

Present:

Chairman: Councillor Alison Austin

Vice-Chairman: Councillor Colin Brotherton

Councillors: David Brown, Michael Cooper, Maureen Dennis,  
Jonathan Noble, Sue Ransome, Brian Rush, Claire Rylott,  
Paul Skinner and Stephen Woodliffe

Officers: Development Control Manager, Monitoring Officer, Senior  
Planning Officer and Democratic Services Officer

**69 APOLOGIES**

Apologies for absence were received from Councillors Anton Dani and Yvonne Stevens. No substitute members.

**70 MINUTES**

The Chairman signed the minutes of the meeting held on the 6 December 2016 as a correct record with the agreement of the committee.

**71 DECLARATION OF INTERESTS**

The clerk confirmed that lobbying forms had been submitted in respect of planning application B 16 0380 from Councillors Alison Austin, Colin Brotherton, David Brown, Michael Cooper, Maureen Dennis, Jonathan Noble. Sue Ransome, Brian Rush, Paul Skinner and Stephen Woodliffe.

Councillors Alison Austin, David Brown and Colin Brotherton further declared that they were members of the Joint Local Plan.

Councillor Paul Skinner declared that he was chartered through the Institute of Agricultural Engineers.

Councillor Claire Rylott declared that she would abstain from B 16 03803 and speak in her role as Ward Member on the item.

It is noted that at the end of the meeting Councillor Brian Rush asked it be recorded that one of the speakers on item B 16 0380 was known to him and that Councillor Paul Skinner asked it be recorded that in his previous role as a County Councillor a speaker on item B 16 0380 had been known to him.

**72 PUBLIC QUESTIONS**

No public questions

## **73 PLANNING APPLICATION B 16 0380**

It is recorded that Councillor Claire Rylott absented herself from the committee for the following item and took no part in the deliberation or decision making on the application.

### **Outline Planning Permission**

**Outline application for the erection of up to 215 dwellings with all matters (scale, layout, landscaping and appearance) except access reserved with public open space and drainage infrastructure.**

**Land north of Middlegate Road (West) Frampton Boston**

**Larkfleet Ltd T/A Allison Homes**

The Development Control Manager presented the report and advised the following update information to the report tabled: he confirmed that submissions presented by members of the public received following publication of the agenda had been circularised to members for their reference in advance of the meeting.

Committee were advised that the 1<sup>st</sup> point on the officer recommendation for refusal would therefore be that committee receive and take into consideration during their deliberations, the hard copy and e copy petitions submitted in objection to the application.

Additional information had been submitted out of time for issuing to members which included a letter from No.40 Middlegate Road that included a log of works undertaken by Anglian Water.

Further update information provided noted the objection of Kirton Parish Council to the application: they cited they felt the application would be detrimental to residents of Middlegate Road; would stretch the facilities and local services in Kirton and would create highway safety issues due to the substantial increase in vehicle activity from the development.

Finally the Parish has referenced existing drainage problems in the area and stated it felt the development would further exacerbate those problems.

Committee were advised that whilst not confirmed, indications were that trial archaeological trenching had or would commence on the site: members were reminded that the findings of this would not bear any influence should committee refuse the application and would only be influential on any approval and the nature of any conditions.

Natural England had initially objected to the application but had now withdrawn their objection stating that the mitigation report confirmed no significant adverse effects subject to the mitigation. The withdrawal of the objection was conditional upon the provision of the compensatory foraging site to be provided for pink footed geese. The extents of this additional land and of the changes to the shape and extent of the northern boundary were displayed.

Committee were reminded that due to the unresolved objection by the Environment Agency it did not have the power to grant the application at this time: should committee be mindful to grant then the decision would need to be submitted to the Secretary of State who would either call it in or return it to the Council.

Referencing the emerging SELL Plan which members were advised was at an advanced stage but not formerly part of the development plan, the Development Control Manager stressed that prematurity was not being recommended as a reason for refuse.

Representation was received in objection to the application which included:

Acknowledging that many areas of objections had already been recorded within the report following the significant representation sent in direct from residents, the objector reiterated concern in respect of foul water; access to the site and safety concerns. Members were asked to recognise that the existing problems of flooding would only increase should the development be permitted: flooding had occurred twice in the last year causing significant problems with effluent and contamination on both occasions.

Safety concerns at the proposed access points were a major concern due to the estimated amount of additional vehicle movements which would occur daily along Middlegate Road: danger for not only drivers but for pedestrians as well. The road was already heavily used both accessing Lighton Avenue and the estate adjoining but also as a short cut from the main A16 to London Road and into Kirton.

Committee were asked to recognise that the development could cause coalescence between Kirton and Frampton and onto Wyberton. Members were also asked to recognise that no.34 Middlegate Drive had for over 25 years mown the green track nearby which could possibly be a case for ownership under descriptive rights. Furthermore, no. 36 Middlegate Drive already had private access to their property: a right of way being a presumption and not a right.

Concluding, the objector referenced the loss of agricultural land and natural habitat, stating that existing alternative sites were available within the locality which would be preferable and more suitable to such a development. Committee were asked to refuse the application.

Representation was received in support of the application which included:

Speaking as a representative of the land owners, the supporter asked that initially one global point be recognised in that people cannot live in planning permissions since it did not necessarily mean that all permissions would be built.

Committee were asked to agree that it was hard enough to find major house builders in the Boston area and that when an experienced and essentially local developer did want to develop a site of this size, then their interest and application should not be viewed lightly: Boston could not afford to lose such opportunities or discourage such development which would provide not only quality and affordable housing, but would create employment as well.

The applicant's interest in the site had solely come about following the Council identifying it as a sustainable site in its local plan back in 2016. It was this that had given the applicant the reassurance to seek to develop the officially identified site.

Other sites identified and marketed had not been targeted by any builders, whilst permission given to others had not been followed up and the sites remained undeveloped. The preferred Elgro site was under the ownership of three different parties and had no developer behind it: in addition permission had been passed on the Case Tractors site but nothing had been built. Committee were advised that the developer was agreeable to all matters being reserved and that this application site was far more likely to be developed.

Members were asked to recognise how difficult it was to secure such a sized site within the Borough that would deliver such a quality development and was deliverable by an experienced local developer.

Representation was received from the agent on behalf of the applicant which included:

The application was a sustainable development offering a wide range of housing types and sizes providing a much needed boost to the Council's existing housing supply. It also offered 20% affordable housing which was higher than the current 15% in the interim policy along with a significant amount of open green space.

In addition the local community would benefit from section 106. contributions in respect of education and health and the development would provide jobs for a period of up to five years resulting in new spending power in the community,

Members were also asked to remember that Kirton was ranked second only to Boston to accommodate development and to note that the NPPF required that the application should be determined on a tilted balance of paragraph 14 of the NPPF: that the scheme be approved unless any adverse impact identified outweighed the benefits.

Deliverability was a key constraint to house building in Lincolnshire and the applicant was willing to accept a condition for reserved matters submission within 12 months: in practice houses could be delivered onto the site with 12 / 18 months.

No significant technical issues had been raised in respect of highways, drainage, ecology, noise nor heritage or air quality. The benefits of development would encompass three strands of sustainable development economic / social and environmental

Noting the recommended reason for refusal based on landscape – members were asked to note that the SHLAA identified that in principle the development was acceptable: the applicant had not taken the master plan lightly and it was based on low density with the ability to deliver a green network through the scheme. The treatment of the northern boundary with the tree belt increased in size and shape, would offer an appropriate new settlement boundary. The applicant was confident that in time the scheme would be assimilated into the landscape without any significant harm.

Referencing the second reason for refusal in respect of the officer opinion that the applicant had failed the sequential flood test, committee were advised that whilst site KIR037 on London Road in Kirton was identified as a preferred site, the actual level on the applicants' site was just 65mm lower. Both sites were in flood zone 3 and in practice the difference was marginal. The application site was sequentially preferable to 4 sites identified in Boston which were rated in a higher flood zone.

Representation was received from Frampton Parish Council which included:

The vice chairman confirmed that the Parish Council had voted unanimously against the application.

Frampton was a village of 1000 residents and 500 dwellings and the development if granted would increase the population by 50%. Frampton should not be expected to take this significant share, 43%, of Kirton's allocation for new homes: it was totally unacceptable and out of proportion to the parish. Frampton has already been subject to 20 new homes since 2011 which was more appropriate.

Furthermore the Parish was extremely concerned that should the application be granted then coalescence between Frampton with Wyberton and Kirton would arise in the future.

Supporting the concerns of the residents of Middlegate Road, the Parish agreed that the significant number of increased vehicle movements which would arise from the development, would impact on the safety of both pedestrians and drivers both along Middlegate Road and exiting and accessing it from the A16 and London Road.

Planning applications had been refused previously along Middlegate Road due to flooding concerns and the road had collapsed regularly and been closed to traffic on a number of occasions. The impact of a potential additional 400 vehicles using it daily would only worsen the existing problems.

140 homes had been built on a rise at the Windmill Development as would be the 215 proposed in this application. Run-off from Middlegate Road would run through the middle of both sites resulting in increased flooding which could result in more road closures and disruption to a great many more residents.

Other sites within Kirton had already been granted planning permission, some on brownfield sites which were preferable to using grade 1 agricultural land as on this application. Those sites had also been subjected to lower flood rating in sequential testing.

Frampton parish is in a rural setting and should this development be granted it would split the village into two: the rural village as it is currently would cease to be and once the development had been built then nothing else could be done.

Representation was received from the Ward Member which included:

Confirming that Frampton was a picturesque village full of character properties in a very sought after location, committee were advised that the Parish was laid over a thin strip of land with just over 400 houses and the 2016 electoral roll noted 1024 residents. The village relied on Kirton for its amenities having none of its own and as such was indeed an unsustainable village which could not be considered suitable for the proposed development.

The amenities in Kirton were already stretched with problems arising in both accessing health care and doctors appointments, together with the local schools being at maximum capacity.

Middlegate Road was a tree lined lane with Tree Preservation Orders being in place on many of the trees. In order to provide the entrance to the site significant damage to existing trees would be caused.

The road sat between the A16 and London Road and was frequently used as a short cut. A significant amount of agricultural, large freight and domestic vehicles already used the road daily: the additional number of vehicle movements the development would create would seriously compromise safety both along the road and also exiting and accessing it from both the A16 and London Road.

Whilst highways had noted that 2 new bus stops needed to be provided along Middlegate Road to reduce the use of cars, lifestyles had changed and in the majority of households both parents worked and most ran two cars. Children did not always go to the nearest schools which were in walking distance as parents had options and children needed to be taken by car. Whilst ideally public transport would be used to reduce car movements, practically it was often not possible to do so.

The sewers along Middlegate Road had collapsed, water had bubbled up through manhole covers and residents had been subject to contamination and foul water on more than one occasion. The road had been closed off for repairs due to collapsing under the existing volume of traffic causing inconvenience to residents: the indicative increase in traffic should the development be granted would only serve to increase problems.

A resident in the vicinity of the site was a member of the Lincolnshire BAT Group and had advised that a bat roost was sited on the north western edge of site. As such a full Bat survey should be carried out prior to any decision being made. Members were also asked to recognise the significance of Frampton Marsh located near to the site which was promoted for its abundance of wildlife.

The application site had been considered previously earlier in the plan with alternative sites being considered more suitable. Some of those had included brown field sites which were far preferable to using grade 1 agricultural land.

During a consultation event in July 2016 the site had been continually referred to as Middlegate West Kirton not Middlegate West Frampton. Committee were ask to recognise the site sat in Frampton Parish and granting of the application would significantly impact on the existing village, breaking the village in two. Furthermore, if granted there was a real danger that Kirton, Frampton and Wyberton would coalesce and the A16 would become one long corridor of development into Boston.

It was moved by Councillor Jonathan Noble that the application be refused as per officer recommendation subject to the addition of refusal also in line with policies CO1, G3 and G6. The motion was not seconded.

It was moved by Councillor Paul Skinner and seconded by Councillor Michael Cooper that the application be refused as per officer recommendation subject to the addition of refusal also in line with Policy CO1.

**Vote: 10 if favour. 0. against. 0. abstention.**

**RESOLVED:**

1. That the committee have received and taken into consideration the submitted petitions in objection to the application.
2. That the committee refuse the application in line with office recommendation and reasons and subject to the addition of refusal also in line with Policy CO1

**Reasons for Refusal:**

1. The development of the application site would constitute a significant incursion into open countryside which would detract from the open fen character and landscape of this open agricultural land to the north of Kirton where the settlement development limits are clearly constrained by the extent of Middlegate Road. The impact of development would be exacerbated by the arbitrary nature of the northern site boundary which is not influenced by and has no respect for the existing open landscape. The mitigating indicative landscape and planting proposals including a raised bund to the A16 boundary would appear alien and uncharacteristic such as to further emphasise this impact upon the open countryside, contrary to saved Local Plan Policies CO1, G1 and G2.

2. The application has failed to satisfy the flood risk Sequential Test as set out in para. 101 of the National Planning Policy Framework, its technical guidance and the Planning Practice Guidance. The evidence from the emerging South East Lincolnshire Local Plan and taking account of the unresolved objection from the Environment Agency is that up to date information indicates that there is a sequentially preferable site within the development limits of Kirton which is at a lower risk of flooding. The local planning authority considers that the benefits of the development of this site - which can be in a sustainable location - are outweighed by the higher level of risk that would be encountered on this site compared to the identified sequentially preferable site.

It is recorded that Councillor Claire Rylott rejoined the meeting at this point in the proceedings.

## **74 PLANNING APPLICATION B 16 0389**

### **Outline Planning Permission**

**Outline application for the erection of one detached dwelling and one detached garage including access with matters relating to appearance, landscaping, layout and scale reserved for later approval.**

**Land adjacent to Glenhirst Station Road Swineshead Boston**

**Mr and Mrs N C Bell**

The Development Control Manager presented the report and advised that no updates to the report published within the agenda had been received.

Representation was received from the agent on behalf of the applicant:

Committee were reminded that the application was a straightforward outline application and would provide a small contribution to the borough's housing shortage in a sustainable community. Referring to the size of the development the committee were asked to recognise that the footprint of the existing glasshouse house, that would be demolished to enable the build, was significantly larger than the proposed new dwelling. The private gardens on the site would remain unchanged and concerns of loss of the Old Cobblers Shop and Anderson Shelter were unfounded as neither would need to be demolished to allow the development to take place. There would be no overlooking onto neighbouring property which would be dealt with at reserved stage. Referring to concerns raised in objection due to flooding were acknowledged, but the committee were advised that whilst flooding had occurred previously it had been due to highway water and not water from the application site: the reduction in the size of the building on the site would reduce any rapid run-off.

It was moved by Councillor Jonathan Noble and seconded by Councillor Michael Cooper that the application be granted as per officer recommendation with an additional condition permitting just one new dwelling only on the site.

**Vote: 11 if favour. 0. against. 0. abstention.**

**RESOLVED: That the application be granted as per officer recommendation and subject to the following conditions and reasons:**

1. No development shall commence until details of appearance, layout, landscaping and scale of the development (hereafter referred to as the “reserved matters”) have been submitted to and approved by the local planning authority.  
**Reason:** This is an outline application only and such details must be approved before development commences in order to comply with the objectives of Local Plan policies G1 and H3 and required to be imposed pursuant to Section 92 of the Town & Country Planning Act 1990.
2. Application for approval of all reserved matters shall be made to the local planning authority not later than the expiration of three years from the date of this permission.  
**Reason:** Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990.
3. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.  
**Reason:** Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990.
4. The development hereby permitted shall be carried out in accordance with the following approved plans –
  - OS Location Plan 15048 RL (1/4)
  - Block Plan 15048 RL 02 (2/4)
  - Site Plan (Proposed) 15048 RL 04c (3a/4) and
  - Flood Risk Assessment Version 1 September 2016, received by the LPA on 21 September 2016.**Reason:** To ensure the development is undertaken in accordance with the approved details and to accord with Adopted Local Plan Policy G1.
5. Prior to the commencement of the development, details of the existing and proposed site levels together with details of floor levels and construction and surface water details relating to the treatment of the transitional area between raised levels on site and existing ground levels off site shall be submitted to and approved by the Local Planning Authority, and the development shall be built in accordance with the approved scheme.  
**Reason:** In the interest of residential amenity and to accord with Adopted Local Plan Policies G1 and G3.
6. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA), undertaken by RM Associates (Version 1 September 2016, received by the LPA on 21 September 2016), and the following mitigation measures detailed within the FRA:
  - Finished floor levels shall be set no lower than 2.8m ODN.
  - Flood resilience and resistance measures shall be incorporated into the proposed development as stated in the FRA.
  - Fixable mountings to allow demountable defences shall be installed on all ground floor door openings to a height of 600mm above finished floor level.**Reason:** To reduce the risk and impact of flooding on the proposed development and future occupants in accordance with Policies G3 and G4 of the Local Plan.



7. Prior to the clearance of the site for development, the site shall be surveyed for the presence of protected species and if present a scheme of mitigation shall be submitted to and approved by the Local Planning Authority and the development shall be undertaken in accordance with the scheme of mitigation.  
**Reason:** In the interest of protected species and to accord with the Wildlife and Countryside Act and Adopted Local Plan Policy G2.
- 8 This permission is for the benefit of one dwelling only.  
**Reason:** In accordance with the details of the application and for the avoidance of doubt that this consent relates to a single dwelling only.

## 75 PLANNING APPLICATION B 16 0353

### Listed Building Consent

**External alterations to remove a soil pipe. Internal alterations, including the removal of walls and fabric and the installation of walls and fabric to facilitate the change of use of the first and second floors from officers (B1 use) to 8 dwellings (C3 use).**

**36-39 Market Place Boston PDE21 6NH**

**MES Commercial Ltd**

The Senior Planning Officer presented the report and confirmed that there were no updates to the report tabled within the agenda

It was moved by Councillor David Brown and seconded by Councillor Alison Austin that the application be granted as per officer recommendation and subject to the conditions therein.

**Vote: 11 if favour. 0. against. 0. abstention.**

**RESOLVED: That the application be granted as per officer recommendation and subject to the following conditions and reasons:**

1. The works must be begun not later than the expiration of three years from the date of this permission.  
**Reason:** Required to be imposed pursuant to Section 18 of the Town and Country Planning (Listed Building and Conservation Areas) Act 1990.
2. The development hereby permitted shall be carried out in strict accordance with the application received 19 September 2016 and in accordance with the associated plans referenced:
  - Ref: J1626(08)01 'Site Location Plan' (1/9)
  - Ref: J1626(08)04 Rev A 'Existing Floor Plans – Fabric to be Removed' (4A/9)
  - Ref: J1626(08)06 Rev A 'Proposed Floor Plans and Roof Plan' (6A/9)
  - Ref: J1626(08)07 'Proposed Elevations' (7/9)
  - Ref: J1626(08)08 Rev A 'Proposed Sections' (8A/9)
  - Ref: J1626(08)09 'Proposed Service Strategy' (9/9)

And with the details received by email on 24 November 2016 at 15.55.

**Reason:** To ensure the development is undertaken in accordance with the approved details, in the interest of residential amenity and to comply with saved Policy G1 of the Adopted Plan.

3. Prior to the commencement of the use of any of the residential units hereby approved the following details shall be submitted to and approved by the Local Planning Authority;
- (i) Details are to be provided at not less than 1:10 of any new doors that are being introduced to show frames, architraves and mouldings;
  - (ii) Should any of the existing doors require upgrading for fire resistance purposes, details of the system to be used shall be submitted for approval prior to installation;
  - (iii) The ironmongery to be used on new doors and any changes to fittings on existing doors shall be fully specified and submitted for approval prior to their installation.

The development shall proceed fully in accordance with the approved details.

**Reason:** To preserve the character, appearance and integrity of the listed building in accordance with the intentions of the National Planning Policy Framework (2012).

## **76 PLANNING APPLICATION B 16 0382**

**It is noted that Councillor Maureen Dennis left the meeting during the following application and as such took no part in the deliberation or decision making.**

### **Full Planning Permission**

**Change of use of first and second floor from offices (Class B1) to 8 No. dwellings (Class C3)**

**36-39 Market Place Boston PDE21 6NH**

**MES Commercial Ltd**

The Senior Planning presented the report and confirmed that there were no updates to the report tabled within the agenda

It was moved by Councillor Jonathan Noble and seconded by Councillor David Brown that the application be granted as per officer recommendation and subject to the conditions therein with an additional condition relating to the procedure for the presentation of rubbish bins.

**Vote: 10 if favour. 0. against. 0. abstention.**

**RESOLVED: That the application be granted as per officer recommendation and subject to the following 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 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in strict accordance with the application received 19 September 2016 and in accordance with the associated plans referenced:

- Ref: J1626(08)01 'Site Location Plan' (1/9)
- Ref: J1626(08)04 Rev A 'Existing Floor Plans – Fabric to be Removed' (4A/9)
- Ref: J1626(08)06 Rev A 'Proposed Floor Plans and Roof Plan' (6A/9)
- Ref: J1626(08)07 'Proposed Elevations' (7/9)
- Ref: J1626(08)08 Rev A 'Proposed Sections' (8A/9)
- Ref: J1626(08)09 'Proposed Service Strategy' (9/9)

And with the details received by email on 24 November 2016 at 15.55.

**Reason:** To ensure the development is undertaken in accordance with the approved details, in the interest of residential amenity and to comply with saved Policy G1 of the Adopted Plan.

3 Refuse and recycling bins to serve this development shall be stored at the rear of the property as shown on drawing no' J1626(08)06 Rev A and shall be presented at the building's frontage on collection days only.

**Reason:** In the interests of protecting the residential and visual amenities of residents and the character or appearance of the Conservation Area and to accord with the objectives of Local Plan Policies H8 and G1.

## 77 DELEGATED DECISION LIST

Committee noted the decision list for the period 21.11.16 to 16.12.16

The Meeting ended at 4.00 pm