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My ref: PE/KR/Planning 10 Jan 17.

Please ask for: Karen Rist, Democratic Services Officer (Direct number Tel 01205 314227)

22 December 2016

NOTICE OF MEETING OF THE PLANNING COMMITTEE

Dear Councillor

You are invited to attend a meeting of the Planning Committee

on Tuesday, 10 January 2017 at 1.00 pm

in the Committee Room, Municipal Buildings, West Street, Boston, PE21 8QR



PHIL DRURY
Chief Executive

Chairman: Councillor Alison Austin

Vice Chair: Councillor Colin Brotherton

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

Note(s) for Members of the Committee:

In order to vote on a planning application committee Members must be present for the entire presentation and discussion on the item.

When an official site visit is undertaken which forms part of the decision making at Committee, only Members who have attended the site visit and received full representation will be able to debate and decide the application.

Members of the public are welcome to attend the committee meeting as observers except during the consideration of exempt or confidential items.

THIS MEETING WILL BE RECORDED (SOUND ONLY)

AGENDA

PART I - PRELIMINARIES

A APOLOGIES

To receive apologies for absence and notification of substitutes (*if any*).

B MINUTES

1 - 6

To sign and confirm the minutes of the last meeting.

C DECLARATION OF INTERESTS

To receive declarations of interests in respect of any item on the agenda.

D PUBLIC QUESTIONS

To answer any written questions received from members of the public no later than 5 p.m. two clear working days prior to the meeting.

PART II - AGENDA ITEMS

1 PLANNING APPLICATION B 16 0380

7 - 28

Outline application for the erection of up to 215 dwellings with all matters except access reserved with public open space and drainage infrastructure.

Land north of Middlegate Road (west) Frampton Boston

Larkfleet Homes T/T Allison Homes

2 PLANNING APPLICATION B 16 0389

29 - 38

Outline application for the erection of one detached dwelling and one detached garage including access.

Land adjacent to Glenhirst Station Road Boston

Mr and Mrs N C Bell

3 PLANNING APPLICATION B 16 0353

39 - 48

Application for Listed Building Consent.
External alterations to remove soil pipe.
Internal alterations including the removal of walls and fabric to facilitate the change of use of the first and second floors from offices (B1 use) to 8 dwellings (C3 use).

36-39 Market Place Boston

Mes Commercial Ltd

4 PLANNING APPLICATION B 16 0382 49 - 56

Change of use of first and second floors from officers (Class B1) to 8 No. dwellings (Class C3)

5 DELEGATED DECISION LIST 57 - 76

Delegated Decision List 21.11.16 – 11.12.16

Note: A planning decision comes into effect only when the decision notice and associated documents are despatched by the Local Planning Authority and not when the Committee makes its decision.

Notes:

The Human Rights Act 1998

It is implicit in these reports that the recommendations to and the consideration by Committee will take into account the Council's obligations arising out of the Human Rights Act and the rights conferred by Articles 6,8,14 and Article 1 of the First Protocol of the European Convention on Human Rights (ECHR). These are the rights to a fair hearing, respect for family and private life, the prohibition against discrimination and the peaceful enjoyment of possessions, respectively. The ECHR allows many to be overridden if there is a sufficiently compelling public interest.

In simple terms the Act requires a person's interest be balanced against the interests of the community. This is something that is part of the planning system and that balancing is a significant part of the consideration of issues identified to Committee by officer reports. Provided that those issues are taken into account, the Convention will be satisfied.

The person to contact about the agenda and documents for this meeting is Karen Rist, Democratic Services Officer, Municipal Buildings, Boston, Lincolnshire, PE21 8QR, Tel 01205 314227, e-mail: janette.collier@boston.gov.uk.

Council Members who are not able to attend the meeting should notify Karen Rist, Democratic Services Officer as soon as possible giving the name of the Council Member (*if any*) who will be attending the meeting as their substitute.

Alternative Versions

Should you wish to have the agenda or report in an alternative format such as larger text, Braille or a specific language, please contact Democratic Services on direct dial (01205) 314226

Emergency Procedures

In the event of a fire alarm sounding all attendees are asked to leave the building via the nearest emergency exit and make their way to the Fire Assembly Point located in the car park at the rear of the Municipal Buildings.

PLANNING COMMITTEE

6 DECEMBER 2016

Present:

Chairman: Councillor Alison Austin
Vice-Chairman: Councillor Colin Brotherton

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

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

61 APOLOGIES

There were apologies for absence from Councillors David Brown and Anton Dani, there were no substitutes.

62 MINUTES

The minutes of the Planning Committee meeting held on 8th November 2016 were agreed as a correct record and signed by the Chairman.

63 DECLARATION OF INTERESTS

Councillor Jonathan Noble pointed out that he had called in application number B/16/0311.

64 PUBLIC QUESTIONS

A member of the public had submitted a question in accordance with the Council's constitution, but was not present to ask it.

65 PLANNING APPLICATION B/16/0311

Proposal: Application under s.73 to remove Condition 3 (relating to affordable housing) from planning approval B/15/0211 for erection of 32 affordable dwellings, creation of vehicle access points and formation of a surface water attenuation pond

Site: Land at corner of Woodthorpe Avenue/Toot Lane, Boston, PE21 0NP

Applicant: Mr Parker, Waterloo Housing Group

The Development Control Manager presented this application. No update information was tabled and there was no representation from members of the public.

It was proposed by Councillor Stephen Woodliffe and seconded by Councillor Mike Cooper that planning permission be granted as recommended by the Planning Officers.

Vote: 10 for, 1 against

RESOLVED: That Full Planning Permission be granted subject to the following conditions:

1. The development hereby permitted shall be carried out in accordance with the following approved plans;
 - Proposed Block Plan LDC1572-BR-01D
 - Plots 1-4 & 9-12 LDC0903-PL-104A
 - Plots 5-8 LDC0903-PL-105B
 - Plots 13-14 & 9-12 LDC0903-PL-106B
 - Plots 15 – 18 & 23-26 LDC0903-PL-108A
 - Plots 19-22 LDC0903-PL-107B
 - Plots 27-32 LDC0903-PL-109B
 - Existing Block Plan/Survey & site Location LDC0903-PL-01
 - Landscape Dwg No Toot/16/01A and Mgt Plan data sheet dated 13 July 2016
 - Bsp Consultancy Dwg Nos 15694/140 Rev I; 150 Rev G; 160 Rev C; 161 Rev B & 120 Rev H and Bsp SuDS Maintenance manual data sheets

Reason: To ensure the development is undertaken in accordance with the approved details and to accord with Adopted Local Plan Policy G1.

2. The tenth dwelling on the site shall not be occupied until the Public Open Space has been laid out and equipped in accordance with details that have been submitted to and approved by the local planning authority.

Reason: To provide a satisfactory level of publicly available amenity open space within the development and to accord with the objectives of Policy H4 of the Boston Borough Local Plan.

3. All landscape works shall be carried out in accordance with the approved details during the first available planting season following substantial completion of the development. Any trees, plants, grassed areas which within a period of 5 years from the date of planting die, are removed or become seriously damaged or diseased shall be replaced in the first available planting season with others of similar size species or quality.

Reason: In the interests of visual amenity and in accordance with Section 197 of the 1990 Act which requires local planning authorities to ensure, where appropriate, adequate provision is made for the preservation or planting of trees, and to ensure that the approved scheme is implemented satisfactorily in accordance with saved Local Plan Policies G1, H3 and H4.

4. All finished floor levels of the dwellings hereby approved shall be constructed in accordance with the details on approved Drawing No LDC1572-BR-01D.

Reason: To ensure that the development is carried out in accordance with the approved drawings, to reduce the risk of flooding to the development and future occupants and to accord with the objectives of the NPPF (2012).

5. The development hereby approved shall be carried out in accordance with the approved Flood Risk Assessment (1dc Issue 1, dated 28.05.2015) and in particular with the following mitigation measures:
- Flood resilient and resistant construction shall be incorporated throughout the development and the chosen method of flood doors or demountable barriers shall be notified to the local planning authority before the development commences above slab level. The approved mitigation measures shall be fully implemented prior to occupation.

Reason: To ensure that the development is carried out in accordance with the approved drawings, to reduce the risk of flooding to the development and future occupants and to accord with the objectives of the NPPF (2012).

6. The development shall be carried out in accordance with the approved surface water drainage scheme and no dwelling shall be occupied until the approved scheme has been completed or provided on the site in accordance with the approved phasing. The approved scheme shall be retained and maintained in full in accordance with the approved details.

Reason: In the interests of satisfactory drainage and to accord with the objectives of Local Planning Policy G3.

7. Before each dwelling is occupied the roads and/or footways providing access to that dwelling for the whole of its frontage from an existing public highway shall be constructed to a specification to enable them to be adopted as Highways Maintainable at the public expense, less the carriageway and footway surface courses. The carriageway and footway surface courses shall be completed within three months from the date upon which the erection is commenced of the penultimate dwelling.

Reason: To ensure safe access to the site and each dwelling/building in the interests of residential amenity, convenience and safety and to accord with the objectives of Local Plan Policy G6.

8. Before any dwelling is commenced, all of that part of the estate road and associated footways that forms the junction with the main road and which will be constructed within the limits of the existing highway, shall be laid out and constructed to finished surface levels in accordance with details to be submitted and approved by the local planning authority.

Reason: In the interests of safety of the users of the public highway and the safety of the users of the site safety and to accord with the objectives of saved Local Plan Policy G6.

In determining this application the authority has taken account of the guidance in paras 186 – 187 of the NPPF (2012) in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the Borough.

Note: This approval is accompanied by a unilateral undertaking under s.106 of the Act offered by New Linx Housing Trust and dated 2 December 2016.

66 PLANNING APPLICATION B/16/0262

Proposal: Proposed two new dwellings and garages and associated works (revised proposals received 21 November 2016)

Site: Winfield, Fen Road, Frampton West, Boston

Applicant: Applegate Homes (Lincs) Ltd

The Development Control Manager presented this application. No update information was tabled.

A hard copy of the official revised layout plan was circulated for clarity and the meeting was adjourned for five minutes to consider it.

The Committee then received representation from Mr C Wicks, the applicant's agent. Mr Wicks explained that the applicant and agent had worked hard with Planning Officers for a solution to provide an interesting street scene and protect the amenity of neighbouring properties, particularly numbers 161 and 155 Swineshead Road. There would be no overlooking; there would be no first floor windows facing the site to the north, bedroom windows would all be frosted glass and there were good separation distances between the proposed dwellings and numbers 161 and 155. A proposed double garage with bedroom above in one plot had been removed and instead a single detached garage was proposed at a good separation distance. There would be no overshadowing due to the orientation of the proposed dwellings and, in fact, the outlook from the existing dwellings had been improved by the removal of poplar trees.

Mr Wicks said Applegate Homes would be taking over these plots so that the whole development (these two and the nine already approved on the adjoining site) would be of a high-quality, co-ordinated design. This site was no longer open countryside and was highly sustainable. This was not over-intensification; density was below that of the first nine dwellings approved and the properties would have good amenity space, each with 4 parking spaces. The proposal would not cause surface water flooding and floor levels were the same as on Swineshead Road. There were no objections from consultees or from residents at the access to the site.

The Development Control Manager added that, because a particular footprint and design was being recommended, he would also recommend an additional condition be added to remove permitted development rights.

It was proposed by Councillor Claire Rylott and seconded by Councillor Yvonne Stevens that planning permission be granted as recommended by the Planning Officers with the additional condition to remove permitted development rights.

Vote: 8 for, 3 against

RESOLVED: That Full Planning Permission be granted subject to the following condition 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 accordance with the following approved plans

- 1d/4 Location Plan and Site Plan Dwg no. 14-2255-02 Rev. K
- 2b/4 Elevations and Floor Plans Plot 10 Dwg no. 14-2255-11 Rev. C
- 3a/4 Elevations and Floor Plans Plot 11 Dwg no. 14-2255-12 Rev. A
- 4/4 Elevations and Floor Plans Garage details Dwg no. 14-2255-13
- Planning Design and Access Statement incorporating Flood Risk Assessment dated October 2016.

Reason: To ensure the development is undertaken in accordance with the approved details and to accord with Adopted Local Plan Policy G1.

3. The development hereby approved shall be carried out in accordance with Section 9.0 of the the approved Planning Design and Access Statement (Flood Risk Assessment) and in particular the following mitigation measures:

- Finished floor levels of all dwellings shall be set no lower than 2.5m AOD.
- Flood resilient construction techniques shall be incorporated to a minimum height of 300mm above the critical floor level.

Reason: To reduce the risk of flooding to the proposed development and future occupants and to accord with the objectives of the NPPF (2012).

4. Brackets to allow demountable defences shall be erected on ground floor doorways of all dwellings to a height of 600mm above finished floor levels.

Reason: To reduce the risk of flooding to the proposed development and future occupants and to accord with the objectives of the NPPF (2012).

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that order with or without modification)

no external alterations shall be carried out to the dwellings
no extensions shall be carried out to the dwellings
no garages or outbuildings shall be erected within the curtilage of the dwellings
no windows or dormer windows shall be added to the dwellings

without the express permission of the local planning authority.

Reason: In the interests of the residential amenity of neighbouring residents and in accordance with Adopted Local Plan Policy G1.

In determining this application the authority has taken account of the guidance in paras 186 – 187 of the NPPF (2012) in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the Borough.

67 RECEIPT OF APPEAL DECISIONS

The Development Control Manager presented a report to advise Members of the receipt of two appeal and costs decisions in respect of 332a Willington Road, Kirton End and Land at Park Lane, Freiston.

Both appeals were allowed (planning permission granted) but in the costs applications against the Council, both were refused (costs were not awarded). The four decision letters were attached to the report.

68 DELEGATED DECISION LIST

The delegated decision list for 24/10/2016 TO 18/11/2016 was noted.

The Meeting ended at 3.26 pm

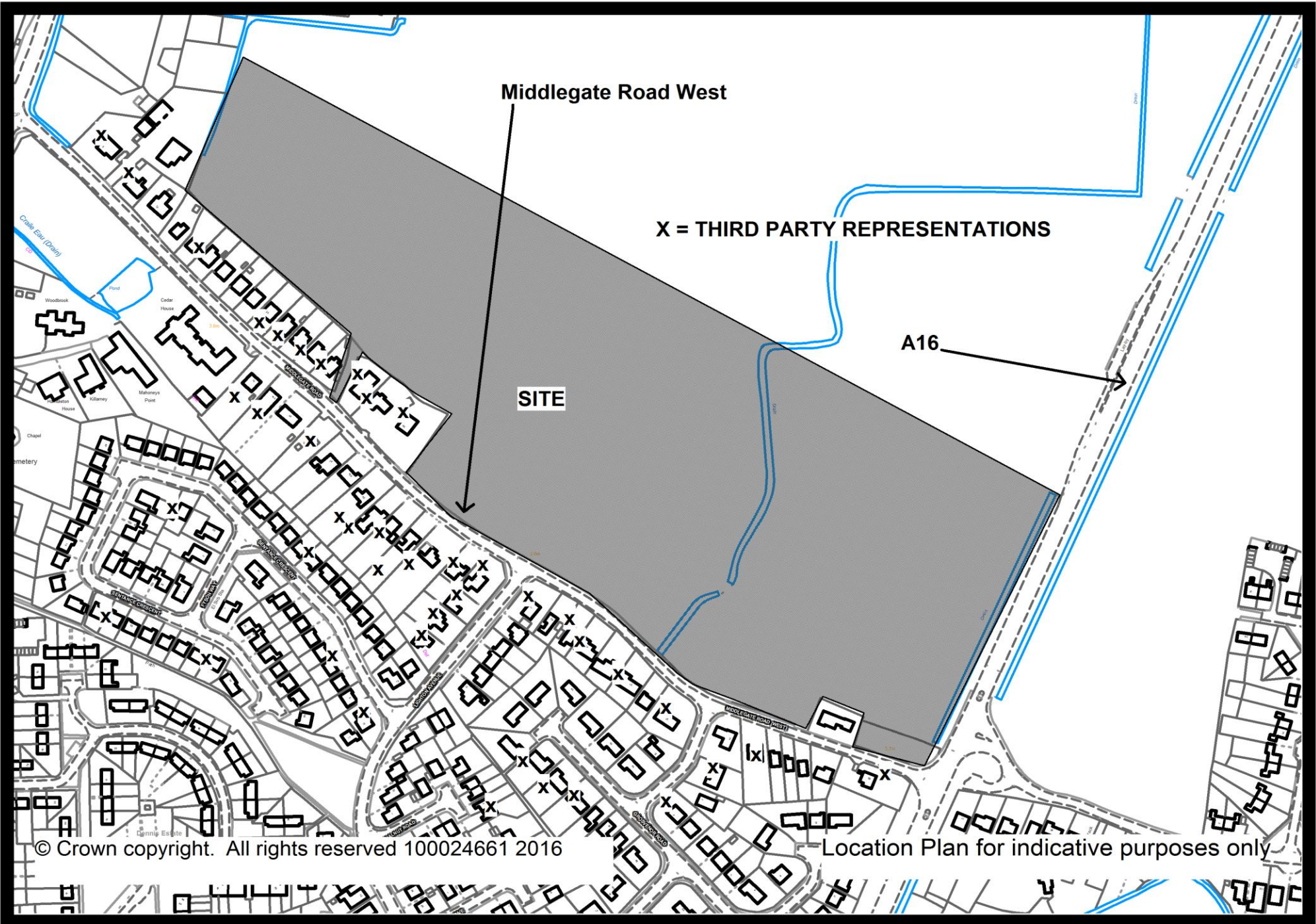
PLANNING APPLICATION B 16 0380

Outline application for the erection of up to 215 dwellings
with all matters except access reserved
with public open space and drainage infrastructure

Land north of Middlegate Road (west) Frampton Boston

Applicant:

Larkfleet Homes T/A Allison Homes



Middlegate Road West

X = THIRD PARTY REPRESENTATIONS

A16

SITE

BOSTON BOROUGH COUNCIL

Planning Committee – 10 January 2017

Reference No: B/16/0380

Expiry Date: 30 December 2016 (extension of time to 13 January 2017)

Application Type: Outline Planning Permission
Proposal: 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

Site: Land north of Middlegate Road (West), Frampton, Boston

Applicant: Larkfleet Ltd T/A Allison Homes

Ward: Kirton and Frampton
Parish: Frampton

Case Officer: Paul Edwards

Third Party Reps: Sixty-nine

Recommendation: REFUSE

1.0 Reason for Report

1.1 This application is called in for Committee consideration by Councillor Rylott on the basis of how it relates to the emerging South East Lincolnshire Local Plan (SELLP).

2.0 Application Site and Proposal

2.1 The application site is open arable agricultural land to the north of Middlegate Road West, Frampton. The site area is 10.02ha (24.76 acres) and it extends to the A16 in the east (north of the Middlegate Road West and East junction with the A16) and to the west as far as to the rears of 12/14 Middlegate Road West. It is essentially flat with a slight fall from south east to north west (3.7m AOD in the north east corner to 2.65m AOD in the north west corner). Parts of the southern site boundary are open to Middlegate Road West or abut the rears of properties on the north side of the Road. The northern site boundary strikes approximately north west to south east across the fields between 90m and 190m from the rears of Middlegate Road properties.

- 2.2 This application is in outline for up to 215 dwellings (~21 dph) with only access to be considered at this time. The other matters of layout, landscaping, scale and appearance are reserved for future submission and consideration. The two access points are shown from Middlegate Road, either side of the Lighton Avenue junction on its south side. The indicative site layout shows individual housing zones, drain and retention ponds in a central landscape area which follows the current open IDB drain and there is a ~10m wide landscape buffer along the northern boundary. A 3.3m high landscape bund is proposed along the eastern boundary with the A16 to address any noise impact. The existing green track (which is not a public right of way) between Nos 34 and 36 Middlegate Road is shown as a footpath link.
- 2.3 The site is in the open countryside for Local Plan purposes; the northern settlement development limits of Kirton (Inset Map 27) includes Middlegate Road and the properties on its north side, together with the south side of Middlegate Road east of the A16 and including Lenton Way. Frampton's Inset Map (Map 8) is centred on Frampton Hall and St Mary's Church, almost a kilometre to the east of Lenton Way. The site is therefore outside of but abuts Kirton's development limits.
- 2.4 The frontage trees to the north side of Middlegate Road, and some behind, are the subject of a Tree Preservation Order, and three would be removed to facilitate the access points. There are no other landscape or other statutory designations across the site. There are listed buildings on the outskirts of Frampton centre on Clatterdykes Road to the east and to the west on London Road and West End Road in Frampton West. It is considered that there will be no effects upon the setting of listed buildings or their special architectural or historic interests but distant views of St Botolph's are available to the north out of the site. The drains across the centre, to the south and to the eastern boundary along the A16 are IDB maintained drains and connect to the Frampton Town Drain.
- 2.5 The site is predominantly in Flood Zone 3 with predicted maximum flood depths not exceeding 1.6m. The Flood Risk Assessment which accompanies the application anticipates that all finished floor levels will be raised 1m above existing ground levels with 300mm flood resilient construction and removable barriers.
- 2.6 Foul drainage would connect to the Frampton WRC some 400m to the north via a pumped system either into the existing foul sewer network or direct to the WRC with a new direct link sewer. Perimeter land drains may be needed to intercept water from the raised land levels and the SuDS pond structure and surface water features will be adopted by a private management company which will be funded from new residents secured through their deeds.
- 2.7 The site is in Frampton Parish and in the Kirton and Frampton Ward. For plan policy purposes it is the settlement development limits for Kirton that are relevant and are defined in the Local Plan. Middlegate Road is contiguous with Kirton and is perceived as all part of the same built up area.

3.0 Relevant History

- 3.1 There is no history of previous planning applications on this site. A Screening Opinion that this is not EIA development was given in August 2016. Although some representations refer to historical application(s) for 500 houses, there is no record of this.
- 3.2 A Tree Preservation Order to cover the group of 28 trees to the north side of Middlegate Road along its frontage and three individual trees was issued in September 2016. As a result of issues with its service and an objection from the current applicant, the Order was re-issued in late October. This authority has six months to confirm this Order, after which it will cease to have effect.

4.0 Relevant Policy

Boston Borough Adopted Local Plan

- 4.1 The development plan consists of the saved policies of the Boston Borough Local Plan (Adopted 1999). S.38 (6) of the 2004 Act requires that determination must be made in accordance with the plan unless material considerations indicate otherwise.
- 4.2 The land is outside the Frampton/Kirton settlement boundary so for plan policy purposes it is in the open countryside. As such it is to be considered against the following policies.
- Policy G1 – Amenity
 - Policy G2 – Wildlife and Landscape Resources
 - Policy G3 – Surface and Foul Water Disposal
 - Policy G6 – Vehicular and Pedestrian Access
 - Policy T2 – Roads and Footpaths in New Development.
 - Policy H3 – Quality of housing developments
 - Policy H4 – Open Space on Housing Estates
 - CO1 – Development in the Countryside
- 4.3 Policy H2: Windfall Housing Sites begins with 'Within settlements..'. The application site is entirely outside of settlement development limits. At the Monarchs Rd appeal the Council successfully argued that Policy H2 applied since the new access road through the existing open space was within the settlement development limits, before it reached the housing parts of the site outside Sutterton. Here it is concluded that Policy H2 does not apply but the criteria, for example to do with loss of open space or frontage which contributes to character can be a general amenity or landscape consideration under Policies G1 or G2.

National Planning Policy Framework

- 4.4 Committee will be aware of the NPPF guidance in respect of housing applications being considered in the context of the presumption in favour of sustainable development. In addition, it goes on to state that policies for the supply of housing “should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites”. In the absence of a five year supply in the Borough (figures to September 2016 show a 3.2 years supply), the presumption in favour of sustainable (housing) development applies.
- 4.5 It is inevitable in the light of the lack of a five year supply that greenfield sites in sustainable locations will be candidates for new housing supply. To this end the authority has previously considered the weight to be afforded to Policy CO1 since Inspectors at appeal have questioned the conformity of Policy CO1 with the NPPF. In the Monarchs Road appeal decision (reported to Committee in April 2016) the Inspector concluded that conflict with CO1 should be afforded only limited weight (para 9 decision 3010682). More recently, at your meeting on 6 December 2016, in considering the appeal decision at Park Lane, Freiston, it was reported that ‘whilst such policies are out of date and thus trigger the presumption in favour of sustainable housing development, the Courts have also confirmed that ‘out of date’ policies may still have some weight attributed to them...and that weight is a matter for the decision maker (*Suffolk Coastal District Council and Hopkins Homes Ltd and S of S / Richborough Estates Partnership LLP and Cheshire East Borough Council and S of S [2016] EWCA Civ 168*)’.
- 4.6 Consequently since lesser weight should be given to CO1, the fact that the proposed development would be within countryside does not by itself make it unacceptable in principle. However, the aims of the NPPF include the protection of the countryside so Policy CO1 can still attract some weight. It is considered that the other general development control saved policies are not ‘housing supply’ policies and full weight can be given to them subject to compliance with the NPPF.
- 4.7 The weight to be given to the emerging SELLP features in many of the representations. Annex 1 to the Framework advises that from the day of publication, decision-makers may also give weight to relevant policies in emerging plans according to:
- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
 - the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
 - the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

4.8 The Planning Practice Guidance (PPG) goes further by stating:

“.. in the context of the Framework and in particular the presumption in favour of sustainable development – arguments that an application is premature are unlikely to justify a refusal of planning permission other than where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, taking the policies in the Framework and any other material considerations into account. Such circumstances are likely, but not exclusively, to be limited to situations where both:

a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging Local Plan... and

b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.

Refusal of planning permission on grounds of prematurity will seldom be justified where a draft Local Plan has yet to be submitted for examination.... Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how the grant of permission for the development concerned would prejudice the outcome of the plan-making process.”

4.9 Appeal decisions that had been recovered by the Secretary of State from elsewhere show that even when a plan has been submitted for examination and hearings have commenced, the Minister found that they may not be afforded significant weight – or may only be afforded limited weight since there is still potential for a plan to change (Appeal refs: 3128707, 3100555 and 3129954, for example).

4.10 On Flood Risk, paragraph 103 of the Framework says that ‘when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment following the Sequential Test, and if required the Exception Test, it can be demonstrated that:

- within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and
- development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning; and it gives priority to the use of sustainable drainage systems’.

5.0 Representations

5.1 As a result of publicity sixty-nine letters of objection have been received at the time of writing. There is one amongst them which has no objection in principle. Some of the representations were copied directly from objectors to all members of Committee.

12, 18, 21, 21A, 25, 27, 28, 30, 31, 32, 33, 34, 35, 36 (x2), 37, 38, 40 (x3), 41, 45, 47(x2), 51, 55, 59, 63 and 69 Middlegate Road (West), Frampton
Farthings, Middlegate Rd (East), Frampton
1, 2 (x2), 3, 9, 11, 15, 25, 33 (x2) and 37 Lighton Avenue, Frampton
6, 11, 22 and 73 Sentance Crescent, Kirton
1, 3, 5, 8, 22, 33, 35 and 36 Grosvenor Road, Frampton
83, Wyberton West Road
10, Jubilee Close, Kirton
2 and 12 Ash Drive, Kirton
14, Lenton Way, Frampton
6 and 15 Peartree Road, Kirton
2 and 8 Walnut Road, Kirton
Fairways and Park-holme, London Rd, Frampton
8, Pools Drive, Sutterton
15 and 45 Boston Road, Kirton
75 Dennis Estate, Kirton

5.2 The objections and comments can be summarised under general headings as follows:

Plan policy

- The South East Lincs Local Plan does not support this location (Fra024) since it was dropped after the last round of consultation and any variance from the plan would be against democratic decisions already taken. Housing needs for Kirton/Frampton will be met by the Local Plan, other sites are closer to amenities, at a lower level of flood risk, a gas main crosses this site and this is surplus to requirements and far exceeds the need
- Although the Plan is yet to be adopted the arguments against this site are none the less valid. A number quote from the SELLP Housing papers
- If the Council had acted quicker in promoting a housing plan this application would not have happened
- Contrary to current Plan policies G1, G2, G3, G4, G5, G6, H1, H2, H3, R1 and CO1. It is outside of the village envelope
- This development goes against the Neighbourhood Plan that is being developed for Frampton & Kirton
- There are other, better sites and planned developments in Kirton through the local plan and The Quadrant is only two miles away, why do we need more; how will the roads cope with this and the Quadrant. Once it is gone it is gone forever. Yet to see the impact on the highway network of the Windmill site, the Quadrant and other planned sites. Boston has better facilities for more homes.

Foul and surface water

- The drains cannot cope, any rainfall leads to flooding, not with rain water but with foul sewage which comes up through drains, pushing up manhole covers and entering gardens and homes; homes have been flooded at least three times this year (2016), most serious in June 2016. This event lasted for over 48 hours
- The last sewer collapse led to the road being closed for several months, and there are sink holes. This is most definitely a real issue with a decaying, Victorian sewerage system that has been ongoing for several years. Will the contractor ensure it is improved? Present system cannot cope and the slightest rainfall causes pooling of water. Some residents plug the foul drain to stop it happening again. Pooling of water in Sentence Crescent after rainfall
- It is understood the Frampton WRC cannot cope in extreme conditions and no extra capacity has been built into it since development to the south of Middlegate Rd connected in. Sometimes the smell is dreadful
- Other homes committed or being built (Windmills scheme) have to be placed on existing water and sewerage infrastructure, the system cannot cope with those being built even without a further 215, the road is subsiding through drains failures
- All utilities under the road (gas, water, sewerage) have been damaged at one time or another, history of carriageway collapses due to running silt...they all need to be checked for suitability of extra loadings and the carriageway constantly has new cracks appearing, Council would fail in its duty of care if this is passed. Any excavations will further compromise the sewerage system.
- No amount of ponds and swales will stop the movement of water; this is a flood plain, more impermeable material and houses higher out of the ground means that Middlegate Rd and its surrounds will have to endure waste water from a new estate. Open ponds will constitute a drowning risk and existing soakaways in rear gardens will be affected. Some detailed critiques of the applicants' FRA
- Lifting of ground levels by as much as 1.5m will cause overlooking, even with bungalows; will require pile foundations and risks of property damage and run off from raised roads will find its way to Middlegate Rd. Noise from pump house will have an impact. Bungalows are undeliverable with this level of flood risk
- Anglian Water must confirm that they are upgrading the system(s), lived with smell for years.

Highways

- Location of site entrances causing noise and disruption and conflict with Lighton Avenue where there is poor visibility for emerging traffic; dangerous to bring in two more junctions which will add unsafe obstacles. Better to form two crossroads with Grosvenor and Lighton
- the public consultation meeting in July was told that Lighton Avenue is not affected but it is, the application papers make lots of references to it and there should have been more consultation in Lighton Avenue
- This is a country road lane with a 30mph limit and streams of delivery vehicles and the amount of traffic using and breaking the speed limit would make it unbearable, already damage to kerbs and pavements, there will be serious problems if this is granted
- Middlegate Rd is not wide enough since it quickly narrows to 4.6m from the A16 junction and there is a risk of collision/near misses, particularly between Grosvenor Rd and the A16. It was not built for such extra traffic usage of 200 to 300 more cars possibly four times a day, and the safety of pedestrians, site is near to three residential care homes, children playing, waiting for school buses would be put at risk. Transport Assessment does not show a true picture, the A16 junction is inadequate and substandard, with deep shadow and poor visibility. The footpath on Middlegate Rd is not 1.8m wide and the fact that there is only a footway on one side indicates what kind of road it is
- The Travel Plan is badly flawed, buses are expensive, infrequently used, and people use their cars..why will this be any different? Bus passes and bike locks, for how long?
- The left turn into Middlegate Rd, north bound on the A16 and the right turn southbound cannot accommodate extra traffic.
- There should be direct access onto the A16; the junction with the B1397 London Rd has a blind spot and will be even more dangerous
- Impact from heavy construction traffic
- There is a public footpath between Nos 34 and 36 and neighbours have rights of way, concern about activity and access in these locations.

Area character

- Frampton is a lovely little village and does not need expanding. The site is in Frampton parish, not Kirton, it has its own identity and is not a sustainable location, and although it spans both sides of the A16 it has no facilities. It presently has 350 houses so this would be out of all proportion to the size of Frampton and completely dominates it; the BBC Landscape Character Assessment says any development should be designed to fit organic pattern and intimate scale
- One of the last open fields in the area & will extend the Kirton footprint towards Wyberton. The northern boundary does not appear correct, how is the straight line and its position explained

- Housing mix looks mostly for larger family homes; there is a need for affordable homes for first time buyers. A detailed layout should be prepared for the whole site
- Even more traffic would use Grosvenor Rd into Kirton as a rat run; people will not walk to drop children off at school and pick-up. Buses are often full and more would lead to more congestion and road damage
- Setting and amenities of this area with open views over fields would be lost forever
- Entrances cannot be created without considerable disruption to trees, now they are mature they should be retained. Holland House is home to the oldest tree in Frampton which helps support variety of wildlife.

Infrastructure

- Overloading of school and doctor/medical facilities at capacity already now and as a result of the extensive building in Kirton. School classes will have to be larger, effects upon pre-school child care and elderly care. Closure in Frampton put more strain on Kirton. What plans are there to expand the Primary and Middlecott schools, Kirton cannot cope with more houses without increase in services as well. Difficult to get a GP appointment within three weeks. Depletion of services and shops over the years
- Will the Police and ambulance services be assisted to support the extra population
- Low water supply pressure.

Other matters

- Difficulties in attracting professional people even if money for expansion was available
- Loss of views or loss of views of the Stump, visually damaging, conflict with character and poor relationship to adjoining buildings. More houses cramped together will be an eyesore. The loss of unrestricted views across open fields affects mental health making them feel trapped, ill and stressed
- Threats to wildlife, negative impact on pink footed geese linked to The Wash SPA, swallows, buzzards, swan and finches, presence of bats in nearby barn – at the very least there should be a full bat survey, and there is evidence of hedgehogs, shrews and voles and amphibian life – unsure if Great Crested Newts are present but there are recorded colonies in the surrounding area, and geological features of SSSI; effects upon ecology and loss of trees whilst estate development would overwhelm it. Frampton is a dispersed settlement, infilling will ruin its character. Pile driving will affect the trees and damage properties
- The land is grade 1 agricultural land, some of the best in the country, capable of two annual crops and alternative brown field land is available in Kirton with lesser flood risk. Morally wrong to not use brownfield sites. PPS11 refers to such quality land as an important resource and policy should be to avoid its loss

- This outline application cannot adequately address all the issues
- Photographic evidence of farm of buildings on these fields with asbestos
- People chose to live here in an 'outskirts of the village' location but this would put them in the middle of a large housing area.

6.0 Consultations

- 6.1 Frampton Parish Council has advised that the Council unanimously objects to this application and requests that the application is considered by the Planning Committee. It says the sewerage system on Middlegate Road has been collapsing for years, plenty of brown/in-fill sites that are superior to this, no amenities in Frampton and there is a surface water pond shown next to a play area.
- 6.2 In detail the Parish Council adds a further list of observations, summarised as:
- Free bus passes for each household is preferential treatment
 - Poor visibility looking east from Lighton Avenue
 - Difficult to enter/ negotiate the A16/Middlegate Rd junction
 - Likelihood of sewage overflows from Middlegate Rd into new estate
 - Wrong scale of development for Frampton which is small scale and distinct from Kirton, there are views of Boston Stump and culs de sac could lead to further development. This is not as the applicants state, a negligible effect
 - Questions over landscape and ponds maintenance, control of discharge, insurance
 - The public consultation at Kirton Town Hall saw only one out of fifty in favour.
- 6.3 The County Council as Local Highway Authority and Lead Local Flood Authority advises that any permission should include a number of conditions relating to the provision of bus stops; construction of highways to standards; formation of the estate road and estate road entrance before dwellings are commenced, submission for approval of a revised Travel Plan and a scheme of surface water drainage. In response to representations that have been shared with that authority to do with the width of Middlegate Rd at its eastern end adjacent to the A16, it is acknowledged that the road does narrow but that busses run through it daily and there is no evidence from collision data to show a safety issue. Any cumulative impact is not regarded as severe and the advice is that it cannot be resisted for this reason.
- 6.4 Lincolnshire County Council Strategic Development Officer requests a part education contribution since it would have a direct impact on local schools, in this case the school-based sixth forms that serve Frampton. The pupil product ratio illustrates that eight sixth form places will be required and there is insufficient capacity available. It is requested that there is a s.106 agreement to the value of £147,420.00 to be spent on a scheme to be specified prior to the signing of an obligation pending a review of sixth form provision in the Boston area.

- 6.5 NHS England – Midland and East Midlands has replied with a request for a financial contribution based upon the likely impact of the new population. Primary Care Support advises that an increase in population of an estimated 516 persons would place extra pressure on existing premises and add additional demand for extra consulting/treatment room requirements. A contribution of £95,460.00 is requested based upon the needs of the Primary Care Team to help the Kirton Medical Centre to upgrade its records room and to upgrade clinical rooms so that procedures can be carried out in these rooms without using the treatment room. This would be subject to a full business case and approval by NHS England.
- 6.6 The Environment Agency objects to the application on the grounds that there is no evidence that the sequential test has been passed. The Agency does not agree with the applicants' conclusions that this application site is sequentially preferable to site Kir037 which is a South East Lincolnshire Joint Planning Unit's preferred site. In receiving this authority's confirmation that the Sequential Test has not been passed, the Agency has maintained its objection.
- 6.7 Anglian Water's first response was that the foul drainage from this development is in the catchment of the Frampton WRC that will have available capacity for these flows. In this case, investigations have highlighted recorded flooding incidents in the local area. It is concluded that the development will cause an unacceptable risk of flooding downstream if a connection is made to the existing network. The alternative proposed by the applicant, to connect flows directly to Frampton WRC, is the subject of a strategy being prepared by AW. Since this strategy is yet to be finalised, a planning condition is recommended if the planning authority is mindful to grant approval, in order to determine the mitigation measures required.
- 6.8 The Black Sluice Internal Drainage Board advises the watercourses on the east boundary, across the centre of the site and the piped watercourse along the southern boundary are all Board maintained and the 9m byelaw distance will apply and no trees or planting will be allowed within that distance. Surface water discharge into watercourses should be limited to greenfield run-off rates. Ground levels should not be raised unless measures are taken to prevent possible flooding or waterlogging of neighbouring land.
- 6.9 Environmental Protection advise that there are no objections in principle subject to conditions relating to noise remediation and contaminated land remediation.
- 6.10 Lincolnshire Fire and Rescue object to the application on the grounds of inadequate water supply for firefighting purposes. The authority seeks fire hydrants to be installed within the development at the developer's expense but that it is not possible to determine the number until the water planning stage.
- 6.11 The Consultant Archaeologist had advised there is insufficient information to establish the significance of archaeological remains. Following consideration of the geophysical survey results, it is agreed that the further investigation of any significant archaeology can be dealt with by condition on any approval.

- 6.12 Natural England advise that there is insufficient information to be able to provide a substantive response. No assessment of the potential impacts upon the Wash SSSI and insufficient information to be able to undertake a Habitats Regulations Assessment on the effects upon the site as a feeding and roosting area for Pink Footed Geese which is functionally linked to the Wash Special Protection Area.
- 6.13 Further correspondence and assessments by the applicants are underway and the outcomes of this will be reported verbally to your meeting.
- 6.14 The Local Housing Authority advises that there is a strong need for affordable housing in both Frampton and Kirton. Confirms that the offer of 20% affordable housing on this scheme is realistic and reasonable, advice is given on the likely housing mix. The applicant is advised to engage with a Registered Housing Provider.

7.0 Planning Issues and Discussions

The Development Plan

- 7.1 There are no outstanding allocations (in Kirton) or up to date policies to guide the location of housing development in the saved policies of the 1999 Local Plan. The lack of a five year supply means that any policies that are to do with housing supply are 'out of date' and thus lesser weight must be given to Policy CO1.
- 7.2 The general development control policies at para 4.2 above remain valid; principal amongst them are Policies G1, G2, G3, G6, T2 and H4.
- 7.3 The extent to which those policies relating to, for example, access, or satisfactory disposal of foul and surface water are satisfied are considered below. At this point however the development plan is either silent or out of date on the question of the in-principle development of this site.

Weight to be afforded to the SELLP

- 7.4 The SELLP is not a part of the development plan and s.38 (6) does not apply until it has been adopted. The exercise in September 2016 when the SELLP Steering Group considered consultation responses on the preferred sites in Kirton and other settlements resulted in this application site (Fra024) not being taken forward as a Preferred Housing Site. Sites Fra005, Kir036 and Kir013 were also all deselected from the January Potential Housing Site list.
- 7.5 Presently the single Preferred Housing Site for Kirton/ Frampton is Kir037 (land to the west of London Road, part of which has outline consent for 105 homes). This is on the basis that although it has the second worst score in the sustainability appraisal of the potential housing sites, compared to this application site which had the second best score out of five; Kir037 has attracted significant support and is at a lower flood risk than, for example, the application site ('danger for some' and lesser flood depths compared to 'danger for most'). The identification of a Preferred Housing site is a material consideration and, in view of other commitments, the residual requirement for Kirton is 199 dwellings.

- 7.6 However, based upon national guidance in the Framework and the PPG set out in paras 4.6 to 4.8 above, it is considered that it is not possible to advance a case on prematurity..that an approval here would prejudice the preparation or outcome of the SELLP-making process. This has been confirmed by separate legal advice taken in respect of this application. The fact that the Minister has only afforded limited weight to a Plan that has commenced its examination (para 4.9 above) is confirmation of this.
- 7.7 It is not known at this point what the final form of the (SELL) Plan will be and how it might change as a result of further necessary publicity and examination. Thus limited weight may be given to the emerging plan at this stage but it is not sufficiently advanced to be able to say that this application is premature.

Loss of agricultural land ('best and most versatile')

- 7.8 The Framework encourages the effective use of land by re-using previously developed land (para 111) and that authorities should take into account the economic and other benefits of the best and most versatile (bmv) agricultural land (para 112). If significant development is demonstrated to be necessary, authorities are to seek to use areas of poorer quality in preference to that of higher quality.
- 7.9 The nature of, particularly outline approvals over the last ~ two years means both that Policy CO1 must attract little weight and the housing need is such that your officers have concluded that it is inevitable that housing permissions will be given in sustainable locations, often outside of development limits on agricultural land. Policy G9 to do with resisting development on bmv land is not a saved policy.
- 7.10 This application does not include any evidence on the likely agricultural grade of the site and the Planning Statement does not refer to agricultural land. The DEFRA information available to the Council indicates the site to be Grade 1 but we know that this is a particularly coarse assessment and does not take account of local variations. Local evidence is however that the land takes two crops per year.
- 7.11 Committee will recall its consideration of the Sibsey/Wainfleet Rd appeal decision in October last year when the Inspector, in response to the Council's view on the inevitability of greenfield development stated (para 32):
- “ 32.The officer report to Committee suggests that any new housing around the existing development limits of Boston would need to use agricultural land. However, I have seen no evidence to demonstrate the level of development proposed could not be accommodated without involving the loss of 3.75 hectares of Grade 1 agricultural land. Hence, I am unable to conclude that there would be no conflict with the advice in paragraph 112 of the Framework that poorer quality land should be used in preference to the best and most versatile agricultural land. The loss of that land must, therefore, be regarded as a significant adverse effect of the proposal.”
- 7.12 Committee may also recall in its debate thereafter that it believed that the Sibsey/Wainfleet appeal site was unlikely to be Grade 1 land since it was lying fallow.

7.13 In addition, in the Monarchs Rd appeal decision the Inspector concluded that

“55. I note that the Council no longer relies on loss of agricultural land as a reason for refusal. I also take account of the fact that the site is not particularly large and that it is likely that some BMV land will be needed to meet the Council’s housing requirements. Even so, I consider that the loss of BMV [best and most versatile] land is a disadvantage of the scheme to which some weight should be attached.

7.14 The application would bring wholesale change to an undeveloped open site which, in the absence of evidence to the contrary is amongst the best and most versatile grade of agricultural land. There is thus a conflict with para 112 of the Framework.

Landscape and visual impact

7.15 The application site is just south of the boundary between Character Areas B1 and B2, being within the B2 area in the *Landscape Character Assessment of Boston Borough 2009* (LCA). The description of the wider ‘Settled Fen’ character type refers to an irregular organic pattern of winding roads and watercourses. This B2 character area is described as having a distinctive small scale landscape with tree cover being generally sparse with short rows of poplars and repeated coniferous shelter belts. Kirton is acknowledged as having a high level of tree cover. On Landscape Sensitivity, it continues that development should be designed to fit the organic pattern...’in order to fit in with its distinctive character’ (LCA p.41).

7.16 The views of the site and its appreciation are only from the environments to the north of Kirton/Frampton. The applicants’ Landscape and Visual Appraisal (LVA) refers to the ‘local topography and high level of screening provided by existing development’ (p.4) of this site and it continues to conclude that the development of the site would have a negligible or minor adverse effect upon the Character Area. The overall landscape effect at completion is regarded as moderate adverse.

7.17 The northern site boundary as proposed is a very long straight and regular line across the landscape that is not informed by any feature on the ground, natural or otherwise. This concern of introducing an almost alien feature which is not characteristic of the Fen has been raised with the applicants since it has the effect of serving to further emphasise the very large incursion of development into the open countryside as a large, crude sharp line of development. Your officer does not agree with the applicants’ assessment that the site is screened by existing development or that the landscape effect is negligible or minor. Since there are little or no existing features which inform the northern boundary the applicants’ analyses understates the impact of the linear tree belt.

7.18 The northern boundary of the settlement defined by Middlegate Road is a mature edge and although tree lined in part it is a pleasant mix of the natural with glimpses of properties but which do not dominate the view and it is perceived as a gentle settlement edge.

- 7.19 In reply, the applicants have acknowledged that the linear edge requires mitigation and that since the application is outline, positions of dwellings can be staggered to give a less rigid edge. In addition, an alternative landscape strategy is proposed which would have more variation in shape by following the watercourse which extends to the north out of the site and providing some variation in width.
- 7.20 These alterations are outside of the current red line boundary and the applicant did not wish to amend the red line which might then delay presentation to Committee. Therefore since this extra land is under the same ownership as the application site, the applicant has indicated that applicant and owner would be willing to enter into a planning obligation to secure the amended landscape belt and its implementation.
- 7.21 It is considered that the northern application site boundary – bearing in mind that this is an outline application, will detract from the established settlement limit and introduce a sharp regular, manmade line which fails to take account of either the Character Area or the way in which settlements are perceived in the landscape. Any organic edge will be destroyed and the establishment of any agreed landscaped edge will take time to establish and the harm in the interim will be significant.
- 7.22 The suggested amendments will create a planted incursion north of the site which will help to interrupt direct or stark views of new housing. Its ability to mitigate is however quite limited in the overall length of this boundary since longer stretches of a straight planted line, on the indicative layout, remain. No public access is intended beyond the red line boundary but the housing layout would be such to give natural surveillance by design.
- 7.23 To a similar extent the bund to the A16 will close down those wider views but could also be in danger of being perceived as an unnatural feature or, at least before establishment, a heap of spoil. These are problems with the application and these shortcomings raise a conflict with Policy G2.

Highways

- 7.24 The Highway Authority does not object to the application and although there is a pinch point on Middlegate Road close to the A16, the advice on the collision data is that it would not support intervention on these grounds. The existing perceptions of traffic volumes, speeding traffic or the ability of the carriageway to take current traffic volumes are not relevant to this application.
- 7.25 The Transport Assessment provided with the application has been assessed by the Highway Authority and account taken of the Framework guidance which states that 'development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe' (para 32).
- 7.26 Since the application and any conditions may only deal with mitigating the impacts that might arise from this development, in the absence of any substantive evidence to show a severe impact arising from this development, there is no highway objection.

Foul and surface water disposal, flood risk

- 7.27 The Lead Local Flood Authority has not raised any objection and has requested that surface water is dealt with by condition on any approval. The surface water proposals are contained in the preliminary strategy as part of the applicants' Flood Risk Assessment. The use of SuDS will enable a regulated outfall to the IDB drain that crosses the site north to south and the Drainage Board has indicated that subject to greenfield run-off rates, they would have no objection to this. It is normal practice at outline to condition a surface water strategy on any approval.
- 7.28 The situation with the foul drainage is that Anglian Water are preparing a development impact assessment which will inform whether the new sewer direct to the WRC is acceptable or if a connection to the existing system can be mitigated in the knowledge that AW advise that it could lead to flooding downstream, i.e. between any connection and the WRC.
- 7.29 In respect of the existing problems with the overcharging of the sewerage system at times of rainfall, this is happening at present and all the applicant can be required to address is to demonstrate that this proposal will not exacerbate the current situation. The applicant has also offered to assist with these current flooding problems if Anglian Water could identify a solution or an area where the applicant can assist, but to date AW has not replied to this particular offer.
- 7.30 However, it does appear that if a new sewer direct from the site to the Frampton WRC was requisitioned, this would address the foul water disposal questions for this application. Thus, as this outline stage, it is reasonable to condition this for future addressing and consideration.
- 7.31 The Environment Agency's objection to the application is based on their belief that there is a sequentially preferable and available site (the single Preferred Housing Site for Kirton/Frampton - site Kir037) (para 7.5 above). An unresolved objection from the Environment Agency on an application of this nature means that any resolution to approve must be forwarded to the Minister to give him the opportunity to 'call-it-in' for his own determination. The authority cannot approve this application until the Minister has declined to call-it-in. You are able to refuse the application and it would not need to be referred.
- 7.32 The Sequential Test is based upon the premise that development is to be directed to sites at a lower risk of flooding. Although the applicant contests that this application site and the Preferred Housing Site (Kir037) have the same level of risk, the evidence behind the emerging SELLP and the views of the Environment Agency is that there is a difference between the sites. Thus the application fails the sequential test and the Agency has maintained its objection.

Protected trees

- 7.33 The three trees that are proposed to be removed to facilitate the accesses (T45, 44 and 34) are assessed in the applicant's Arboricultural report as being in fair physiological and structural condition. This is a straight consideration of allowing three healthy trees that still have a reasonable life expectancy – there is no reason for their removal at this point – to be removed to make way for development. Although covered by a TPO this should not be seen as an embargo on works to them or their removal; the purpose of a TPO is to enable controlled management. The trees in question are a birch and two horse chestnuts and if the development was otherwise acceptable, it would be unlikely that development should be prevented over the loss of trees when the majority of the protected trees will remain and any approval would enable more to be planted.
- 7.34 It is thus considered that the loss of trees should not be a reason to resist this development.

Protected species and Ecology

- 7.35 The Wash Special Protection Area (SPA) is a European site for the purposes of the Habitat Regulations 1994. The designated areas in The Wash are approximately 4.5km to the east south east. An SPA is, along with Special Areas of Conservation, a network of protected sites across Europe and the Birds Directive aims to protect all European wild birds and the habitats of listed species, particularly through the designation of SPAs.
- 7.36 In assessing development proposals, the decision maker must determine whether the proposal is likely to have a significant effect upon a European site. An 'appropriate assessment' is then required where there is a probability that a proposal will have a significant effect upon a site. The assessment should then look at each of the interest features for which the site was classified.
- 7.37 This application site is not a protected site and the applicant's appraisal is that the potential for the site to be utilised by pink footed geese is low. The likelihood of any link to protected species is not mentioned in the January 2016 Housing Papers to support the SELLP and the June 2016 papers record that Natural England has some concern that the site is where pink footed geese have been known to forage. Evidence from the Lincolnshire Environmental Records Centre is that the last recorded incidence of pink-footed geese, in 'Kirton Village' (not further specified) was in 2000 when c.250 was present. This compares to the estimated population on The Wash of some 23,000.
- 7.38 The test is whether there is likely to be a significant effect upon a European site. At this point, this effect seems to be difficult to substantiate but is the subject of ongoing investigations and will be the subject of an updating verbal report to Committee.

8.0 The Nature of any Conditions/ Planning Obligation

- 8.1 In addition to the standard outline conditions on any approval, the applicants have agreed that the standard 'submit the reserved matters within three years' of the outline approval can be amended to require submission within one year. This, the applicants say, is clear evidence of the deliverability of the site in order to meet housing needs since the site is in single ownership and the applicant is a house builder with a proven track record. By comparison, they say, the entire Kir037 'preferred site' does not benefit from permission across it all and it is in multiple ownership.
- 8.2 The applicants also confirm that they will enter into a s.106 planning obligation to cover those items requested through consultation, namely:
- 20% affordable housing
 - Education contribution of £147,420.00
 - Health care contribution of £95,460.00, and
 - to secure the landscape belt outside of the northern site boundary
- 8.3 It is considered that the offer of the obligation would meet the tests that govern the connection between applications and obligations and thus this must be a weighty consideration to be taken into account in favour of the application.

9.0 Conclusions and Recommendation

- 9.1 The application site is wholly outside the settlement development limits of a high order settlement. In view of the lack of a five year supply and that Policy CO1 may only attract limited weight; the countryside location should not be used as a reason to resist this application. The development plan is essentially silent or out of date in terms of being able to be used to direct housing development and given that housing sites in and around Kirton must be considered to be sustainable locations, it is clear that the presumptions in favour of sustainable development in paras 14 and 49 of the Framework are triggered.
- 9.2 The emerging South East Lincolnshire Local Plan has been referred to by a number of respondents and although it is quite advanced in its preparation, the guidance is clear that a case on prematurity cannot be made until a Plan has been published for Examination. Thus, this application is unable to be refused on the grounds of prematurity.
- 9.3 There is a conflict with para. 112 of the Framework in respect of the loss of agricultural land and this must be a part of the planning balance. It is considered however that this would not normally be a reason for refusal given the decisions of this authority in the past where it has consistently allowed many applications on farmland.

- 9.4 The fundamental issue raised by this application is the impact and encroachment into the landscape by this scale of application. Although it is not a loss of agricultural land argument per se, it is more to do with the character and context of the area and how it would be irreversibly changed, to the detriment of the landscape, if this application was approved.
- 9.5 The matters of the present difficulties with the foul sewerage systems and the ability or otherwise of the road surface or the highway network as a whole to cope with increases in traffic are by far the issues most raised by residents in their responses. There is however no recorded objection from the Highway Authority (or as the Lead Local Flood Authority) and although Anglian Water are undertaking a development impact assessment, this will inform the best way of dealing with foul discharges from the site and there remains no evidence or ability to demonstrate that this application will impact upon the current situations. Thus, reasons for refusal relating to highways or foul water drainage are not being recommended. Thus the fact that foul water may be dealt with by condition, is a further indication why a reason for refusal on this ground would not be appropriate.
- 9.6 The flood risk Sequential Test has not been satisfied since there is a preferable site better suited in flood risk terms evidenced through the SELLP work. The outstanding objection from the Environment Agency confirms this.
- 9.7 The likelihood of a significant effect upon the Wash SPA as a result of this application appears unlikely. If an appropriate assessment is required, the Frameworks' para 14 presumption in favour of sustainable development does not apply if one is being considered, planned or determined. This will be the subject of a further verbal update to Committee.
- 9.8 The final part of the report above refers to the applicants' agreement to enter into a planning obligation to secure the funds and affordable housing set out by consultees. There is also agreement that any approval should be limited to one year for the submission of reserved matters, by way of the applicants demonstrating that the site can be commenced in a relatively short space of time to assist housing numbers. Significant weight should be given to the offer of the obligation in support of the application.
- 9.9 However, it is concluded that the adverse impacts of this application on the landscape, the character of this part of the Fen and that there does appear to be a sequentially preferable site are adverse impacts that significantly and demonstrably outweigh the benefits.

Recommendation

- 9.10 It is therefore considered that this application should be refused for the following reasons:
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 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.

In determining this application the authority has taken account of the guidance in paras 186 – 187 of the NPPF (2012) in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the Borough.

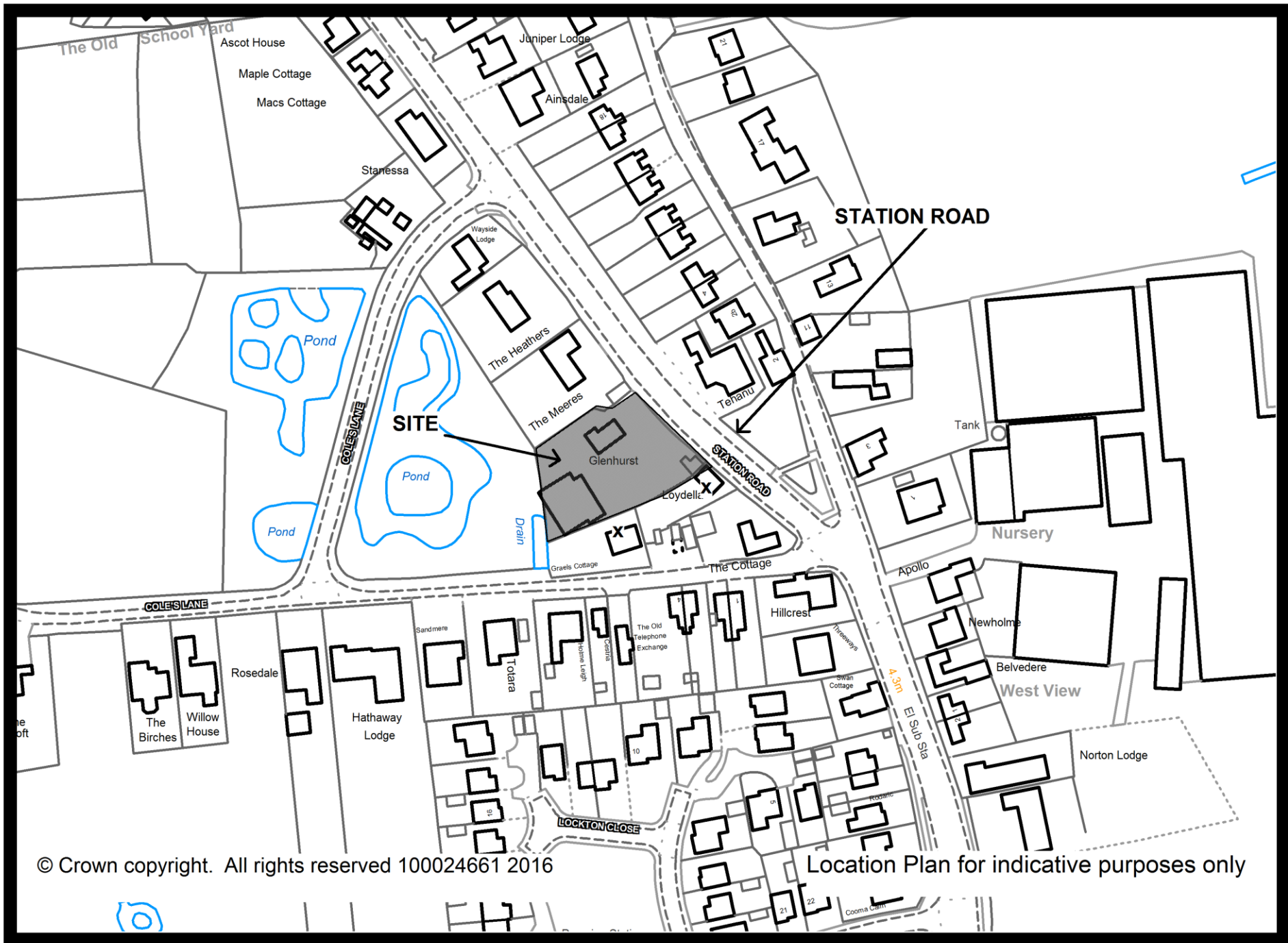
Paul Edwards
Development Control Manager

PLANNING APPLICATION B 16 0389

Outline application for the erection of one detached dwelling and one detached garage including access.

Land adjacent to Glenhirst Station Road Swineshead
Boston

Applicant:
Mr and Mrs N C Bell



BOSTON BOROUGH COUNCIL**Planning Committee - 10 January 2017**

Reference No: B/16/0389

Expiry Date: 17 Jan 2017

Application Type: Outline Planning Permission
Proposal: 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

Site: Land Adjacent to Glenhirst, Station Road, Swineshead, Boston

Applicant: Mr & Mrs N C Bell

Ward: Swineshead and Holland Fen
Parish: Swineshead Parish Council

Case Officer: Polly Harris Gorf

Third Party Reps: 3 (from 2 properties)

Recommendation: Approve, with conditions**1.0 Reason for Report**

1.1 This application is presented to Committee as objections have been received from an officer in the Planning Service and this application should thus be determined by Committee.

2.0 Application Site and Proposal

2.1 The application site consists of the house and gardens of *Glenhirst*, Station Road, and the application proposes development of the garden area to the south of the existing dwelling only. *Glenhirst* and the garden area are a mix of domestic garden and an established garden nursery that has now ceased. To the west of the site is a pond and drain at the corner of Coles Lane and Station Road.

2.2 The site, of some 0.095 hectares, measuring approximately 18m at its widest point, and 45m in depth, stands on the western side of Station Road, within the development limits of the village of Swineshead. It is within Flood Zone 2 Medium Possibility of flooding, as identified by the Environment Agency.

- 2.3 Currently on the site are disused greenhouse buildings and a brick and pantile building that may have been used as a cobbler's shop. This is overgrown and has been unused for some time. The rest of the site is put to domestic garden.
- 2.4 Outline consent is sought to establish the principle of a detached dwelling and detached garage in the side garden area of this dwelling. Access is to be considered at this time with all other matters (appearance, landscaping, layout and scale) to be considered via reserved matters applications at a later date. The application is supported by a Planning Statement and a Flood Risk and Drainage Assessment.

3.0 Relevant History

- 3.1 None relevant.

4.0 Relevant Policy

Boston Borough Adopted Local Plan

- 4.1 The development plan consists of the saved policies of the Boston Borough Local Plan (Adopted 1999). S.38(6) of the 2004 Act requires that determination must be made in accordance with the plan unless material considerations indicate otherwise.
- 4.2 The land is within the Swineshead built up area and settlement boundary.
- 4.3 The saved Local Plan Policies of relevance to this application are as follows:
- Policy G1 – Amenity
 - Policy G2 – Wildlife and Landscape Resources
 - Policy G6 – Vehicular and Pedestrian Access
 - Policy G3 - Surface and Foul Water Disposal
 - Policy H2 – Windfall housing development
 - Policy H3 – Quality of housing developments

National Planning Policy Framework

- 4.4 Committee will be aware of the NPPF guidance in respect of housing applications being considered in the context of the presumption in favour of sustainable development. In addition, Paragraph 11 makes it clear that "...applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise."
- 4.5 Paragraph 56 states: The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

4.6 Paragraph 103 states: When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment following the Sequential Test, and if required the Exception Test, it can be demonstrated that:

- within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and
- development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning; and it gives priority to the use of sustainable drainage systems.

5.0 **Representations**

5.1 As a result of publicity 3 representations have been received from 2 properties at Loydella and Graels Cottage;

5.2 Both objectors confirm that they have no objection to the principle of a dwelling being built on this application site.

5.3 The objections and comments can be summarised as follows;

- The flood risk assessment takes no account of groundwater conditions and flooding
- Flooding has been a severe occurrence on this land and shared areas i.e. Loydella and garden and Graels Cottage and garden at least 3 times in the last 3 years. . This is largely because the highway drains are at a higher level than the land immediately adjacent on Station Road and Coles Lane. Flooding has been to a depth of 15 cm at the lowest points in the gardens which has been a mix with sewerage. Overall the water table is a little over a metre below ground level. The flooding spreads across and substantially covers all the garden areas and typically takes a day or more to drain away on permeable surfaces. Incursion over the threshold of Loydella occurred 3 years ago with 2.5cm or so of sludge/water throughout the hall and downstairs bathroom. Graels Cottage and was similarly affected
- the proposed indicative site of the new dwelling this is probably in the worst location and will exacerbate and worsen groundwater flooding for neighbouring properties
- Siting the development elsewhere on the site would have an impact on surface water flooding
- Wildlife and ecology. The planning statement and application form fails to mention the nearby proximity (adjoining the south eastern boundary) of the Coles Lane ponds as a Local Wildlife Site
- Loss of a tree on the site
- Approximate/proposed siting of new dwelling and garage would cause overlooking and a loss of light to adjoining houses and gardens
- Overbearing impact of development on neighbouring dwellings
- Fencing to Loydella should be considered
- Loss of building last used as a cobblers shop

6.0 Consultations

- 6.1 Swineshead Parish Council raises no objections to the development
- 6.2 The County Highways Authority has no objections and recommends informatives regarding the access to the highway.
- 6.3 Environmental Protection raises no objections
- 6.4 The Black Sluice Internal Drainage Board advises that any soakaways to discharge surface water should be designed to BRE Digest 365 or other approved code. If a soakaway proves to be unsuitable an alternative scheme should be submitted and approved prior to starting on site. In addition, there may be culverts or watercourses nearby and any proposals to pipe or fill them would need the Boards consent. This response was sent by the Board directly to the agent and applicants.
- 6.5 The Environment Agency states that the proposed development will only meet the requirements of the National Planning Policy Framework if the following mitigation measures are secured and implemented by way of a planning condition on any planning permission to ensure the following:
- Finished floor levels shall be set no lower than 2.8mODN;
 - Flood resilient and resistant construction measures shall be incorporated throughout the development
 - The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any period as may subsequently be agreed, in writing, by the local planning authority.

7.0 Planning Issues and Discussions

- 7.1 The application site is located within the built up area of Swineshead, and seeks to utilise a domestic garden side garden and underutilised area of garden plant nursery. Although garden land is not 'previously developed', the principle of development is considered to be acceptable given the location within the settlement. Policy H2 of the Local Plan provides other criteria regarding the loss of an open frontage, site size, size and character of development, which are discussed below.
- 7.2 This outline application proposes solely access to be considered at this time, however indicative plans have been submitted that demonstrate that a two storey dwelling and a garage could be accommodated on this site, without compromising the character of the area, which is of a mixed form of residential development.
- 7.3 The application is supported by a flood risk assessment and further details of land levels would be required at any reserved matters stage.

Loss of open space or frontage

- 7.4 Within the street scene the site reads as side garden land, with Glenhirst, the host property, sitting in a large garden plot. The character of this part of Station Road is of a mix of ages and forms of dwelling, with variation in plot size and distance from the highway. There is not a uniformity of street scene, so the provision of an additional dwelling in this side garden, although closing a frontage to a degree, would not be out of keeping with the grain of development in the area.
- 7.5 The more detailed matters of exact siting of development on the site would be addressed by any reserved matters application at a later time.

Flooding and Drainage

- 7.6 The application is supported by a detailed Flood Risk and Drainage Assessment, which sets out that the existing site conditions in relation to ground levels. These are as follows – site entrance onto Station Road is 2.85m ODN; levels on the eastern (front) boundary is 2.80m ODN and on the western (rear) boundary is 2.18m ODN, with an average across the indicative site of the new dwelling of 2.47m ODN. The application is supported by a flood risk assessment and further details of land levels would be required at reserved matters stage. It is to be noted that the Environment Agency raise no objection subject to the provision of a condition ensuring that the dwelling is no lower than 2.8mODN, which is already indicated on the submitted drawings. Thus the proposed siting is not at the lowest part of the site.
- 7.7 The land and gardens in this area have experienced localised flooding, however this proposal, by removing the greenhouse on the site and building a purpose designed dwelling would result in less built floor area and hardstanding than presently on site, that could lead to a more sustainable development and could lessen the impact of flooding in the area.
- 7.8 The indicative drawings submitted show one possible siting of a dwelling and garage on this site. If at reserved matters stage it is considered that the built form of development could be better placed on the site to reduce flooding impact, or any other negative impact on the site or surrounding occupiers, this would be able to be required at that stage.

Impact on residential amenity

- 7.9 Although all matters except access are reserved, indicative plans have been submitted to illustrate how a dwelling could be accommodated on this site without undue impact on the adjacent properties. The submission of reserved matters is when any issues of overbearing effect, loss of privacy and light would be fully addressed; the current outline application seeks to establish the principle of a dwelling on this site. At this stage it is considered that the site can accommodate a plot.

Highway safety and parking

- 7.10 With regard to issues of highway safety within Station Road, the County Highways Officer raises no objection. Station Road has good visibility at this point, and an additional vehicular access would not cause undue highway hazard.

Wildlife and ecology

- 7.11 It has been suggested that the site may be home to protected flora and fauna, being located adjacent to a local wildlife site, Cole Lane Ponds (to the west). The application site is not identified as having ecological value, being a garden area and housing a large area of glass housing. The site is domestically planted, and although it holds some mature vegetation, none is worthy of preservation or seen to be of wildlife value. The rear part of the application site has been covered by a glasshouse for many years. The ground internally is bare dirt and dry with concrete paving walkways. It is an inhospitable area for pond margin fauna. The greenhouse was used for growing cacti [the applicants' former business] chiefly on raised tables and on ground matting. Following demolition of the greenhouse this area would revert to garden and this would be an enhancement ecologically, compared to the glasshouse.
- 7.12 The area between the glass house and the gravel drive has been, and in fact still is, heavily cultivated and has been the outside growing area for the larger and more hardy species of nursery plant and general vegetables. Again not an area that has been left fallow to allow wild life to become established.
- 7.13 The lawn, flowerbeds and garden pond area of the existing gardens attached to *Glenhirst* would remain unchanged.
- 7.14 It is therefore considered that the development proposed would not have an impact on protected species, or the wildlife site. However notwithstanding this, it is recommended by condition that a wildlife survey be undertaken, and remediation put in place as necessary, prior to works commencing on site.

Other matters

- 7.15 It has been suggested that a 19th Century single storey brick and tile building at the frontage of the site be considered for its historical importance. The building is in a poor state of repair, and although it may have been a cobbler's shop in the past, it is now beyond a point that it would be considered for listing. The Council's consultant conservation architect has visited the site and viewed the building, and concludes that the building would not meet the listing criteria relating to architectural or historic interest, including age and rarity, aesthetic merits, sensitivity and national interest. The state of repair of the building is not considered relevant when looking to list a building.
- 7.16 It is proposed to retain a Willow tree on the site. This tree has been viewed and it is not considered that it is worthy of formal protection.

8.0 Summary and Conclusion

- 8.1 In conclusion it is considered that this proposal represents an acceptable infill development on this site in a sustainable settlement. The proposed application is outline and seeks only to establish the principle of development on this site with an access point. All other matters of detail (appearance, landscaping, layout and scale) would be dealt with at any future reserved matters stage.

9.0 Recommendation

- 9.1 It is recommended that Committee GRANT Outline Planning Permission 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.

In determining this application the authority has taken account of the guidance in paras 186 – 187 of the NPPF (2012) in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the Borough.

Paul Edwards
Development Control Manager

PLANNING APPLICATION B 16 0335

Application for Listed Building Consent.

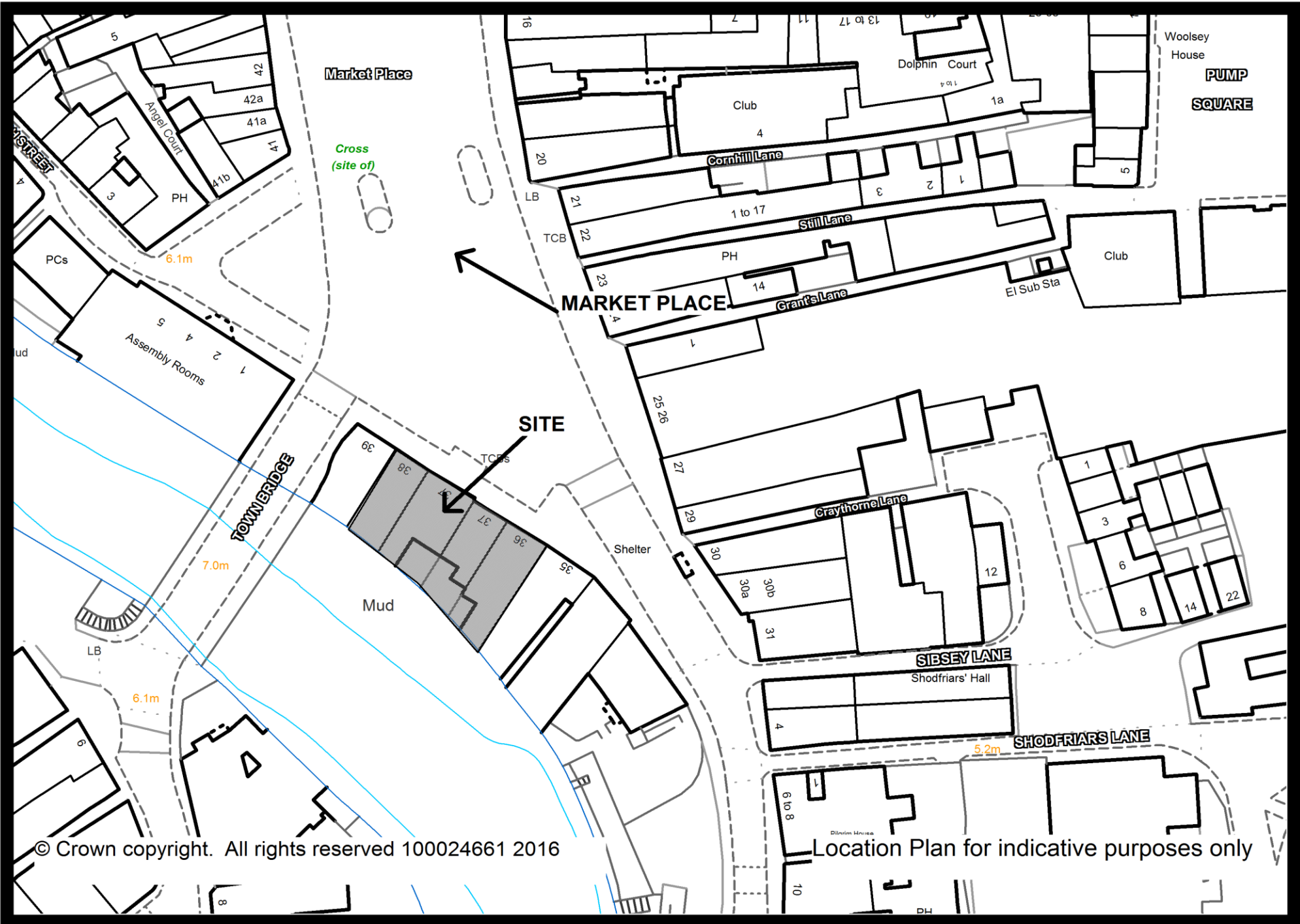
External alterations to remove the soil pipe.

Internal alterations including the removal of walls and fabric to facilitate the change of use of the first and second floors from offices (B1 use) to 8 No. dwellings (C3 use)

36-39 Market Place Boston
Boston

Applicant:

Mes Commercial Ltd



BOSTON BOROUGH COUNCIL**Planning Committee – 10 January 2017**

Reference No: B/16/0353

Expiry Date: 16-Nov-2016

Application Type: Listed Building Consent

Proposal: 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 offices (B1 use) to 8 dwellings (C3 use)

Site: 36-39 Market Place, Boston, Lincolnshire, PE21 6NH

Applicant: Mes Commercial Ltd

Ward: Trinity

Parish: Boston Town Area Committee

Case Officer: John Taylor

Third Party Reps: None received

Recommendation: GRANT**1.0 Reason for Report**

1.1 The application is presented to Planning Committee at the request of Councillor Sue Ransome with concerns raised over the affect that the proposal would have on the wider area of the town centre.

2.0 Application Site and Proposal

2.1 The proposal relates to the first and second floors of no's 36-39 Market Place Boston. The buildings form part of the Exchange Building that is a Grade II* building situated in the heart of Boston town centre and within Boston Conservation Area.

2.2 The exchange building forms part of the south-western enclosure to the Market Place and contributes significantly to the historic quality and interest within this area.

2.3 The site is also located in the General Business Area (GBA) and in an area of known archaeological interest.

2.4 The use of the ground floor of the buildings include retail, restaurant/takeaway use and a betting shop and the upper floors have been used as offices and a training and education centre. The upper floors are now vacant.

2.5 According to the information held by Historic England the listing contains the following information;

'36-39 Market Place (the Exchange Buildings) built by Boston Corporation as a fish market with dwellings above, now shops and offices; designed by Thomas Lumby and completed in 1772; C19 and C20 alterations'

*'Architectural interest: It is of more than special interest for its imposing well-balanced design by the architect Thomas Lumby, and for its attention to detail in its street, bridge and riverside elevations. * Historical interest: It forms part of a significant late C18 and early C19 remodelling of Boston's historic Market Place, and, together with other major developments, particularly those financed by the Corporation, for example the refurbishment of the Guildhall on South Street, listed at Grade I, mark a notable period in the town's history. * Interior: Surviving detail displays good quality craftsmanship and is indicative of the high status of these dwellings that occupied a prime position on the Market Place, Boston's historic commercial centre. * Group Value: The building is a component of one of the most important historic public spaces in Boston, one which continues to clearly reflect the complex historical development of the settlement.'*

2.6 This proposal seeks listed building consent for the alterations (predominantly internal) to allow for the change of use of the first and second floor of the Exchange Building (36-39) creating eight residential units.

2.7 It should be noted that the related planning application (ref: B/16/0382) for the conversion of the building to create eight flats appears elsewhere on this agenda. Listed building consent is not required for the change of use.

3.0 Relevant History

3.1 There has been a succession of applications and approvals for alterations/ changes of use and signage. None are particularly relevant to this application other than to demonstrate that there have been many approved alterations and changes.

4.0 Relevant Policy

Boston Borough Adopted Local Plan

4.1 There are no saved policies in the Adopted Local Plan that relate to conservation areas and/or listed buildings therefore the focus for guidance in the determination of this application is contained in the NPPF.

National Planning Policy Framework (2012)

- 4.2 The NPPF encourages good design (Part 7) and sustainable forms of development and, given that the building is Grade II* listed and within the Boston Conservation Area, Para 131 of the NPPF states: 'In determining planning applications, Local Planning Authorities should take into account;
- The desirability of sustaining and enhancing the significance of heritage assets and putting them into viable uses consistent with their conservation
 - The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality
 - The desirability of new development making a positive contribution to local character and distinctiveness.'
- 4.3 Para 132 'When considering the impact of a proposed development on the significance of a designated asset, great weight should be given to the assets conservation. The more important the asset the greater the weight should be. Significance can be harmed or lost through alteration or destruction of a heritage asset or development within its setting....'
- 4.4 Section 66 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 places a general duty on Local Planning Authorities when considering to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest.
- 4.5 In addition, section 72 of the Act places a general duty on a Local Planning Authority to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.

5.0 Representations

- 5.1 No representations have been received.

6.0 Consultations

- 6.1 Lincolnshire County Council (Highways and SUDS) – No objections.
- 6.2 Historic England – Determine in accordance with local and national guidance.
- 6.3 Consultant Architect – Following receipt of amended plans no objection subject to conditions.

7.0 Planning Issues and Discussions

7.1 The key issue in the determination of this application is the impact of the alterations on the Grade II* listed building and the Conservation Area.

The effect of the alterations on the Grade II* listed building and the Conservation Area

7.2 The internal layout of the building, in particular the first floor, has four large rooms to the front and two rooms to the rear. These rooms have been adapted for office use but a number of historic features remain. These include panelled doors and linings and plastered ceilings with plain moulded plaster cornices. The proposal will involve the subdivision of these rooms to form the bedrooms, kitchens and bathrooms.

7.3 Concerns were originally raised by the Council's Consultant Architect in such that the subdivision of these rooms may result in the internal historic character of the building being lost. These concerns also highlighted that the section drawings are indicative only and that existing features will be kept 'where practical' or 'left in situ behind new infill elements, preserving the existing condition.'

7.4 The Heritage Statement submitted by the applicant states;

- The majority of features of special architectural or historic interests have been removed during the buildings lifetime, including the removal of parts of internal walls and most of the internal features. As a consequence the proposals have little impact on the character or architectural qualities to the internal spaces. The intention is to keep the existing features of merit, for example the existing central staircase, windows and linings and existing doors and linings where practical.
- Existing doors and panelling will be utilised within the scheme or left in-situ behind new infill elements, preserving the existing condition.
- All existing timber windows will remain, with internal panelling remaining also, preserving the existing condition.
- The moulded ceiling at first floor (within Room 11) will remain. A new ceiling will sit underneath the existing, preserving the existing condition.
- The remaining beams and mouldings at second floor will remain, preserving the existing condition.

7.5 Following further consultation with the agent amended plans have now been received along with further justification/clarification of how the proposal impacts on the internal historic features. The applicant has raised the following points of clarification;

- The dog leg stair will remain as existing and serve all of the proposed new dwellings
- 6 panelled doors and linings – the proposal scheme keeps 7 of the 9 existing panelled doors
- At first floor the only original articulated ceiling can be seen within room 11. There are no other cornice details within the first floor roof scape, all ceilings are flat soffits devoid of any articulation. The proposed scheme has been revised and the down stand ceiling beams and cornices within room 11 will be viewed from within the proposed bed 1 space
- All ceilings at first floor which have down stand ceiling beams and cornices will remain as existing
- The spatial quality of rooms 08, 07, 09, 10 and 11 will remain as the rooms either have no new walls or the walls are reduced in height to allow the reflected ceiling plan to be viewed above new ceilings from within the space.
- Within the Conservation Architect's recommendations it states "It may be possible to reduce the number of units with larger apartments at first floor...". The increase in size of the apartments at first floor is not a viable option for the scheme. The scheme is proposed as a two bedroom scheme with good size bedrooms and supporting spaces. Given the location of the building within the town centre four bedroom apartments are not feasible and the applicant would not intend to pursue a scheme of this type.
- Within the Conservation Architect's recommendations it also requests more information regarding the service provision. The strategy allows for the following:
 - (i) No soil pipework is expressed to the external face of the building. All pipework is contained within the existing fabric and falls to the existing entrance area for collection at ceiling height before exiting the building to join to the existing soil pipe to the rear external elevation. This soil pipework strategy removes some existing external soil pipework from the existing rear elevation This is in effect betterment to the existing condition.
 - (ii) The ventilation strategy allows for the vertical transfer of small ductwork to the flat roof area of the building within risers. There will be no visible evidence of extract vents to the building when viewed within the broader context.
- Within the Conservation Architect's recommendations it also requests where fire doors are required –the service strategy, which indicates all fire doors are internal and will not harm the architectural character of the interior of the building. The fire doors can be solid timber 6 panel door to match the existing doors where they remain.

7.6 The applicant goes on to state:

- The subject building is currently empty and does little to contribute to the conservation area or broader town centre. The proposed scheme is a realistic approach to safeguarding the first and second floors to this important building by promoting a more economically viable use for the building. The upper residential accommodation provides sustainable dwellings in a town centre location adding vitality and viability which would improve and enhance the listed building, the conservation area and Boston Town Centre.
- When considering the impact of this proposed development on this designated heritage asset great weight has been given to the asset's conservation. Externally there will be no appreciable change to the existing fabric, allowing the buildings prominent role within the historic town centre to remain. Internally the proposed adjustments to the existing fabric are balanced against the character of the remaining solitary historic elements which have greatly reduced the character of the building. The elements which have survived will remain as described above with the intention of being preserved within a viable scheme, securing the heritage assets future consistent with its long term conservation and enhancing the local character and distinctiveness.

7.7 Following the receipt of the amended plans and further justification/clarification the Consultant Architect was reconsulted on the scheme. The Consultant does not now object to the proposed scheme subject to conditions being attached to any forthcoming approval.

7.8 It is considered that the amendments made to the scheme are more sympathetic to the building with key features/spaces within the Exchange Buildings being retained. The revised scheme appears to be a scheme that is acceptable in terms of both principle and detail subject to appropriate conditions.

8.0 Summary and Conclusion

8.1 The proposal offers eight residential units dispersed on the first and second floor of a listed building. The centrally located site is in a highly sustainable area and the use of the upper floors for residential accommodation is generally accepted within town centre locations as it makes efficient use of upper floor space for much needed residential accommodation. It is even more imperative that a Grade II* listed building is retained in some active use.

8.2 Alterations to the listed building appear to have respected the internal features and historic fabric of the building, the conservation tests have been satisfied and the allowance of this proposal will protect the long term future of this heritage asset.

9.0 **Recommendation**

It is recommended that Committee GRANT Listed Building Consent subject to the following schedule of 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).

In determining this application the authority has taken account of the guidance in paras 186 – 187 of the NPPF (2012) in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the Borough.

Paul Edwards
Development Control Manager

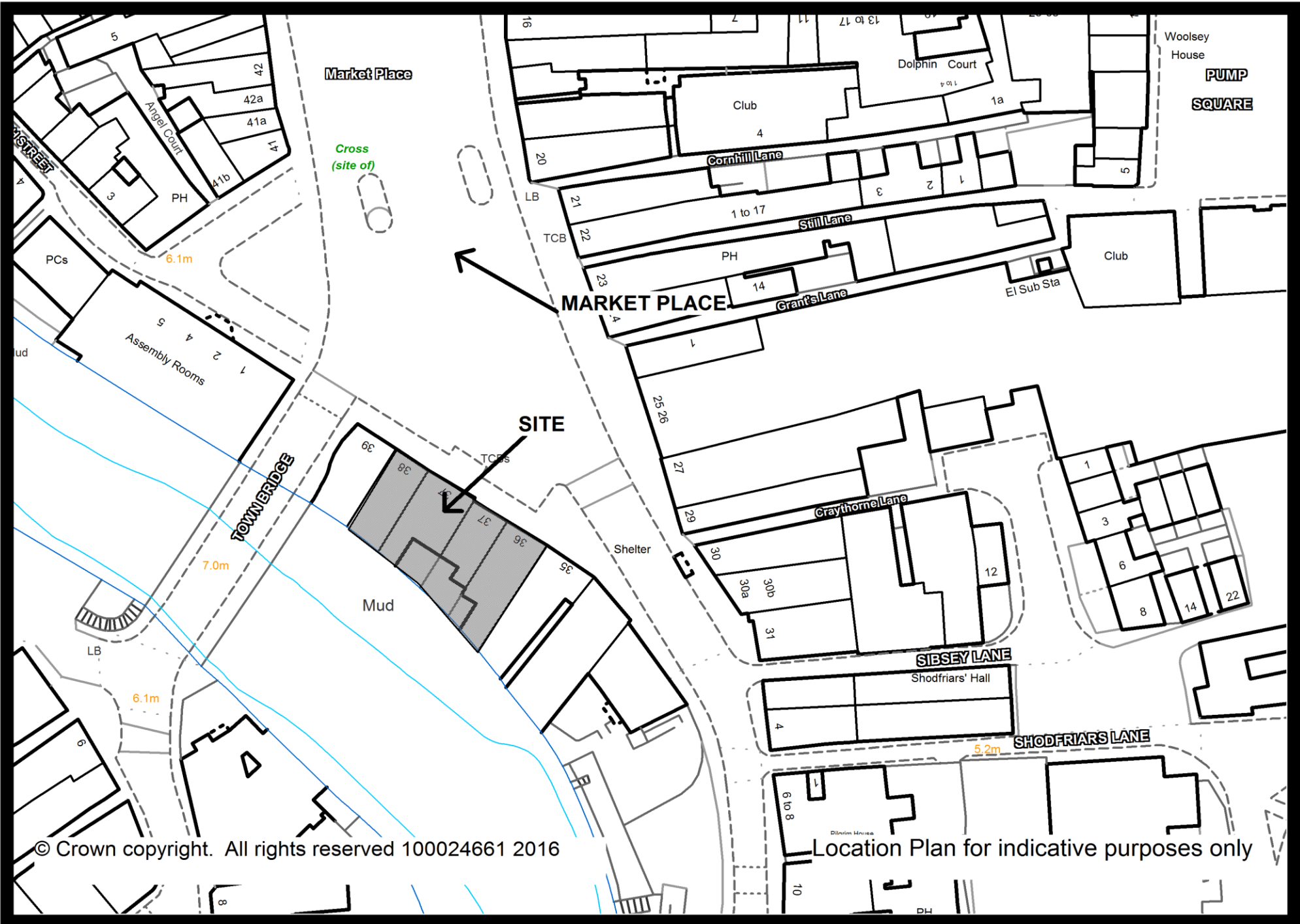
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PLANNING APPLICATION B 16 0382

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

36-39 Market Place Boston
Boston

Applicant:
Mes Commercial Ltd



BOSTON BOROUGH COUNCIL**Planning Committee - 10 January 2017**

Reference No: B/16/0382

Expiry Date: 14-Nov-2016

Application Type: Full Planning Permission

Proposal: Change of use of first and second floors from offices (Class B1) to 8 No. dwellings (Class C3)

Site: 36 - 39 Market Place, Boston, Lincolnshire, PE21 6NH

Applicant: Mes Commercial Ltd

Ward: Trinity

Parish: Boston Town Area Committee

Case Officer: John Taylor

Third Party Reps: None received

Recommendation: GRANT**1.0 Reason for Report**

1.1 The application is presented to Planning Committee at the request of Councillor Sue Ransome with concerns raised over the affect that the proposal would have on the wider area of the town centre.

2.0 Application Site and Proposal

2.1 The proposal relates to the first and second floors of no's 36-39 Market Place, Boston. The buildings form part of the Exchange Building that is a Grade II* structure situated in the heart of Boston town centre and within Boston Conservation Area.

2.2 The exchange building forms part of the south-western enclosure to the Market Place and contributes significantly to the historic quality and interest within this area.

2.3 The site is also located in the General Business Area (GBA) and in an area of known archaeological interest.

- 2.4 The use of the ground floor of the buildings include retail, restaurant/takeaway use and a betting shop and the upper floors have been used as offices and a training and education centre. The upper floors are now vacant.
- 2.5 This proposal seeks full planning permission for the change of use of the first and second floor of the Exchange Building (36-39) to create eight residential units. An application for the accompanying listed building consent appears elsewhere on this agenda.

3.0 Relevant History

- 3.1 There has been a succession of applications and approvals for alterations/changes of use and signage. None are particularly relevant to this application other than to demonstrate that there have been many approved alterations and changes.

4.0 Relevant Policy

Boston Borough Adopted Local Plan

- 4.1 The following policies of the Adopted Plan are considered to be of relevance to this proposal:
- G1: Amenity
 - H8: Creation of extra residential accommodation in existing premises
 - RTC8: Town Centre Land Uses

National Planning Policy Framework (2012)

- 4.2 The NPPF encourages good design (Part 7) and sustainable forms of development and, given that part of the building is Grade II listed and within the Boston Conservation Area, Para 131 of the NPPF states: 'In determining planning applications, Local Planning Authorities should take into account;
- The desirability of sustaining and enhancing the significance of heritage assets and putting them into viable uses consistent with their conservation
 - The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality
 - The desirability of new development making a positive contribution to local character and distinctiveness.'
- 4.3 Para 132 'When considering the impact of a proposed development on the significance of a designated asset, great weight should be given to the assets conservation. The more important the asset the greater the weight should be. Significance can be harmed or lost through alteration or destruction of a heritage asset or development within its setting....'

- 4.4 Section 66 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 places a general duty on Local Planning Authorities when considering to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest.
- 4.5 In addition, section 72 of the Act places a general duty on a Local Planning Authority to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.

5.0 Representations

- 5.1 No representations have been received.

6.0 Consultations

- 6.1 Lincolnshire County Council (Highways and SUDS) – No objections.
- 6.2 Historic England – Determine in accordance with local and national guidance.
- 6.3 Consultant Architect – Originally objected to scheme; however, following the receipt of amended plans and justification no objections are raised subject to conditions being attached.

7.0 Planning Issues and Discussions

- 7.1 The key issues in the determination of this application are;
- The principle of converting the upper floors into residential accommodation
 - The impact on neighbour's amenity
 - The impact on the listed building and the conservation area

The principle of converting the upper floors to residential

- 7.2 Access to the upper floors of the Exchange Building is via a doorway at the building's frontage leading to a modern staircase that provides access to both the first and second floor. The outlook of the front windows faces onto Market Place and the rear windows have an outlook onto the River Witham.
- 7.3 The proposal seeks to create 2 x two bed flats and 2 x one bed flats on the first floor with the layout repeated on the second floor resulting in a total of 8 individual flats. The two bed flats are to be located at the front of the building and the one bedroom units facing onto the River Witham.
- 7.4 There have been a number of office based uses for the upper floors but these are currently vacant and the conversion of underused upper floor space is normally supported.

7.5 Commentary to adopted Plan Policy RTC8 states that;

'The vitality of a town centre can be greatly enhanced by the presence of a rich variety of different uses, attracting visitors both during the day and in the evening. The presence of residential accommodation, especially on upper floors where it does not interrupt commercial frontages, can add to the liveliness and economic viability of the area. However, non retail uses will not be allowed to disrupt or threaten the cohesion, viability or character of existing shopping frontages. For the purposes of this policy non-retail uses shall include: cafes, restaurants, takeaway food shops and amusement arcades, in addition to offices and non-commercial uses.'

7.6 Normally the conversion of upper floors within town centre locations is to be welcomed as it makes efficient use of often underused upper floor areas. As this proposal will not threaten or hinder the retail element of the ground floor the principle of converting the upper floors to create eight flats is considered acceptable subject to all other matters being acceptable.

The impact of the proposal on neighbour's amenity

7.7 The ground floor of the Exchange Building is divided up into four units that are used for a variety of uses normally found within a town centre. The proposed flats for the first and second floors are located within the heart of the Boston town centre and thus future occupiers will expect the location to have a level of vibrancy and vitality that a town centre environment often brings. It is highly unlikely that the existing uses of these buildings at ground floor level would cause significant harm to future occupiers of the flats and existing neighbouring occupiers are also likely to be unaffected by introducing a residential use to the first and second floor.

7.8 Having regard to the site's location it is considered that the amenity of occupiers of neighbouring businesses will not be unduly harmed and future occupiers of the flats will have a level of amenity that will provide good living conditions for the type of accommodation proposed within this scheme. No further concerns are raised.

The impact on the listed building and the conservation area

7.9 The internal layout of the building, in particular the first floor, has four large rooms to the front and two rooms to the rear. These rooms have been adapted for office use but a number of historic features remain. These include panelled doors and linings and plastered ceilings with plain moulded plaster cornices. The proposal will involve the subdivision of these rooms to form the bedrooms, kitchens and bathrooms.

7.10 Concerns had been raised by the Council's Consultant Architect that the subdivision of these rooms may result in the internal historic character of the building being lost. These concerns also highlight that the section drawings could be considered as indicative only as they state that existing features will be kept 'where practical' or 'left in situ behind new infill elements, preserving the existing condition.'

7.11 The applicant goes on to state:

- The subject building is currently empty and does little to contribute to the conservation area or broader town centre. The proposed scheme is a realistic approach to safeguarding the first and second floors to this important building by promoting a more economically viable use for the building. The upper residential accommodation provides sustainable dwellings in a town centre location adding vitality and viability which would improve and enhance the listed building, the conservation area and Boston Town Centre.
- When considering the impact of this proposed development on this designated heritage asset great weight has been given to the asset's conservation. Externally there will be no appreciable change to the existing fabric, allowing the buildings prominent role within the historic town centre to remain. Internally the proposed adjustments to the existing fabric are balanced against the character of the remaining solitary historic elements which have greatly reduced the character of the building. The elements which have survived will remain as described above with the intention of being preserved within a viable scheme, securing the heritage assets future consistent with its long term conservation and enhancing the local character and distinctiveness.

7.12 Following the receipt of the amended plans and further justification/clarification the Consultant Architect was reconsulted on the scheme. The Consultant does not now object to the proposed scheme subject to conditions being attached to any forthcoming approval.

8.0 Summary and Conclusion

8.1 The proposal offers eight residential units dispersed on the first and second floor of a listed building. The centrally located site is in a highly sustainable area and the use of the upper floors for residential accommodation is generally accepted within town centre locations as it makes efficient use of upper floor space for much needed residential accommodation.

8.2 Alterations to the listed building appear to have respected the internal features and historic fabric of the building satisfy the conservation tests and the allowance of this proposal will protect the long term future of this heritage asset.

9.0 Recommendation

It is recommended that Committee GRANT the application subject to the following schedule of 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.

In determining this application the authority has taken account of the guidance in paras 186 – 187 of the NPPF (2012) in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the Borough.

Paul Edwards
Development Control Manager

BOSTON BOROUGH COUNCIL

DELEGATED DECISION LIST FOR PERIOD 21 NOVEMBER 2016 TO 16 DECEMBER 2016 - FOR NOTING

SUBJECT: PLANNING APPLICATIONS AND RELATED MATTERS

REPORT BY: DEVELOPMENT CONTROL MANAGER

Proposal: Erection of a first floor balcony on the west elevation of the clubhouse
Location: Orchard Park, Frampton Fen Lane, Hubberts Bridge, Boston, Lincolnshire, PE20 3QU

Applicant: Mr David May

Decision: GRANT **Decision Date:** 21-Nov-2016

Reason for refusal (if applicable):

Parish: Frampton Parish Council

Application Number: B/16/0371 **Case Officer:** Stuart Thomsett

.....
Proposal: Single storey rear extension
Location: 12 Thornton Avenue, Boston, Lincolnshire, PE21 8BY

Applicant: Hayes

Decision: GRANT **Decision Date:** 21-Nov-2016

Reason for refusal (if applicable):

Parish: Boston Town Area Committee

Application Number: B/16/0370 **Case Officer:** Stuart Thomsett

.....
Proposal: Conversion of existing garage including increase in height and new roof to garden room

Location: 21 Church Road, Butterwick, Boston, Lincolnshire, PE22 0HT

Applicant: Mr & Mrs Jason Cuthbert

Decision: GRANT **Decision Date:** 21-Nov-2016

Reason for refusal (if applicable):

Parish: Butterwick Parish Council

Application Number: B/16/0369 **Case Officer:** Stuart Thomsett

Proposal: Erection of a detached garage and extension of the driveway
Location: 8 Linden Way, Boston, Lincolnshire, PE21 9DY

Applicant: Mr & Mrs S Corby

Decision: GRANT **Decision Date:** 21-Nov-2016

Reason for refusal (if applicable):

Parish: Boston Town Area Committee

Application Number: B/16/0368 **Case Officer:** Stuart Thomsett

Proposal: Single-storey ground floor extension, first floor extension, conversion of a redundant outbuilding, replacement of an external canopy, introduction of wrought iron gates and timber close boarded fence, replacement fire escape stairs, timber patio area, and alterations to an existing single-storey extension.

Location: Frampton House Residential Care Home, 71 West End Road, Frampton, Boston, PE20 1BT

Applicant: Mr & Mrs Brooks

Decision: GRANT **Decision Date:** 23-Nov-2016

Reason for refusal (if applicable):

Parish: Frampton Parish Council

Application Number: B/16/0350 **Case Officer:** John Taylor

Proposal: Erection of a replacement dwelling (Resubmission of B/16/0131)
Location: Marsh House, Rushy Drove, Quadring Eaudyke, Spalding, Lincolnshire, PE11 4SF

Applicant: Mr R Finch-West

Decision: GRANT **Decision Date:** 23-Nov-2016

Reason for refusal (if applicable):

Parish: Wigtoft Parish Council

Application Number: B/16/0325 **Case Officer:** John Taylor

Proposal: Extensions and alterations to listed building to include:
Single-storey ground floor extension, first floor extension, conversion of a redundant outbuilding, replacement of an external canopy, introduction of wrought iron gates and wrought iron fence, replacement fire escape stairs, timber patio area, and alterations to an existing single-storey extension

Location: Frampton House, 71 West End Road, Frampton, Boston, Lincolnshire, PE20 1BT

Applicant: Nick Gazda, Paul Robinson Partnership (UK) LLP

Decision: GRANT **Decision Date:** 23-Nov-2016

Reason for refusal (if applicable):

Parish: Frampton Parish Council

Application Number: B/16/0333 **Case Officer:** John Taylor

Proposal: Display of 2 No. internally illuminated fascias, Reskin of existing transom flex face with new strapline graphics and 2 No. window graphics to glazing (5 No. in total)

Location: Pets At Home, Queen Street, Boston, Lincolnshire, PE21 8XD

Applicant: Pets At Home (Boston)

Decision: GRANT **Decision Date:** 22-Nov-2016

Reason for refusal (if applicable):

Parish: Boston Town Area Committee

Application Number: B/16/0373 **Case Officer:** Stuart Thomsett

Proposal: To vary condition 2 of planning permission B/16/0203 (Approved Documents and plans) to reduce the stack height from 60m to 44m, relocate ash storage tanks within the site and amendments to the air cooled condenser building (minor material amendments)

Location: Land at Riverside Industrial Estate, Marsh Lane, Boston, Lincolnshire, PE21 7TN

Applicant: Lincolnshire county Council

Decision: NO OBJECTIONS **Decision Date:** 23-Nov-2016

Reason for refusal (if applicable):

Parish: Boston Town Area Committee

Application Number: B/16/0435 **Case Officer:** Polly Harris Gorf

Proposal: Proposed change of use from coffee shop (A3) to mixed use of (A3) and takeaway (A5) and installation of extractor fan
Location: Ferndale House, High Street, Swineshead, Boston, Lincolnshire, PE20 3LH

Applicant: Mr C, Cagdas

Decision: WITHDRAWN APPLICATION **Decision Date:** 23-Nov-2016

Reason for refusal (if applicable):

Parish: Swineshead Parish Council

Application Number: B/16/0241 **Case Officer:** John Taylor

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Proposal: Application for Prior Approval for a proposed rear conservatory 5.5 m (L) x 2.4 m (W), maximum height of 2.4m, with an eaves height of 2.2 m
Location: 144 Fishtoft Road, Boston, Lincolnshire, PE21 0BS

Applicant: Mr & Mrs Peter Partridge

Decision: PRIOR APPROVAL NOT REQUIRED **Decision Date:** 24-Nov-2016

Reason for refusal (if applicable):

Parish: Boston Town Area Committee

Application Number: B/16/0413 **Case Officer:** Rachael Vamplew

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Proposal: Change of use from residential institution (class C2) to large HMO (Sui Generis)
Location: 2 A Albert Street, BOSTON, PE21 8PE

Applicant: Mr James Otis

Decision: GRANT **Decision Date:** 29-Nov-2016

Reason for refusal (if applicable):

Parish: Boston Town Area Committee

Application Number: B/16/0376 **Case Officer:** Stuart Thomsett

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Proposal: Retrospective change of use from use class A1 (Retail) to class A3 (Restaurant/Cafe)
Location: Tropicano, Pescod Hall, Pescod Square, Boston, Lincolnshire, PE21 6EB

Applicant: Mr V Sutugins, Tropicano Sun Ltd

Decision: GRANT **Decision Date:** 24-Nov-2016

Reason for refusal (if applicable):

Parish: Boston Town Area Committee

Application Number: B/16/0323 **Case Officer:** Stuart Thomsett

Proposal: Siting of a shipping container for storage purposes
Location: 30 Field Street, Lincolnshire, PE21 6TR

Applicant: Mr S Dogan, Korzinka Ltd

Decision: GRANT **Decision Date:** 28-Nov-2016

Reason for refusal (if applicable):

Parish: Boston Town Area Committee

Application Number: B/16/0379 **Case Officer:** Stuart Thomsett

Proposal: Erection of a single storey extension to the rear elevation
Location: Bolle Cottage, Hoffleet Road, Bicker, Boston, Lincolnshire, PE20 3AJ

Applicant: Mrs Anne Gedney

Decision: GRANT **Decision Date:** 30-Nov-2016

Reason for refusal (if applicable):

Parish: Bicker Parish Council
Swineshead Parish Council

Application Number: B/16/0393 **Case Officer:** Stuart Thomsett

Proposal: Change of use of the ground floor from B1 (publishing and Offices) to A1 (Shops)

Location: 5 Church Lane, Boston, Lincolnshire, PE21 6ND

Applicant: Mr K Patel

Decision: GRANT **Decision Date:** 30-Nov-2016

Reason for refusal (if applicable):

Parish: Boston Town Area Committee

Application Number: B/16/0408 **Case Officer:** Polly Harris Gorf

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Proposal: Demolition of outbuildings and erection of 6 dwellings

Location: Land to the rear of 7-17, Station Road, Kirton, Boston, Lincolnshire, PE20 1EF

Applicant: Mr P Duffy, South Lincs Property Ltd

Decision: REFUSE **Decision Date:** 01-Dec-2016

Reason for refusal (if applicable):

The position of the proposed dwellings, in particular the southernmost properties that are only 3m away from the eastern boundary, would give rise to unacceptable levels of overlooking from upper floor windows into a well cared for garden/patio area that would result in substantial harm being caused to the amenity of the occupiers of the neighbouring dwelling to the east contrary to Adopted Plan Policy G1 and the intentions of the National Planning Policy Framework (2012).

The layout and design of the proposed dwellings appear to reflect traits of modern estate type housing with the appearance at-odds with the historic built form to the west of the site. Their appearance is likely to be uncomplimentary to the setting of the adjacent conservation area and nearby listed buildings and thus adversely impacting on the historic character and appearance of the area. The proposal is therefore contrary to the intentions of the National Planning Policy Framework (2012) that promotes protecting heritage assets from developments that cause undue harm to them.

Parish: Kirton Parish Council

Application Number: B/16/0377 **Case Officer:** John Taylor

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Proposal: Change of use from caravan display and sales area to residential (Class C3); extension to Bank House to form linked annexe dwelling
Location: Bank House, Mill Lane, Hoffleet Stow, Boston, Lincolnshire, PE20 3AE

Applicant: Mr & Mrs Pinder

Decision: GRANT **Decision Date:** 01-Dec-2016

Reason for refusal

Parish: Wigtoft Parish Council

Application Number: B/16/0290 **Case Officer:** Stuart Thomsett

Proposal: Application for a proposed change of use from offices (class B1) to general industry (class B2) for meat processing and smoking including the erection of a chimney

Location: Unit D2-B3 Boston Trade Park, Norfolk Street, Boston, Lincolnshire, PE21 9HG

Applicant: Ms Irena Lapinskaite

Decision: GRANT **Decision Date:** 01-Dec-2016

Reason for refusal

Parish: Boston Town Area Committee

Application Number: B/16/0300 **Case Officer:** Stuart Thomsett

Proposal: Application under s.73a for the removal of condition 1 & 2 (further conditions imposed by the Inspector in appeal decision ref: B/10/0375) of B/05/0594 to enable the building approved as a garage, guest accommodation and store to be used as an independent residential dwelling (class C3)

Location: The Annex, Le Chalet, Low Road, Wyberton, Boston, Lincolnshire, PE21 7AP

Applicant: Mr & Mrs Parker

Decision: REFUSE **Decision Date:** 06-Dec-2016

Reason for refusal

(if applicable): The removal of the restrictive conditions that have been imposed by the Inspector under ref' B/10/0375 that ensure that the annex is used as ancillary accommodation only for the enjoyment of the occupiers of the dwelling known as 'Le Chalet', would effectively introduce a new independent dwelling in the open countryside where future occupiers would rely heavily on the use of a motor vehicle to meet their everyday needs. It is thus considered that the allowance of this proposal would not conform to the sustainable development principles set out in the National Planning Policy Framework (2012).

Parish: Wyberton Parish Council

Application Number: B/16/0388 **Case Officer:** John Taylor

Proposal: Application for Prior Approval for a proposed single storey rear garden room 5.25 m (L) x 1.5 m (W), maximum height of 2.7m, with an eaves height of 2.2 m
Location: LLAMEDOS, Church View, Freiston, Boston, Lincolnshire, PE22 0LE
Applicant: Mr David, Richards
Decision: PRIOR APPROVAL NOT REQUIRED **Decision Date:** 07-Dec-2016
Reason for refusal (if applicable):
Parish: Freiston Parish Council
Application Number: B/16/0428 **Case Officer:** Rachael Vamplew

Proposal: Erection of a two storey side extension
Location: 12 Saundergate Lane, Wyberton, Boston, Lincolnshire, PE21 7BX
Applicant: Mr A Fensom
Decision: GRANT **Decision Date:** 07-Dec-2016
Reason for refusal (if applicable):
Parish: Wyberton Parish Council
Application Number: B/16/0391 **Case Officer:** Stuart Thomsett

Proposal: Change of use from dwellinghouse (C3) to a House in Multiple Occupation (Sui generis)
Location: 1 Fydell Crescent, Boston, Lincolnshire, PE21 8SS
Applicant: Mr S Epton
Decision: GRANT **Decision Date:** 07-Dec-2016
Reason for refusal (if applicable):
Parish: Boston Town Area Committee
Application Number: B/16/0387 **Case Officer:** Polly Harris Gorf

Proposal: Conversion of garage/store to form annexe accommodation ancillary to the main dwelling house
Location: 77 Castle Street (Formerley Plot 1 R/O 42 Witham Bank West), Boston, Lincolnshire, PE21 8PR
Applicant: Mr S Epton, Yarborough Developments
Decision: WITHDRAWN APPLICATION **Decision Date:** 07-Dec-2016
Reason for refusal (if applicable):
Parish: Boston Town Area Committee
Application Number: B/16/0422 **Case Officer:** Stuart Thomsett

Proposal: Construction of 99 dwellings, associated garages, infrastructure and public open space
Location: Land at Punchbowl Lane, Boston, PE21 8HU
Applicant: Mrs Hannah Guy
Decision: GRANT **Decision Date:** 08-Dec-2016
Reason for refusal (if applicable):
Parish: Boston Town Area Committee
Application Number: B/16/0315 **Case Officer:** John Taylor

Proposal: Renewal of temporary classroom building to serve existing school
Location: PARK COUNTY PRIMARY SCHOOL, Robin Hoods Walk, Boston, Lincolnshire, PE21 9LQ
Applicant: Park County Primary School
Decision: NO OBJECTIONS **Decision Date:** 09-Dec-2016
Reason for refusal (if applicable):
Parish: Boston Town Area Committee
Application Number: B/16/0458 **Case Officer:** Stuart Thomsett

Proposal: Demolition of the two storey Sheltered unit comprising 40 units of living accommodation. Constructed in 1980. Brick and block with concrete beam and block floors, designed for elderly residents

Location: The Sycamores, Scotia Road, Fishtoft, Boston, Lincolnshire, PE21 0RL

Applicant: Mr Martin Woods, Boston Mayflower Ltd

Decision: WITHDRAWN APPLICATION **Decision Date:**

Reason for refusal (if applicable):

Parish: Fishtoft Parish Council

Application Number: B/16/0451 **Case Officer:** Polly Harris Gorf

Proposal: Replacement of lead on organ chamber roof in Terne Coated Stainless steel with batten rolls and replacement of old leadwork on south porch roof in Terne Coated Stainless Steel with batten rolls

Location: ST Peters & ST Pauls Church, Main Road, Wigtoft, Boston, Lincolnshire, PE20 2NT

Applicant: Mr John Craggs

Decision: GRANT **Decision Date:** 08-Dec-2016

Reason for refusal (if applicable):

Parish: Wigtoft Parish Council

Application Number: B/16/0427 **Case Officer:** Polly Harris Gorf

Proposal: Outline application with some matters (layout, scale, appearance and landscape) reserved for the erection of 2no. dwellings with associated access

Location: Frampton Fen Lane, Hubberts Bridge, Boston, Lincolnshire, PE20 3QU

Applicant: Mr F King Jnr & Mr I King, F King and Sons

Decision: REFUSE **Decision Date:** 12-Dec-2016

Reason for refusal (if applicable):

The proposal would see the introduction of two new family sized dwellings outside the settlement and in the open countryside and in a highly unsustainable location. The allowance of new dwellings in this location would result in future occupiers of the properties relying totally on the use of motor vehicles to meet their everyday needs. It is therefore considered that the proposal is contrary to Adopted Plan Policy C01 and at conflict with the sustainability objectives contained within the National Planning Policy Framework (2012).

Parish: Frampton Parish Council

Application Number: B/16/0399 **Case Officer:** Polly Harris Gorf

Proposal: Retrospective application for a change of use from land for the keeping of leisure horses to domestic curtilage (Class C3); retention of single storey extension to rear elevation, retention of upvc timber effect conservatory to rear elevation; retention of stained timber picket fence to western boundary

Location: Red Brick Barn, Drainside North, Kirton, Boston, Lincolnshire, PE20 1PE

Applicant: Mr John Albone

Decision: GRANT **Decision Date:** 09-Dec-2016

Reason for refusal (if applicable):

Parish: Kirton Parish Council

Application Number: B/16/0396 **Case Officer:** Stuart Thomsett

Proposal: Application for works to trees subject to Tree Preservation Order (Skirbeck No. 1):-
Lime Tree - max. 5m crown reduction

Location: 5 Skirbeck Gardens, Boston, Lincolnshire, PE21 0DH

Applicant: Mrs Anne Achary

Decision: GRANT **Decision Date:** 09-Dec-2016

Reason for refusal (if applicable):

Parish: Boston Town Area Committee

Application Number: B/16/0394 **Case Officer:** Stuart Thomsett

Proposal: Installation of an external flue through roof (permitted development rights removed)

Location: Ivy Barn, Chapel Lane, Amber Hill, Boston, Lincolnshire, PE20 3RJ

Applicant: Mr A Grant

Decision: GRANT **Decision Date:** 09-Dec-2016

Reason for refusal (if applicable):

Parish: Amber Hill Parish Council

Application Number: B/16/0390 **Case Officer:** Stuart Thomsett

Proposal: Erection of single storey and two storey extension and internal alterations
Location: Westfield Home, 34 Sleaford Road, Boston, Lincolnshire, PE21 8EU
Applicant: Mr David Hicks, Country Court Care
Decision: GRANT **Decision Date:** 12-Dec-2016
Reason for refusal (if applicable):
Parish: Boston Town Area Committee
Application Number: B/16/0375 **Case Officer:** Polly Harris Gorf

Proposal: Replace existing flat roof with a tiled pitched roof
Location: 19 Marsh Avenue, Boston, Lincolnshire, PE21 7RL
Applicant: Mr & Mrs Baxter
Decision: GRANT **Decision Date:** 09-Dec-2016
Reason for refusal (if applicable):
Parish: Boston Town Area Committee
Application Number: B/16/0398 **Case Officer:** Stuart Thomsett

Proposal: Works to trees subject to S.211 (TPO) to include: -
T1 - Birch Tree - crown reduce by max 3m and overhanging branches removed/cut back
T2 - Willow Tree - crown reduce by max 3m and overhanging branches removed/cut back
T3 - Birch Tree - crown reduce by max 4m
T4 - Spruce and T5 - Conifer - crown reduce by max 4m
Location: Rose Cottage, Red Lion Street, Bicker, Boston, Lincolnshire, PE20 3DR
Applicant: Mr Peter Hudson
Decision: TREE PRESERVATION ORDER NOT ISSUED **Decision Date:** 16-Dec-2016
Reason for refusal (if applicable):
Parish: Bicker Parish Council
Application Number: B/16/0443 **Case Officer:** Stuart Thomsett

Proposal: Application for works to trees in a Conservation Area:
T1 - Willow - cut back lower branches, crown lift to 2m from ground
T2 - Prunus - fell

Location: The Vicarage, Wormgate, Boston, Lincs, PE21 6NP

Applicant: Mr N Turner

Decision: TREE PRESERVATION **Decision** 15-Dec-2016
ORDER NOT ISSUED **Date:**

**Reason for refusal
(if applicable):**

Parish: Boston Town Area Committee

Application B/16/0431 **Case** Stuart Thomsett
Number: **Officer:**

Proposal: Erection of single storey rear extension

Location: Cherry Drift, Fellands Gate, Old Leake, Boston, Lincolnshire, PE22 9QY

Applicant: Mr F Mapp

Decision: GRANT **Decision** 16-Dec-2016
 Date:

**Reason for refusal
(if applicable):**

Parish: Old Leake Parish Council

Application B/16/0430 **Case** Stuart Thomsett
Number: **Officer:**

Proposal: Application for works to trees subject to a TPO (Frampton No.2):
2 no. ash - fell
Sycamore by T41 - Fell
Sycamore by T6 - crown reduce to where bark remains intact
T70 - beech - remove weight of limb overhanging grassed area
T31 - horse chestnut - reduce limbs over driveway

Location: Frampton Hall, Middlegate Road East, Frampton, Boston, Lincs

Applicant: Lady Chantal Davis

Decision: TREE PRESERVATION **Decision** 15-Dec-2016
ORDER NOT ISSUED **Date:**

**Reason for refusal
(if applicable):**

Parish: Frampton Parish Council

Application B/16/0425 **Case** Stuart Thomsett
Number: **Officer:**

Proposal: Application under s211 for proposed works to trees in a conservation area to include:

T1 - Conifer - Fell

Location: Wigtoft Church, Main Road, Wigtoft, Boston, Lincolnshire, PE20 2NJ

Applicant: St Peter & St Pauls Church

Decision: TREE PRESERVATION ORDER NOT ISSUED **Decision Date:** 14-Dec-2016

Reason for refusal (if applicable):

Parish: Wigtoft Parish Council

Application Number: B/16/0421 **Case Officer:** Stuart Thomsett

.....

Proposal: Application under S.73a for the removal of condition 3 (Extensions) of planning permission B/06/0361 to enable extensions and outbuildings to be constructed under the provision of part 1, schedule 2, (class A) and (Class E) of the Town and Country Planning (GPD) (England) Order 2015

Location: 174 Willington Road, Kirton, Boston, Lincolnshire, PE20 1EH

Applicant: Mr R Nicol

Decision: GRANT **Decision Date:** 16-Dec-2016

Reason for refusal (if applicable):

Parish: Kirton Parish Council

Application Number: B/16/0419 **Case Officer:** Polly Harris Gorf

.....

Proposal: Single storey extension to (northern) side elevation
Location: Copperfield, Rosegar Avenue, Sutterton, Boston, Lincolnshire, PE20 2EF

Applicant: Mrs Joy Ellis

Decision: GRANT **Decision Date:** 14-Dec-2016

Reason for refusal (if applicable):

Parish: Sutterton Parish Council

Application Number: B/16/0412 **Case Officer:** Stuart Thomsett

.....

Proposal: Erection of four coach lamps above the front and side windows
Location: The Britannia, 4 8 Church Street, Boston, Lincolnshire, PE21 6NW

Applicant: Miss Trudi Hall

Decision: GRANT **Decision Date:** 16-Dec-2016

Reason for refusal (if applicable):

Parish: Boston Town Area Committee

Application Number: B/16/0411 **Case Officer:** Stuart Thomsett

.....

Proposal: Retrospective change of use of barn and manege to equine business use (Class D2) and agricultural land to paddocks for uses ancillary to the occupation of the dwellinghouse (private use)

Location: Sunset Farm, Mill Lane, Fosdyke, Boston, Lincolnshire, PE20 2BL

Applicant: Mr Mike Burrow

Decision: GRANT **Decision Date:** 19-Dec-2016

Reason for refusal (if applicable):

Parish: Fosdyke Parish Council

Application Number: B/16/0374 **Case Officer:** Stuart Thomsett

.....

Proposal: Erection of a tray storage and fork lift hook up building and formation of new vehicle access and roadway

Location: T H Clements & Sons, West End Road, Benington, Boston, Lincolnshire, PE22 0EJ

Applicant: T H Clements

Decision: GRANT **Decision Date:** 16-Dec-2016

Reason for refusal (if applicable):

Parish: Benington Parish Council

Application Number: B/16/0367 **Case Officer:** Polly Harris Gorf

.....

Proposal: Application under s.96A for a non-material amendment to approval B/15/0509 (Erection of site managers bungalow (log cabin)) orientation of proposed building rotated through 90 degrees
Location: Far Drove, Kirton, Boston, Lincolnshire, PE20 3QT
Applicant: Mr G Futter, First Steps Training Centre

Decision: Approved Non-material Amendments
Decision Date: 13-Dec-2016

Reason for refusal

Parish: Kirton Parish Council

Application Number: B/15/0509/NMA
Case Officer: Stuart Thomsett

Proposal: Application for works to trees in a conservation area to include: Fell 3No. trees - Cryptomeria, Prunus and Malus
Location: Ivy Cottage, Church Lane, Swineshead, Boston, Lincolnshire, PE20 3JA
Applicant: Mr Charles Macrorie

Decision: TREE PRESERVATION ORDER NOT ISSUED
Decision Date: 13-Dec-2016

Reason for refusal (if applicable):

Parish: Swineshead Parish Council

Application Number: B/16/0423
Case Officer: Stuart Thomsett

Proposal: Erection of a sectional concrete minibus garage
Location: Peter Paine Centre, Rosebery Avenue, Boston, Lincolnshire, PE21 7QR
Applicant: Boston College

Decision: GRANT
Decision Date: 14-Dec-2016

Reason for refusal

Parish: Boston Town Area Committee

Application Number: B/16/0417
Case Officer: Polly Harris Gorf

Proposal: Erection of first floor side extension, a single storey side extension and two storey rear extension. Construction of 1½ storey detached garage with office above

Location: Sunnyside, Donington Road, Bicker, Boston, Lincolnshire, PE20 3EF

Applicant: Mr R Elwood

Decision: GRANT
Decision Date: 14-Dec-2016

Reason for refusal

Parish: Bicker Parish Council

Application Number: B/16/0410
Case Officer: Stuart Thomsett

Proposal: Erection of a double paladin gate 2.4M high powder coated fence and posts
Location: British Telecom, Main Ridge West, Boston, Lincolnshire, PE21 6QG
Applicant: British Telecommunications Plc
Decision: GRANT **Decision Date:** 14-Dec-2016

Reason for refusal

Parish: Boston Town Area Committee

Application Number: B/16/0403 **Case Officer:** Polly Harris Gorf

Proposal: Erection of a dwelling adjacent to 41 Thomas Middlecott Drive (existing single garage to be demolished)
Location: 41 Thomas Middlecott Drive, Kirton, Boston, Lincolnshire, PE20 1HU
Applicant: Ms Helen Grant
Decision: REFUSE **Decision Date:** 15-Dec-2016

Reason for refusal

(if applicable): The proposed bungalow represents over-development that will have a detrimental impact on the character and appearance of the immediate area. A further dwelling in such an already dense built environment will have a substantial impact upon the amenities of neighbouring properties by virtue of overbearing and reduction in levels of privacy. The proposal is therefore contrary to Policies G1, H2 and H3 of the Adopted Local Plan and not in accordance with the intentions of the NPPF (2012), most notably Paragraph 56.

The private outside amenity space is far too limited and it is therefore considered that the proposed bungalow does not provide a pleasant environment for future occupants. The proposal is therefore contrary to Policies G1 and H3 of the Adopted Local Plan and not in accordance with the intentions of the NPPF (2012), most notably Paragraph 56. The proposed dwelling will be served by a narrow access driveway and parking spaces where vehicle movements into and out of the site will have a substantial impact on neighbours' private amenity by way of noise and disturbance. The proposal is therefore contrary to Policy G1 of the Adopted Plan.

Parish: Kirton Parish Council
Application Number: B/16/0400 **Case Officer:** Stuart Thomsett

Proposal: Erection of a single storey three bay extension
Location: Reflex Labels, Station Road Industrial Estate, Swineshead, Boston, Lincolnshire, PE20 3PW
Applicant: Ms Sharon Preston, Reflex Labels
Decision: GRANT **Decision Date:** 14-Dec-2016

Reason for refusal

Parish: Swineshead Parish Council
Application Number: B/16/0383 **Case Officer:** Polly Harris Gorf

Proposal: Erection of single and two storey rear extensions
Location: Benington Farm, Crowhall Lane, Benington, Boston, Lincolnshire, PE22 0DP

Applicant: Mr Chris Bray

Decision: GRANT **Decision Date:** 16-Dec-2016

Reason for refusal (if applicable):

Parish: Benington Parish Council

Application Number: B/16/0444 **Case Officer:** Stuart Thomsett

Proposal: Application under s.73a for the removal of condition 5 of planning permission B/00/0226 (Conversion of building to education resource centre) to carry out outdoor activities, functions or lessons
Location: St Johns Building LCC, 35 Skirbeck Road, Boston, Lincolnshire, PE21 6DG

Applicant: Miss Michelle Owens

Decision: GRANT **Decision Date:** 15-Dec-2016

Reason for refusal (if applicable):

Parish: Boston Town Area Committee

Application Number: B/16/0404 **Case Officer:** Polly Harris Gorf

Proposal: Application for Prior Approval for a proposed single storey rear garden room 4.1m (L) x 2.3m (W), maximum height of 2.85m, with an eaves height of 2.5m

Location: 74, London Road, Kirton, Boston, Lincolnshire, PE20 1JA

Applicant: Mr Jonathan Mills

Decision: PRIOR APPROVAL NOT REQUIRED **Decision Date:** 19-Dec-2016

Reason for refusal (if applicable):

Parish: Kirton Parish Council

Application Number: B/16/0442 **Case Officer:** Rachael Vamplew

Proposal: Erection of single storey side extension to include balcony
Location: 6 Maryland Bank, Amber Hill, Boston, Lincolnshire, PE20 3RW

Applicant: Mr Clarkson

Decision: GRANT **Decision Date:** 19-Dec-2016

Reason for refusal (if applicable):

Parish: Amber Hill Parish Council

Application Number: B/16/0434 **Case Officer:** Stuart Thomsett

Proposal: Proposed car port extension to existing garage
Location: Barn Irelands Farm, Ireland Farm Lane, Freiston Ings, Boston, Lincolnshire, PE22 0PX

Applicant: Mr & Mrs R Wright

Decision: GRANT **Decision Date:** 19-Dec-2016

Reason for refusal (if applicable):

Parish: Butterwick Parish Council
Freiston Parish Council

Application Number: B/16/0433 **Case Officer:** Stuart Thomsett

Proposal: Erection of a detached garage and creation of a new vehicular access
Location: 283 Willington Road, Kirton End, Boston, Lincolnshire, PE20 1NW

Applicant: Mr J Brewell

Decision: GRANT **Decision Date:** 19-Dec-2016

Reason for refusal (if applicable):

Parish: Kirton Parish Council

Application Number: B/16/0432 **Case Officer:** Stuart Thomsett

Proposal: Application under s73a for the variation of condition 2 (ie standard compliance condition listing all plans), condition 7 (ie details of the siting, design and appearance of the switchgear building) and condition 8 (ie details relating to the number, design and siting of the CCTV cameras) attached to permission B/15/0001. These amendments include alterations to the layout of the site and the siting/design of the arrays, the installation of 2 transformer stations and an increase in the number of CCTV cameras from 4 to 23

Location: Land to the north of Meeres Lane and adjacent to Pick's Barn, Kirton, Boston, Lincolnshire, PE20 1PR

Applicant: Justin McMillan, Solarplicity

Decision: GRANT **Decision Date:** 19-Dec-2016

Reason for refusal (if applicable):

Parish: Kirton Parish Council

Application Number: B/16/0395 **Case Officer:** Trevor Thompson

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Proposal: Part demolition, conversion, extensions and erection of new buildings to form 4 residential dwellings and revisions to the frontage of existing dwelling

Location: 24- 26 High Street, Kirton, Boston, Lincolnshire, PE20 1EG

Applicant: Mr A Beeson

Decision: GRANT **Decision Date:** 20-Dec-2016

Reason for refusal (if applicable):

Parish: Kirton Parish Council

Application Number: B/16/0361 **Case Officer:** John Taylor