – No objections but informatives provided.

6.2 Parish council – Object on the following grounds:

- (i) overdevelopment of the plot;
- (ii) development too close to neighbouring bungalow;
- (iii) disposal of sewerage is still a concern;
- (iv) a management plan for the private road and grassed amenity area should be provided;
- (v) the drive should be widened to allow for overspill car parking;
- (vi) an acoustic fence should be installed on the boundary near the play area;
- (vii) existing trees would affect the properties; and
- (viii) the PC also point out that there is a speed bump outside the entrance to the site.

6.3 Environmental Health – No objections but recommend a condition relating to unforeseen contamination found during construction.

6.4 Witham Fourth Internal Drainage Board – Only advise applicants to contact the Board if there is a change in the method of surface water and treated water disposal.

6.5 Environment Agency – No objections subject to conditions ensuring that development proceeds fully in accordance with the submitted flood risk assessment.

7.0 Planning Issues and Discussions

7.1 The key planning issues in the determination of this application are:

- Previous appeal decision - 5 dwellings
- Principle of development
- The layout, design, scale and size of the development and its impact on the character and appearance of the area
- Impact on residential amenity
- Highway issues and car parking
- Flood risk and drainage
- Refuse collection
- Impact on trees
- Other matters
- Planning Conditions

Previous appeal decision – 5 dwellings (covering larger site)

7.2 An outline application for 5 dwellings on a larger site that included the application site for this proposal was refused by the council and was the subject of an appeal; the appeal was allowed by the Inspector (B/16/0057). The key issues considered by the Inspector were the impact on the character and appearance of the area, the impact on the amenities of neighbours and whether the proposal would be a sustainable location for new residential development. The conclusion by the Inspector was that the development would contribute to a sustainable pattern of development, limited harm would arise to neighbours as a result of the development and that the development of the under-used paddock land would not cause more than moderate harm to the character of the area.

7.3 Whilst this proposal is for only the remaining part of that appeal site that is yet to be developed (situated to the southwest and west of the newly constructed houses fronting onto Park Lane), it is considered that the development at the rear of the site is unlikely to give rise to other matters that were not considered by the Inspector at

the time of that decision. The appeal decision has to be given significant weight, as it allows for development on the application site, as does the subsequent approval of 2 bungalows under ref: B/17/0464. The core considerations for this application will be the same as those found acceptable within the Appeal scheme, the main issue being whether the increase in numbers (to a total of 4 dwellings) would still ensure that the resultant development would be of an acceptable, and consistent with the Inspectors previous conclusions.

Principle of development

- 7.4 Policy 1 of the SELLP, which identifies Freiston as an 'other service centre and settlement' would generally support the redevelopment of the site for housing as it is located within the settlement boundary of Freiston and would help support Freiston's role as a service centre. Furthermore, the principle of housing on this site has been established through both the Appeal decision (5 units) and more recently with the granting of planning permission for 2 bungalows (Ref: B/17/0464).
- 7.5 Although the policy context has changed since the previous approvals (with the adoption of the SELLP), the proposals would be consistent with the objectives of the SELLP in principle and would secure additional dwellings which would contribute to the needs for the village and the wider Borough. It is therefore considered that, subject to all other matters being acceptable, the principle of residential development on this site would accord with Policy 1 (Spatial Strategy).

The layout, design, scale and size of the development and its impact on the character and appearance of the area

- 7.6 The four dwellings would be presented as two pairs of semi-detached properties all of which will be set over two floors with dormer style windows that extend from the upper elevations into the roofline. Each house would provide a 3-bed dwelling.
- 7.7 The ridge height of the dwellings would be set at 6.8 metres with the eaves at 4.4 metres. This relatively low ridge height would assist in reducing the overall visual impact from the new development on the surrounding area. Whilst the development would be visible from public areas (including the park) this visual change is not, of itself, harmful. This impact is further reduced given the line of mature trees along the western boundary of the plot that would provide visual relief from the development from public vantage points. Although the number of properties would be higher than previously approved, and may be somewhat unusual for what is in essence a backland position, the key test is whether the development (taken as a whole) can be appropriately accommodated within the available space without any significant adverse impacts. In this case, whilst the development may appear on plan as being tight, it is considered that in the context of the various other forms found within this immediate part of the village, the positioning of the dwellings would have minimal overall harm upon the character and appearance of the area.
- 7.8 In terms of scale of the proposed dwellings they would be sited behind the existing two-story properties and their scale would not be inconsistent with these road frontage properties. A single storey dwelling exists to the east of the proposed houses but the ridge height of the bungalow is again similar to the proposed dwellings.
- 7.9 The design of the properties shows half dormer windows protruding onto the roof slope and porches to each dwelling. The materials are specified as Ibstock western

red multi-bricks with Dark Grey dual Calderdale Sandtoft roof tiles. These materials are considered suitable for this location and the whole scheme would result in an attractive development that is highly unlikely to adversely impact upon the general character and appearance of the area.

- 7.10 For these reasons it is considered that the proposal would accord with Policies 2 and 3 of the SELLP.

Impact on residential amenity

- 7.11 The nearest dwellings to the proposed houses are the two-story properties to the north east that front onto Park Lane and the existing bungalow to the east. Separation distances between the front elevation of the proposed dwelling and the rear elevation of the existing dwellings to the north east would be approximately 25 metres. The distance between the gable end of the property facing the bungalow would be over 22 metres.
- 7.12 Although concerns have been raised by the Parish Council and from neighbours about the close relationship between the new dwellings and the existing bungalow to the west, the separation distance proposed between the new build and the bungalow to is considered more than adequate to prevent any significant harm by way of overshadowing and loss of light. Although an element of visual intrusion and shadowing may occur, as well as a minor increase in noise and disturbance that would arise as a result of this development, any harm to the amenity of the occupiers of the adjacent bungalow and other nearby dwellings is likely to be minor in nature rather than substantial.
- 7.13 It is therefore considered that, on balance, the proposal accords with Policies 2 and 3 of the SELLP.

Highway issues and car parking

- 7.14 The main vehicular access into the site would be taken off Park Lane between the Recreation Ground/children's play area and no.30. The driveway would be a gravelled private drive that would not be adopted by the County Highways Authority. This access arrangement is broadly similar to that previously found to be acceptable by the Inspector and by the Council in granting the previous permission for 2 dwellings.
- 7.15 No objections have been raised by the Local Highway Authority subject to a number of informatives provided for the attention of the applicant.
- 7.16 Policy 36 'Vehicle and Cycle Parking' provides minimum parking standards for various types of development. Annex 6 of the SELLP provides details on the level of car parking and cycle parking expected within new residential developments. It indicates that two parking spaces should be provided to serve properties of up to three bedrooms and that a garage can count as one space if it has an internal dimensions of 2.6m by 5.6m with an additional 1m at its end to park cycles.
- 7.17 All dwellings would have 2 parking spaces and thus would accord with the minimum parking levels set out in Annex 6. It is further considered that given the garden sizes proposed, there would be sufficient external space for appropriate storage. As such, the scheme would accord with the requirements of policy 36.

Flood risk and drainage

- 7.18 The application site is located within flood zone 3 of the Environment Agency's flood zone maps and according to the EA flood hazard maps (1 in 200 year) the site is in a 'danger for all' flood hazard area.
- 7.19 The application is accompanied by a Flood Risk Assessment and the Environment Agency has been consulted. Their response is one of no objections subject to a condition ensuring that the development proceeds in accordance with mitigation measures outlined in the FRA including that finished floor levels shall not be set lower than 1 metre above existing ground level and that all dwellings shall be a minimum of two storeys.
- 7.20 Advice provided by the Witham Fourth IDB states that the IDB should only be consulted if the method of disposal of surface water changes from soakaways.
- 7.21 Based on the above assessment it is considered that, subject to imposing a compliance condition, the proposal would accord with Policy 4 of the SELLP and the intentions of Section 14 'Meeting the challenge of climate change, flooding and coastal change' of the NPPF.

Refuse collection

- 7.22 The proposed four dwellings would be served by a private drive taken from Park Lane. As refuse lorries would not be able to use the private drive to access refuse bins a bin collection point area should be provided adjacent to the highway. In the absence of details showing this collection area it is recommended that a condition be imposed requesting final details of this bin collection point. This would ensure that refuse matters are appropriately dealt with within the scheme thus satisfying the relevant criteria within Policies 2 and 3 of the SELLP.

Impact on trees

- 7.23 According to the submitted arboricultural report some of the trees along the western boundary will require some method of root protection during construction of the houses and/or the driveway. During the construction phase trees T4 and T5 have construction at the edge of the root protection areas (RPAs) and this part of the development could be managed by the recommendations set out in the arboricultural method statement; this should be conditioned accordingly. This would ensure that these trees are protected during the construction. Trees T2 and T3 would have the proposed new driveway within their RPAs and it is also recommended that a condition be imposed to ensure a no-dig surface construction method is used for the driveway. Tree T6 has foundations within its RPA and the report recommends that the layout is slightly adjusted to account for this. However, the submitted report does acknowledge the previous history for the site where Inspector's conditions relating to tree protection were used within the previous appeal decision for the site that was allowed on appeal (ref: B/16/0057). It is considered that subject to imposing a suitably worded condition to safeguard the trees on the neighbouring land the proposal would be acceptable and thus accord with Policies 2 and 3 of the SELLP.

Other matters

- 7.24 The Parish Council and neighbours have raised concerns about the disposal of foul water for the scheme. The applicants have indicated that the disposal of foul water would be via the existing mains sewer and this method appears reasonable for the four dwellings proposed within this scheme. No concerns have been raised by the Internal Drainage Board.
- 7.25 A suggestion has also been raised within the objections received that the driveway should be widened to accommodate overspill parking. However, given that suitable levels of parking for future occupiers of the proposed houses have been accommodated within the scheme it would be difficult to justify such a condition requiring increased levels of parking in this instance. Such a condition would also fail the conditions tests set out within the NPPF.
- 7.26 The Parish Council have also suggested that an acoustic fence should be installed along the western boundary of the driveway to reduce noise and overlooking into the site from the children's play area, and from future occupiers of the site looking onto the play equipment and the adult training equipment located within this area of the recreation ground. However, this proposal would not result in any direct overlooking from the proposed dwellings into this area, and any noise and disturbance that may arise from this development is likely to be minimal rather than substantial. It is therefore considered that such a condition would be difficult to be justified and thus would fail to meet the 'necessary and reasonable' conditions tests set out within the NPPF. Furthermore, the relatively oblique relationships that would exist between the recreation ground and the new properties would not be substantially different to those of other properties which share a common boundary with, or general relationship with the park. As such, in land-use terms, the two can coexist acceptably.
- 7.27 In respect of the concerns raised about the trees affecting future occupiers of the dwellings, it is the officer's view that this would be a matter of consideration for future purchasers of the properties to consider rather than using the issues to restrict future development on this site.
- 7.28 The concerns raised within the objections received have been taken into account. However, these would not be sufficient to outweigh the merits of this proposal where a moderate contribution would be made to the Borough's housing land supply in a sustainable location where the principle of new residential development is accepted.

Planning conditions

- 7.29 In addition to the standard conditions which limit the life span of the planning permission and list the approved plans, conditions are recommended which relate to drainage and flood risk, tree protection works, refuse collection and potential contamination.

8.0 Summary and Conclusion

- 8.1 The proposal would result in the development of underused land for residential purposes within a settlement described as an 'other service centre and settlement' within the SELLP. The scheme would provide a moderate contribution to the housing supply within the Borough.

8.2 The concerns raised within the third party objections received and those raised by the Parish Council have been taken into account in the determination of this application. The site is suitable for residential development and the primary issues in the determination of the application have been fully assessed as identified above and found to be acceptable or would be acceptable subject to the imposition of the conditions recommended below. It is therefore recommended that the application be approved.

9.0 **Recommendation**

9.1 GRANT Planning Permission subject to the following condition(s) and reasons:-

CONDITIONS AND REASONS:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: Required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in strict accordance with the application received 10-Sept-2019 and in accordance with the associated plan referenced:

- Ref:192272/02 – ‘Location Plan’
- Ref:192272/01 – ‘Proposed Plans, Elevations and Section’
- Ref:192272/03 – ‘Proposed Site Plan’

Reason: To ensure the development is undertaken in accordance with the approved details and to accord with Policies 2 and 3 of the South East Lincolnshire Local Plan (2011-2036).

3. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) by Rick Smith Design, and the following mitigation measures detailed within the FRA:

- Finished floor levels to be set no lower than 1.0m above existing ground level
- The dwellings to have at least two storeys
- 600mm demountable defences or ‘Flood Angel’ doors to be installed on all dwellings
- Flood resilience and resistance measures to be incorporated to a minimum of 300mm above predicted flood depths

The mitigation measures shall be fully implemented prior to occupation and subsequently remain in place.

Reason: To reduce the risk of flooding to the proposed development and future occupants and to accord with the South east Lincolnshire Local Plan (2011-2036).

4. If, during development, contamination not previously considered is identified, then the LPA 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 LPA.

Reason: To ensure all contamination within the site is dealt with and to accord with Policy 30 of the South east Lincolnshire Local Plan (2011-2036).

5. The development hereby approved shall be carried out fully in accordance with the Tree Report prepared by John Wilcockson (dated 11/10/2019), and in particular Sections 6 (Arboricultural Implications), 7.2 (Phase I – Undertake Arboricultural Works), 7.3 (Phase II – Tree Protection/Method Statement for Construction during Construction) and 7.4 (Services).

Reason: To ensure that protected trees and their root systems are not unduly harmed during construction of the development and to accord with policies 2, 3 and 28 of the South East Lincolnshire Local Plan.

6. No development shall take place above damp proof course until final details of the bin collection area for the development, which shall be situated close to the adopted highway, has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details prior to the first occupation of any unit and the bin storage area shall be retained for that purpose thereafter.

Reason: No details of this area has been submitted and refuse lorries will not be able to access the private drive area and therefore bins need to be presented at the adopted highway. This condition accords with the objectives of Policies 2 and 3 of the South East Lincolnshire Local Plan (2011-2036) and the intentions of the National Planning Policy Framework (2019).

7. The water consumption of each dwelling hereby permitted should not exceed the requirement of 110 litres per person per day (as set out as the optional requirement in Part G of the Building Regulations 2010 and the South East Lincolnshire Local Plan, 2019).

The person carrying out the work must inform the Building Control Body that this duty applies.

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.

Reason: To protect the quality and quantity of water resources available to the district. This condition is imposed in accordance with Policy 31 of the South East Lincolnshire Local Plan (2011-2036).

8. Prior to the occupation of any of any dwelling hereby approved by this consent the vehicle parking area associated with that dwelling, and the communal turning area, shall be made available for use and retained in that form thereafter.

Reason: To ensure that dedicated parking is made available for future occupiers of the dwelling within the site and to accord with Policies 2, 3 and 36 of the south East Lincolnshire Local Plan (2011-2036).

9. Prior to the occupation of the last dwelling hereby approved by this consent the access shall be constructed of bound material (tarmac/block paving) for a distance of 5m from the highway boundary and the parking area identified.

Reason: To ensure no loose material is dragged on to the highway in the interests of highway safety and to accord with Policies 2 and 3 of the South East Lincolnshire Local Plan (2011-2036).

10. The landscaping and fencing scheme as shown on the proposed site plan (ref:192272-03) shall be fully implemented before the occupation of any dwelling hereby approved.

Reason: In the interests of residential amenity and to ensure an attractive residential environment is created. This condition accords with Policies 2 and 3 of the South East Lincolnshire Local Plan (2011-2036).

Informatives

1. 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. The works should be constructed in accordance with the Authority's specification that is current at the time of construction. For approval and specification details, please contact vehiclecrossings@lincolnshire.gov.uk
2. Please contact the Lincolnshire County Council Streetworks and Permitting Team on 01522 782070 to discuss any proposed statutory utility connections 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.
3. 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.