

Present:

Chairman: Councillor David Brown  
Vice-Chairman: Councillor Sue Ransome

Councillors: Alison Austin, Peter Bedford, Michael Cooper,  
James Edwards, Stephen Raven, Brian Rush, Claire Rylott,  
Paul Skinner and Stephen Woodliffe

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

**137 APOLOGIES**

Apologies for absence were received from Councillors Yvonne Stevens and Jonathan Noble. No substitute members.

**138 MINUTES**

With the agreement of the committee the Chairman signed the minutes of the previous planning committee meeting held on the 6 March 2018

**139 DECLARATION OF INTERESTS**

The clerk confirmed that standing declarations of interest would be recorded for Councillor Alison Austin and Councillor Paul Skinner as members of Lincolnshire County Council; in respect of Councillors David Brown, Michael Cooper, Sue Ransome and Claire Rylott as members of the South East Lincolnshire Local Plan and in respect of Councillors Michael Cooper and Claire Rylott as representatives of Internal Drainage Boards

Councillor Stephen Woodliffe declared an interest in planning application B 17 0402 stating that the applicant, Councillor David Brown, was a member of the same political party as himself but that it would have no bearing on the matter, as that was the only connection he had with Councillor Brown.

Councillor Michael Cooper declared that he would be absent from planning application B 17 0402 as the applicant was known to him

Councillor David Brown declared a pecuniary interest in planning application B 17 0402 in that it was his own planning application and as such he would be absent from the meeting. Councillor Brown further declared that whilst he had been in attendance at Wyberton Parish Council when planning application B 17 0476 had been discussed he had taken no part in any discussion and felt able to determine the application without any prejudgement.

Councillor Sue Ransome declared that she would absent from planning application B 17 0402 in that the applicant was well known to her through her close working relationship with him in her role as vice chairman of the planning committee. Councillor Ransome further declared that she had been in attendance at Kirton Parish Council when planning application B 17 0476 had been discussed but had taken no part in any deliberation and felt able to determine the application without prejudgement.

Councillors Claire Rylott; Paul Skinner and Stephen Raven all declared they knew the applicant for planning application B 17 0402 but only as a fellow councillor and that they felt able to determine the application without prejudice.

Councillor Claire Rylott declared that she had been in attendance at Kirton Parish Council when it had discussed planning application B 17 0476 but confirmed she had taken no part in any discussion and felt able to determine the application

It is recorded that on reconvention of this meeting at 2pm, following adjournment at 1230pm, the clerk tabled the following declarations of interest on behalf of Councillor Peter Bedford in respect of the planning applications scheduled for determination.

Planning Application B 17 0476. Councillor Bedford declared that the applicant was a very close and long standing personal family friend and as such would absent.

Planning Application B 17 0402. Councillor Bedford declared that he felt unable to judge the application fairly and as such would absent.

Planning Application B 17 0340. Councillor Bedford declared that in his previous role as Leader of Boston Borough Council he had actively supported and recommended the application to the Borough and as such was pre-determined in his view and would absent.

#### **140 PUBLIC QUESTIONS**

No public questions were tabled.

It is recorded that Councillor Brian Rush did not arrive at the meeting until reconvention of the meeting at 2pm. It is further recorded that Councillor Peter Bedford absented from the meeting on adjournment at 1230 hours and took no further part in the meeting.

#### **141 PLANNING APPLICATION B 17 0519**

**Application for approval of reserved matters for Phase 3 of residential development comprising of 33 no.dwellings including access, appearance, landscaping, layout and scale**

**Land at Broadfield Lane/Grayling Way, Boston Lincolnshire PE21 8BQ**

**Mr A Parker**

The Senior Planning Officer presented the report and confirmed one update to the report tabled. He advised that a further four conditions would be added to those already identified, all of which would refer to issues pertaining to land contamination. The additional conditions were discussed with the Environmental Health Officer due to the proposed temporary use of the allotments gardens as a construction compound.

Representation was received by the applicant's agent Mr Finch which included:

Reiterating the reason for application before committee as being a reserved matters application committee were advised that the Deed of Variation sought to establish some certainty of the delivery of certain elements of the original outline scheme including an equipped play area to meet current standards particularly in terms of spacial separation from existing dwellings and the CCTV provision which remained as initial stated. It was also prescriptive in regard to the delivery of the deferred delivery of the allotment land. Most significant of which had been the re-negotiation of the commuted sum which would be paid by the applicants for the future maintenance of the facility: the sum had significantly increased from £17.800 to £60.000 following extensive negotiations and discussion between the applicant and the local authority.

Consultation with specialist play providers had resulted in the applicant reviewing the type of equipment to be used with both its appeal and durability. The equipment would be installed prior to the commencement of any further dwellings being built on the development.

Referencing the provision of allotment land Mr Finch confirmed the designated area remained unaffected by previous phases and had provided an ideal opportunity of providing a temporary construction access to serve delivery of phase 3 and possible phase 4. With access via the industrial estate which was accustomed to the movement of larger commercial vehicles.

It was moved by Councillor Jonathan Edwards and seconded by Councillor Paul Skinner that the application be granted in line with officer recommendation; subject to the reasons and conditions therein and subject to the additional four conditions in respect of land contamination.

Vote: In Favour: 10. Against: 0. Abstentions: 0.

**RESOLVED:** That the committee grant the application in line with officer recommendation subject to the under mentioned provisos and for the following recommendations:

- Any approval of reserved matters is not released until the deed of variation is completed.
  - Authority is delegated to the Development Control Manager to approve this application upon satisfactory completion of the deed of variation.
- 1 The development hereby permitted shall be begun before the expiration of two years from the date of this approval.

**Reason:** Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans :

Location plan ref BR0/17/P001 (1/16)  
Site Plan as Proposed ref BR0/17/P015 (2/16)  
Plots 1 and 2 floor plans 2B4P ref BR0/17/P002 (4/16)  
Plots 1 and 2 elevations 2B4P ref BR0/17/P003 (5/16)  
Plots 3-5 and 6-8 floor plans 2B4P ref BR0/17/P004 (6/16)  
Plots 3-5 and 6-8 elevations 2B4P ref BR0/17/P005 (7/16)  
Plots 9-12 and 18-21 floor plans 4B4P ref BR0/17/P006 (8/16)  
Plots 9-12 and 18-21 elevations 2B4P ref BR0/17/P007 (9/16)  
Plots 13 and 14 floor plans 4B7P ref BR0/17/P008 (10/16)  
Plots 13 and 14 elevations 4B7P ref BR0/17/P009 (11/16)  
Plots 15, 16 and 17 floor plans 1B2P ref BR0/17/P010 (12/16)  
Plots 15, 16 and 17 elevations 1B2P ref BR0/17/P011 (13/16)  
Plots 22 to 33 floor plans 3B5P ref BR0/17/P012 (14/16)  
Plots 22, 23 and 26 to 31 elevations 3B5P ref BR0/17/P013 (15/16)  
Plots 24, 25 and 32, 33 elevations 3B5P ref BR0/17/P014 (16/16)  
External Materials schedule dated 10<sup>th</sup> December 2017

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

- 3 Notwithstanding the requirements of condition 23 attached to outline permission ref B/13/0037, a 2.2m high acoustic boarded fence shall be erected along the eastern boundaries of the site ( ie phase 3 development) as shown on plan ref BR0/17/P015 before any swelling hereby approved is occupied.

**Reason:** In the interests of residential amenity and to accord with the objectives of Local Plan policy G1.

- 4 The development hereby approved shall be carried out in accordance with the approved Construction Management Plan as identified on plan ref BR0/17/CP/01.

**Reason:** In the interests of residential amenity and to accord with the objectives of Local Plan policy G1

- 5 The development of Phase 3 hereby approved shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) undertaken by RM Associates, Version 1 dated December 2017 and the following mitigation measures detailed within the FRA:

- Finished floor levels shall be set no lower than 3.9m above Ordnance Datum

**Reason:** To reduce the risk of flooding to the proposed development and future occupants and to accord with the objectives of Local Plan Policy G3 and the NPPF (2012).

- 6 Before the development hereby approved is commenced above ground level, a section plan drawn at the appropriate scale of the proposed attenuation pond as shown on plan ref BR0/17/P015 shall be submitted to and approved in writing by the Local Planning Authority. The plan shall show the profile of the attenuation pond, including its depth, embankments, finished land levels measured at Ordnance Datum, (fencing if applicable), landscaping and its

relationship with the adjacent neighbouring property including any measures necessary to avoid third party flooding. The works shall be carried out as approved in accordance with timescales to be submitted to and approved in writing by the Local Planning Authority

**Reason:** No such information was submitted as part of this application, in the interests of the amenity of the area, to avoid third party flooding and to accord with the objectives of Local Plan policies G1, G3 and H3

- 7 No development shall take place until a surface water drainage scheme for the site, based on an assessment of the hydrological and hydrogeological context of the development has been submitted to and approved in writing by the Local Planning Authority. The scheme shall:
- a) Provide details of how run-off will be safely conveyed and attenuated during storms up to and including the 1 in 100 year critical storm event, with an allowance for climate change, from all hard surfaced areas within the development into the existing local drainage infrastructure and watercourse system without exceeding the run-off rate for the undeveloped site;
  - b) Provide attenuation details and discharge rates which, unless agreed otherwise with the surface water receiving body, shall be restricted to 1.4 litres per second per hectare;
  - c) Provide details of the timetable for and any phasing of implementation for the drainage scheme; and
  - d) Provide details of how the scheme shall be maintained and managed over the lifetime of the development, including any arrangements for adoption by any public body or Statutory Undertaker and any other arrangements required to secure the operation of the drainage system throughout its lifetime.

The development shall be carried out in accordance with the approved 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:** To ensure residents of the permitted development, neighbouring land and neighbouring property are not adversely affected, by reason of flooding, by the construction of the permitted development and to accord with the objectives of Local Plan policy G6.

- 8 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

9 Following the temporary use of the land as a storage compound and prior to the allotments being brought into use, a comprehensive contaminated land investigation shall be submitted to and approved by the Local Planning Authority (LPA) and the scope of works approved therein have been implemented. The assessment shall include all of the following measures unless the LPA dispenses with any such requirements in writing and shall specifically identify the necessary works to enable the land to be fit for purpose as allotments.

a) A Phase I desk study carried out to identify and evaluate all potential sources of contamination and the impacts on land and/or controlled waters, relevant to the site. The desk study shall establish a 'conceptual model' of the site and identify all plausible pollutant linkages. Furthermore, the assessment shall set objectives for intrusive site investigation works/ Quantitative Risk Assessment (or state if none required). Two full copies of the desk study and a non-technical summary shall be submitted to the LPA.

b) A site investigation shall be carried out to fully and effectively characterise the nature and extent of any land contamination and/or pollution of controlled waters. It shall specifically include a risk assessment that adopts the Source-Pathway-Receptor principle and takes into account the sites existing status and proposed new use. The proposed investigation should be agreed with the LPA in advance of any sampling taking place. Two full copies of the site investigation and findings shall be forwarded to the LPA.

**Reasons:** To ensure potential risks arising from the previous uses of the site including the temporary use of the site as a construction compound have been fully assessed and to accord with Local Plan Policy G1.

10 Where the risk assessment (see preceding condition) identifies any unacceptable risk or risks, a detailed remediation strategy to deal with land contamination and/or pollution of controlled waters affecting the site shall be submitted and approved by the LPA. No works, other than investigative works, shall be carried out on the site prior to receipt of written approval of the remediation strategy by the LPA.

**Reason:** To ensure the proposed remediation plan is appropriate and to accord with Local Plan Policy G1.

11 On completion of remediation, two copies of a closure report shall be submitted

to the LPA. The report shall provide validation and certification that the required required works regarding contamination have been carried out in accordance with the approved Method Statement(s). Post remediation sampling and monitoring results shall be included in the closure report.

**Reason:** To provide verification that the required remediation has been carried out to the required standards, in order to ensure that the land is fit for purpose as allotments and to accord with Local Plan Policy G1.

- 12 If, during the remediation of the allotment site, contamination not previously considered is identified, then the LPA shall be notified immediately and no further work shall be carried out until a method statement detailing a scheme for dealing with the suspect contamination has been submitted to and agreed in writing with the LPA.

**Reason:** To ensure all contamination within the site is dealt with and to accord with Interim Plan Policy G1.

## **142 PLANNING APPLICATION B 17 0494**

**Application for approval of reserved matters (including appearance and landscaping) for the erection of 8 no. dwellings**

**Land at The Bungalow, Carmel Green, Boston, Lincolnshire, PE21 7JR**

**Mr Peter Lingard**

The Senior Planning Officer presented the report and provided committee with a brief summary on the recent history of the site. Outline application for housing on the site had been refused in 2014 for reasons of over development and density. The applicant subsequently appealed and the appeal had been upheld by the Inspector. At the time the application had proved very controversial and had been outline planning permission for 8 dwellings including access, layout and scale.

Representation was received in objection by Mrs Jones which included:

Members were advised that the initial objection to the application had been against issues around the fence boundary of no. 106. However, Mrs Jones then stated that having considered the revised application ahead of the meeting, the changes made had addressed her initial objection which no longer stood. Mrs Jones did request that as it was a boundary fence, that it be a secure one to keep her pedigree cats safe and that the fence be maintained as much as possible to obscure her home from the proposed buildings.

It was moved by Councillor Michal Cooper and seconded by Councillor Jonathan Edward that the application be granted in line with officer recommendation, subject to the reasons and conditions therein and subject to an informative on the decision letter which relating to property boundaries and disputes.

Vote: In Favour: 10. Against: 0. Abstentions: 0.

**RESOLVED:** That the committee grant the application in line with officer recommendation subject to the following conditions and reasons and the standard informative on the decision letter relating to property boundaries and disputes.

1 The development hereby permitted shall be carried out in accordance with the following approved plans insofar as they relate to appearance and landscaping:

- Proposed site layout ref 1587 P101 Rev G (2b/9)
- Proposed floor plans ref 1587 P110 rev G (3b/9)
- Elevations ref 1587 P200 rev H (4a/9)
- Elevations (plots 1-2) ref 1587 P201 rev H (5a/9)
- Elevations (plots 3-4 and 5-6) ref 1587 P202 rev B (6a/9)
- Elevations (plots 7-8) ref 1587 P203 rev A (7a/9)
- Landscape proposals ref 885-01 (9/9)

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

2 All landscape works shall be carried out in accordance with the approved details within 6 months of the date of the first occupation of any building or completion of development whichever is the sooner. 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, unless the local planning authority gives written consent to any variation.

**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. The condition accords with Adopted Local Plan Policies G1 and H3.

3 All first floor windows to be inserted in the gable ends of all dwellings hereby approved shall be fitted with obscure glazing before occupation and shall be retained in that form thereafter.

**Reason:** In the interests of residential amenity and to accord with the objectives of Local Plan policy G1.

4 The fencing scheme shown on plan Proposed site layout ref 1587 P101 Rev G (2b/9) shall be implemented before the occupation of any dwellings on this site and shall be retained in that form thereafter.

**Reason:** In the interests of residential amenity and to accord with the objectives of Local Plan policy G1.

## **143 PLANNING APPLICATION B 17 0506**

**Application for approval of reserved matters for the construction of a drive-thru coffee shop (mixed use comprising class A1 and class A3) plus internal roadway, parking area and associated development**

**Plot B, The Quadrant, Land off A16, Boston PE21 7TD**

**Mr Burney**



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

No representation was received in respect of this application.

It was moved by Councillor James Edwards and seconded by Councillor Paul Skinner that the application be granted in line with officer recommendation, subject to the reasons and conditions therein and subject to the additional condition to confirm business hours.

Vote: In Favour: 10. Against: 0. Abstentions: 0.

**RESOLVED: That the committee grant the application in line with officer recommendation subject to the following conditions and reasons:**

- 1 The development hereby permitted shall be begun before the expiration of two years from the date of this approval.  
**Reason:** Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990.
- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:
  - Location plan ref 3606\_L01 (1/5)
  - Proposed site plan ref 3606\_PL301 (2/5)
  - Proposed elevations ref 3606\_302A (3a/5)
  - Proposed floor plan ref 3606\_PL304 (4/5)
  - Landscaping plan ref 3606\_PL305 (5/5)**Reason:** To ensure the development is undertaken in accordance with the approved details and to accord with Adopted Local Plan Policy G1.
- 3 All landscape works shall be carried out in accordance with the approved details within 6 months of the date of the first occupation of any building or completion of development whichever is the sooner. 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, unless the local planning authority gives written consent to any variation.  
**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. The condition accords with Adopted Local Plan Policy G1
- 4 The premises shall not be open to the public except between 6am to 10pm Monday to Sunday  
**Reason:** To accord with the applicants stated intentions, in the interests of the amenity of the area and to accord with the objectives of Local Plan

**144 PLANNING APPLICATION B 17 0508**

**Application for approval of reserved matters for the construction of a drive-thru restaurant (mixed use comprising class A1 and class A3) plus internal roadway, parking area and associated development**

**Plot A, The Quadrant, Land off A16, Boston PE21 7TD**

**Mr Burney**

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

No representation was received in respect of this item.

It was moved by Councillor Paul Skinner and seconded by Councillor James Edwards that the application be granted in line with officer recommendation, subject to the reasons and conditions therein and subject to the additional condition to confirm business hours.

Vote: In Favour: 10. Against: 0. Abstentions: 0.

**RESOLVED: That the committee grant the application in line with officer recommendation subject to the following conditions and reasons:**

- 1 The development hereby permitted shall be begun before the expiration of two years from the date of this approval.  
**Reason:** Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990.
- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:
  - Location plan ref 3606\_L01 (1/5)
  - Proposed site plan ref 3606\_PL500 (2/5)
  - Proposed ground floor plan ref 3606\_PL501 (3/5)
  - Proposed elevations ref 3606\_PL502 (4/5)
  - Landscaping plan ref 3606\_PL504 (5/5)**Reason:** To ensure the development is undertaken in accordance with the approved details and to accord with Adopted Local Plan Policy G1.
- 3 All landscape works shall be carried out in accordance with the approved details within 6 months of the date of the first occupation of any building or completion of development whichever is the sooner. 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, unless the local planning authority gives written consent to any variation.  
**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. The condition accords with Adopted Local Plan Policy G1.
- 4 The premises shall not be open to the public except between the

following periods:

- 7am to 2am on Mondays to Saturdays
- 11am to 12 midnight on Sundays and Bank Holidays.

**Reason:** To accord with the applicants stated intentions, in the interests of the amenity of the area and to accord with the objectives of Local Plan

**It is recorded that the Chairman adjourned the meeting at this point in the proceedings.**

**The meeting reconvened at 2pm.**

#### **145 PLANNING APPLICATION B 17 0476**

**Change of use from shop (Class A1) with residential accommodation above to a mixed use comprising a shop (Class A1) and a separate hot food takeaway (Class A5) on ground floor with a first floor bedsit (Class C3) tied to the business and a separate two bed flat (Class C3) with independent access from Station Road. Construction of a first floor rear extension. Retrospective permission to remove and repair the chimneys and replace the roof tiles with materials to match the previous roof tiles**

**1-3, Station Road, Kirton, Boston, PE20 1EE**

**Mr Halil Erol**

Prior to commencement of the presentation Councillor David Brown advised he had met the owner of the neighbouring property Harvey House but purely to undertake a fact finding tour and made no comment in respect of the application.

The Interim Development Manager presented the report and confirmed that the application had been tabled to committee due to the high level of public interest and the level of objections received. At the time of issuing the report 8 letters of objection had been received along with a 50 signature petition and Parish Council objection. A further letter of objection had been received within the last 48 hours from 28 London Road which had not raised any further material planning issues and an email had been received on the morning of this meeting, from 49 Horseshoe Lane which expressed concern about the loss of the chimneys and suggested that replacement of the chimney stacks and pots be done prior to any further work being carried out.

Referencing the conditions on page 77 committee were asked to note that the Interim Development Manager intended to amend condition 5 slight to ensure replacement of the roof tiles, chimneys and pots.

The condition would read 'prior to commencement of the A use, the three chimney stacks and pots as identified on the existing and proposed plans and the roofing tiles shall be replaced using the same materials as the chimneys and tiles removed.

Representation was received in objection to this item by Mr P Watson which included:

Mr Watson confirmed that whilst he was a member of Kirton Parish Council he was addressing the committee representing himself and not Kirton Parish Council.

Confirming he had initially had reservations in respect of the application and had submitted one of the letters of objection, Mr Watson advised that his main concern had been the chimneys and he confirmed he was pleased to hear that the extra condition had been included, to ensure the chimneys would be replaced: referencing the new roof Mr Watson stressed he felt it did not fit in with the conservation area.

Confirming that the extra condition had addressed 90% of his issues, members' were advised that he still had concerns about the correct exhaust process for the cooking facilities in the new shop. Stating that as a resident walking through the village he noticed that there was already a reasonably strong aroma due to the number of existing takeaways, which was detrimental the conservation area. One further concern was the loss of light and privacy for Harvey House.

It is recorded that at this part in the proceedings Councillor Brian Rush sought advice from the Monitoring Officer due to his own business being opposite the application site. Councillor Rush subsequently declared that he would absent from the meeting as he was conflicted due to the location of his own business.

It was moved by Councillor Claire Rylott and seconded by Councillor James Edwards that the application be granted in line with officer recommendation, subject to the reasons and conditions therein and subject to the amendment to condition 5 to address the requirement for Chimneys and Roof Tiles to be sympathetic to the surrounding area.

Vote: In Favour: 10. Against: 0. Abstentions: 0.

**RESOLVED: That the committee grant the application in line with officer recommendation subject to the following conditions and reasons:**

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

**Reason:** Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

- Location Plan (1/3)
- Proposed Floor Plans and elevations (3/3)
- The Specification & Defra Report by purified air filtration experts created by Don Miles and dated 30<sup>th</sup> January 2018

And the email dated 22<sup>nd</sup> February 2018 submitted by planning agent Darren Timms on behalf of the applicant

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

3. The take-away premises hereby approved shall only be open to the public between the hours of 11am – 11.00pm daily.  
**Reason:** In the interests of the amenity of nearby residents and to accord with Adopted Local Plan Policy G1.
4. The occupation of the bed-sit at No.1-3 Station Road, Kirton identified in the submitted plans shall be limited to a person solely or mainly employed in the take-away business at ground floor hereby approved.  
**Reason:** The business is expected to create a level of disturbance beyond that which could be considered reasonable by an occupant of the dwelling if not associated with it and to accord with Adopted Local Plan Policy G1.
5. Prior to the commencement of the A5 use, the three chimney stacks and pots as identified on the existing and proposed plans and the roofing tiles shall be replaced using the same materials as the chimneys and the tiles removed.  
**Reason:** In the interests of the character of the Conservation Area and to accord with Adopted Local Plan Policy G1.

It is recorded that the following Councillors absented from the meeting at this point in the proceedings and took no part in the following planning application: David Brown, Sue Ransome and Michael Cooper.

With both the Chairman and Vice Chairman absented from the meeting committee elected an interim Chairman to facilitate the following item and Councillor Claire Rylott was duly elected as Interim Chairman.

## **146 PLANNING APPLICATION B 17 0402**

### **Outline application (with all matters reserved for later consideration) for the erection of 9No. dwellings and associated infrastructure**

**Land rear of Northorpe House, Wigtoft Road, Sutterton, Boston, Lincolnshire, PE20 2EE**

#### **Mr David Brown**

The Senior Planning Officer presented the report and confirmed there were no updates to the report tabled, but confirmed that he had re negotiated with the neighbours – none of the objections had been retracted and one objector had written confirming their original objection letter still stood. Members were further advised that the Internal Drainage Board had not formerly objected to the application subject to the sustainable drainage condition.

No representation was received in respect of this item.

#### Request of recording

Councillor Brian Rush asked that the following comment he stated during committee debated be recorded:

‘that road was busy and dangerous and he could never support this item’.

It was moved by Councillor Paul Skinner and seconded by Councillor James Edwards that the application be granted in line with officer recommendation and subject to the reasons and conditions therein.

Vote: In Favour: 6. Against: 1. Abstentions: 0.

**RESOLVED: That the committee grant the application in line with officer recommendation subject to the following conditions and reasons**

1. No development shall commence until details of the appearance, landscaping, layout, scale and access for the development (hereafter referred to as the 'reserved matters') have been submitted to and approved by the local planning authority.  
**Reason:** Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990. This is an outline application only and such details must be approved before development commences, and to accord with the objectives of Local Plan Policies G1 and H3 and with the intentions of the NPPF (2012).
2. Application for approval of 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 application received 9 October 2017 and in accordance with the associated plan referenced:
  - Drawing Ref: 01 'Site Plan' 1:1250 (1/7)**Reason:** To ensure the development is undertaken in accordance with the approved details and to accord with Adopted Local Plan Policy G1.
5. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) undertaken by RM Associates (Version 1, dated October 2017) including the following mitigation measures detailed within the FRA:
  - Finished ground floor levels of the dwellings shall be set no lower than 3.40m AOD (0.5m above existing ground level)
  - Flood resilient and resistant construction techniques to be used as described**Reason:** To reduce the risk of flooding to the proposed development and future occupiers and to accord with the intentions of the National Planning Policy Framework (2012)

6. No development shall take place until a surface water drainage scheme for the site, based on sustainable urban drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority.

The scheme shall:

- a) Provide details of how run-off will be safely conveyed and attenuated during storms up to and including the 1 in 100 year critical storm event, with an allowance for climate change, from all hard surfaced areas within the development into the existing local drainage infrastructure and watercourse system without exceeding the run-off rate for the undeveloped site;
- b) Provide attenuation details and discharge rates which shall be restricted to 1.4 litres per second;
- c) Provide details of the timetable for and any phasing of implementation for the drainage scheme; and
- d) Provide details of how the scheme shall be maintained and managed over the lifetime of the development, including any arrangements for adoption by any public body or Statutory Undertaker and any other arrangements required to secure the operation of the drainage system throughout its lifetime.

The development shall be carried out in accordance with the approved 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 accordance with the details of the application and this is a pre-commencement condition in order to ensure the satisfactory, sustainable drainage of the site, to ensure that surface water run-off from the development will not adversely affect, by reason of flooding, the safety amenity and convenience of the residents of this site and the vicinity and to accord with Adopted Local Plan Policies G1 and G6.

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 highway 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 in the interests of residential amenity, convenience and safety, and to accord with Adopted Plan Policies G1 and G6.

8. No dwelling shall be occupied before the first 50 metres of estate road from its junction with Wigtoft Road, including visibility splays, as shown on drawing no. 03 Rev F, has been completed.

**Reason:** In the interest of safety of the users of the public highway and the safety of the users of the site and to enable calling vehicles to wait clear of the carriageway of Wigtoft Road. This condition accords with Adopted Plan Policies G1 and G6.

9. When the application is made for approval of the 'Reserved Matters' that application shall show details of the arrangements for the parking/turning/manoeuvring/loading/unloading vehicles within the site. These arrangements shall be provided before any buildings are occupied and shall be kept permanently free for such use at all times thereafter.
- Reason:** To enable calling vehicles to wait clear of the carriageway of Wigtoft Road and to allow vehicles to enter and leave the highway in a forward gear in the interests of highway safety in accordance with Adopted Plan Policies G1 and G6.
10. Prior to the commencement of the development hereby permitted a Construction Management Plan (CMP) shall be submitted to the local planning authority for approval. The CMP will prescribe how the construction of the site will be phased, where site accommodation and welfare facilities will be placed, hours of working, where site vehicles will be parked and where materials will be stored within the site. Construction of the development hereby permitted shall be undertaken in accordance with the CMP.
- Reason:** In the interests of the safety and free passage of the public and to protect neighbour's amenity during construction and to accord with Adopted Plan Policies G1 and G6. This is a pre-commencement condition due to the fact that the management of plant, site equipment etc needs to be agreed prior to commencement of any development to make certain that neighbour's amenities are fully respected.
11. No more than 9 dwellings shall be erected on this site.
- Reason:** To define the permission and to accord with Adopted Plan Policy G1.

It is noted that Councillors Michael Cooper, David Brown and Sue Ransome rejoined the meeting at this part in the proceedings and Councillor David Brown resumed his role as Chairman.

#### **147 PLANNING APPLICATION B 17 0304**

**Installation of underground high voltage Direct Current cables for the Viking Link Interconnector project between proposed landfall at Boygriff in East Lindsey to a proposed converter station at North Ing Drove in South Holland; installation of underground alternating current cables from the converter station to the existing Bicker Fen 400 kV NGET Substation; as well as permanent access road to converter station, temporary facilities required during construction such as compounds and works areas are included within Boston Borough. (This application is for Environmental Impact Assessment development by virtue of the Town and Country Planning (Environmental Impact Assessment) Regulation 2017**

**Land off Vicarage Drove, Bicker Fen, Boston, PE20 3BN**

**Ms Liz Wells, National Grid Viking Link Limited**

The Development Manager reminded committee that it had previously considered consultation responses in respect of East Lindsey District Council, South Holland District Council and North Kesteven District Council in respect of the proposal. Committee had at that time, resolved not to raise any objection.



Members were further reminded that under Article 31 of the Town and Country Planning Order 2015, the Secretary of State had directed that the Council could not grant planning permission on the application without specific authorisation. The Direction had been issued to enable him to consider whether he should direct under Section 77 of the Town and Country Planning Act 1990 that the application should be referred to him for determination. As such committee could make a decision in principle.

No updates to the report tabled were advised however committee were referred to point 6.8 of the report and asked to strike the final paragraph in italics requiring a condition for the delay of the issuing of any consent.

Representation was received by the Ms Wells on behalf of the applicant which included:

Ms Wells thanked members for their engagement from conception of the application through to the final scheme. Viking link had valued officer and member input over the course of the last few years alongside feedback from the local community and key stakeholders. 28 public events had been held across a multitude of consultation streams. Members were asked to recall that the previous presentation focused on the fact that the UK faced substantial energy challenges and reminded that the scheme presented would play a vital role in helping to resolve that challenge by linking electricity system in Great Britain and Denmark. The interconnector would provide both import and export capability which would improve diversity and a security of supply to help mitigate shortages within the electricity network during high demand: it would also assist in lowering the cost of electricity through cross border trade. Furthermore by supporting renewable energy, it would help the UK to meet carbon reduction commitments.

Providing update information committee were advised that planning applications in Denmark had approved and respected marine licenses and their process was being determined in UK, Netherlands, German and Danish waters. Members of South Holland District Council unanimously resolved to approve their respective application on the 7 February 2018 and both East Lindsey and North Kesteven District Councils were looking to target committee dates in May 2018.

Concluding members were advised that Viking link was conscious of the concerns expressed in respect of construction traffic, cable depth and drainage, associated with the project in Boston. Multiple consultation events had been held on those topics and members were advised construction traffic for alternating current cables from the converged station to the sub-station and the Viking Link works at Bicker Fen sub-station would be taken from the A52, from a dedicated access road, to the convertor station. The construction of the Hammond Beck crossing as part of the development of this access road would result in a small level of traffic utilising the immediate highway network for a short period.

It was moved by Councillor James Edwards and seconded by Councillor Paul Skinner that committee were minded to approve the application subject to those conditions listed within the report, subject to allowing officers under delegated authority to revisit condition wording, in conjunction with the other 3 Local Planning Authorities once the outcomes of the applications submitted to North Kesteven DC, East Lindsey DC and South Holland are known, and that the Direction of the Secretary of State and the holding objections of the Environment Agency are lifted.

Vote: In Favour: 11. Against: 0. Abstentions: 0.

**RESOLVED:** That the committee were minded to approve the application subject to those conditions listed within the report, subject to allowing officers under delegated authority to revisit condition wording, in conjunction with the other 3 Local Planning Authorities once the outcomes of the applications submitted to North Kesteven DC, East Lindsey DC and South Holland are known, and subject to the Direction of the Secretary of State and the holding objections of the Environment Agency being lifted.

**148 APPEAL DECISION REPORT**

**Former Garage, Brand End Road, Butterwick PE22 0JD**

Committee received the report presented by the Development Manager.

**149 APPEAL DECISION REPORT**

**Cherry Tree Lodge, Swineshead Road, Frampton Fen, Boston PE20 1SF.**

Committee received the report presented by the Development Manager.

**150 DELEGATED DECISION LIST**

Committee noted the delegated decision list for the period 19 February 2018 to 16 March 2018.

The Meeting ended at 4.00 pm