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	Boston Borough Council Chief Executive PHIL DRURY MCIAT, ACIOB	Municipal Buildings Boston Lincolnshire PE21 8QR Tel: Tel 01205 314226 Fax:
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My ref: PE/KR/Planning

Please ask for: Karen Rist, Democratic Services Officer (Direct number Tel 01205 314226)

Monday, 5 November 2018

NOTICE OF MEETING OF THE PLANNING COMMITTEE

Dear Councillor

You are invited to attend a meeting of the Planning Committee

on Tuesday, 13 November 2018 at 10.00 am

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



PHIL DRURY
Chief Executive

Chairman: Councillor David Brown

Vice Chair: Councillor Sue Ransome

Councillors: Alison Austin, Peter Bedford, Michael Cooper, James Edwards, Jonathan Noble, Stephen Raven, 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 - 22

To sign and confirm the minutes of the last meeting, held on 16th October 2018.

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 – for this meeting the deadline is 5 p.m. on Thursday 8th November 2018.

PART II - AGENDA ITEMS

1 PLANNING APPLICATION B/18/0346

23 - 40

Outline application for residential development (up to 8 dwellings) with all matters reserved for later approval

Land west of Millview, Donington Road, Kirton End, Boston, PE20 1NX

Mr Carl Bates

2 PLANNING APPLICATION B/18/0274

41 - 56

Erection of 2 semi-detached and 4 detached bungalows and detached garages and associated site works

Land rear of 60 and 62 Willington Road, Kirton, Boston, PE20 1EW

Mr Roger Leighton, Roger Leighton Homes Limited

- 3 PLANNING APPLICATION B/18/0299** 57 - 66
- Installation of 10 wall-mounted wind turbines
- Reflex Lables, Station Road Industrial Estate, Station Road, Swineshead,
Boston, PE20 3PW
- Mr David Liversuch, Reflex Labels
- 4 PLANNING APPLICATION B/18/0328** 67 - 80
- Outline application with all matters (access, landscaping, layout,
appearance and scale) reserved for later approval for the erection of up to 26
dwellings.
- Land adjacent to Magnolia Lodge, Benington Road, Butterwick, PE22 0EX
- Mrs Jennifer Heath
- 5 PLANNING APPLICATION B/18/0298** 81 - 96
- Outline application for residential development (up to 30 dwellings) with all
matters reserved for later approval
- Land to rear of 1-9 Ralphs Lane, Wyberton, Boston, PE21 7AX
- Mr W B Lake
- 6 PLANNING APPLICATION B/18/0397** 97 - 112
- Change of use of an existing detached dwelling house (Class C3) to form a
hotel (Class C1), including interal alterations
- The Firs, West End Road, Wyberton, Boston, Lincolnshire, PE21 7LL
- Mr A Arundell
- 7 DELEGATED DECISION LIST** 113 - 130
- The Delegated Decision List for October 2018

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 314226, e-mail: karen.rist@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

16 OCTOBER 2018

Present:

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

Councillors: Alison Austin, Peter Bedford, Michael Cooper,
Jonathan Noble, Brian Rush, Claire Rylott, Yvonne Stevens
and Stephen Woodliffe

Officers: Growth Manager, Senior Planning Officer, Senior Planning
Officer, Legal Officer Planning, Planning Officer, Planning
Officer and Senior Democratic Services Officer

18 APOLOGIES

Apologies for absence were received from Councillor Paul Skinner. Councillor Tom Ashton was in attendance to substitute for Councillor Skinner.

19 MINUTES

The minutes of the last meeting held on 18 September 2018 were agreed and signed by the Chairman as a correct record, subject to the addendum and minor amendments set out below.

The Chairman read out a letter from Jenny McIntee of JMAD Architecture relating to planning applications B/18/0153 and B/18/0194, and specifically the representation Ms McIntee made, recorded on page 14 of the minutes in the agenda pack.

“Mr & Mrs Stephens of Portelet House have written to me to explain that Mr Giles Crust was objecting to the applications of his own accord and was not instructed by them.

“I would like to apologise for my comments when I spoke at the September committee “the neighbours had a vendetta against the applicant with a number of barriers presented all the way through the application and they had now sent their consultant to continue objecting at this time”. Although I believed this to be the case at the time, I now accept that Mr & Mrs Stephens weren’t involved in objecting to these two applications, and I am sorry for any offence caused by my remarks.

“Please could you bring this to the attention of the planning committee and add an addendum to the minutes.”

The Chairman then advised the Committee of two minor amendments that had been made to the minutes since the agenda pack was published. In Minute 5, the paragraph at the bottom of page 3 had been re-worded, purely for clarification, to read as follows: “with the 23 new homes already agreed along the western edge which would result in 119 homes in all”. Also, the minutes had been renumbered 206 to 222 to follow the numbering of previous minutes. The hard copy of the minutes ready for the Chairman to sign had been amended accordingly.

20 DECLARATION OF INTERESTS

The following standing declarations were confirmed:

Committee Members who were also County Councillors – Councillors Tom Ashton and Alison Austin.

Those who were also members of the South East Lincolnshire Joint Strategic Planning Committee – Councillors David Brown, Sue Ransome, Michael Cooper and Claire Rylott, representing the Council, and Councillor Alison Austin, representing the County Council.

Those who represented the Council on Internal Drainage Boards – Councillors Tom Ashton, Peter Bedford, Michael Cooper and Claire Rylott.

Members then made the following declarations.

B/18/0017

Councillor Sue Ransome declared that she had visited all application sites including this one and had met the applicant at her gate, but explained why she was there and had not discussed anything; therefore, she had not been influenced at all.

Councillor Michael Cooper declared that, as this application was in his ward and he had met all parties involved, he would leave the room when this application was considered.

B/18/0137

Councillor Yvonne Stevens declared that the applicants were personal friends and she would leave the room when this application was considered.

Councillor Michael Cooper declared that that he knew the applicants, but not well, and this would not affect his decision-making.

Councillor Alison Austin declared that she was acquainted with the applicant as Mrs Bell was a member of Wyberton Parish Council, whose meetings Councillor Austin as the County Councillor. However, Councillor Austin left the Parish Council's meetings before planning applications were considered and had not been in the meeting when this application was discussed.

Councillor Claire Rylott declared that she knew the applicants, but this would not influence her decision-making.

Councillor Tom Ashton declared that he had expressed an opinion on this application and would leave the room when this application was considered.

Councillor David Brown declared that he knew the applicants very well and would leave the room when this application was considered.

In the afternoon session of the Planning Committee meeting, Councillor Brian Rush declared that he knew the applicant registered to speak, but had not discussed the application with her and was happy to take part in the meeting.

21 PUBLIC QUESTIONS

No questions had been submitted by members of the public.

22 PLANNING APPLICATION B 18 0017

Front extension and alterations to roof at rear of garage building and Change of Use of former dairy room/creamery and other outbuildings along with associated land and existing paddock area to special needs school (Class D1)

The Coach House, Hall Lane, Algarkirk, Boston, PE20 2HG

Ms Darryll Loizou

[Councillor Michael Cooper left the room for the entire consideration of this application.]

The Senior Planning Officer presented the report and referred to an addendum to the agenda with respect to this application, which had been e-mailed to the Committee Members prior to the meeting with hard copies circulated at the meeting. The addendum set out the Planning Officer's consideration of Policy 1, 32 & 29 of the South East Lincolnshire Local Plan and concluded that there should be no change in the recommendation as set out in the main agenda.

Supplementary information had been received from the objector and the applicant, and copies had been circulated to the Committee Members prior to the meeting.

Three further letters of objection had been received since the publication of the agenda pack. Two came from Church View Cottage and another from The Old Rectory and the main points were summarised as follows:

- The paddock should not be used during school holidays and weekends
- The decision was fundamentally flawed
- The Highway Authority should consider conflict between pedestrian / cyclists and vehicles
- The development was contrary to principles
- Unacceptable impact on amenity and highway safety
- Increase in traffic by over 100%
- Many unrecorded accidents and near-misses
- No pavements or street lighting
- The Highway Authority did not appreciate the merits of the quiet country lanes used by many types of users
- A few secondary school children walk from the village to the bus stop in Sutterton
- Pollution impact
- Impact on fitness and pleasure
- Development not sustainable nor would it enhance the vitality of the village
- Staff and parents would drive in
- There was no proven need

- Little employment opportunities for local people
- How could most local people afford its school fees
- Concerns over foul water disposal
- Why was a heritage statement not included due to the proximity to the church
- Could not find fencing details in the paddock
- No restriction on opening hours
- No plans showing proposed development in paddock

The Senior Planning Officer clarified that the petition mentioned in the report was in support of the application, as this was not stated.

The Senior Planning Officer had met with Heritage England on 5th October following a request for a site visit due to the concerns raised in objections. They had met on site and walked right around the site and paddock at the end of which Heritage England stated they had no objections. Their only request had been that the advice of the Consultant Architect be sought; this had been done and the Consultant Architect had no objections.

The application had been discussed in detail with the Highway Authority in order to be thoroughly sure that they were satisfied with the application and the Highway Authority had confirmed that they still had no objections. Similarly, the Planning Officer had checked again with the Environment Agency to ensure they had no objections to the Flood Risk Assessment.

The Senior Planning Officer added that an additional condition to restrict the hours of opening of the school would be welcomed to give reassurance that it would not become residential or be used at the weekends.

Representation was received from Mrs S Taylor of The Old Rectory in objection to the application. Mrs Taylor stated she was speaking on behalf of herself, her husband and 9 other objectors in Algarkirk and made the following points, in summary:

- Their objection had never been about the commercial proposal; it had always been about the suitability of the location and whether it had been properly assessed.
- They purchased their home in 2014 from Mrs Loizou as their forever home and it was important to them to bring up their children in a peaceful rural setting.
- The Planning Officer had failed to take into account key policies of the emerging South East Lincolnshire Local Plan (SELLP) and the addendum produced the day before the meeting was completely unsatisfactory, failing to address the key test of the policies, in particular Policy 1 in terms of it being necessary to the location or weighing the proposal against economic, community or environmental benefits. With respect to Policy 32, the addendum did not mention the test for the location of such facilities nor assess it against the necessary criteria.
- The plans completely surrounded their property; what criteria could have been used to assess this as causing only moderate harm, no harm or no substantial harm.
- Drawings were inaccurate and did not detail the location of their property; the proposed staff and multi-purpose rooms were only 1 metre from their property with no detail of their use and no elevation drawings provided.
- There was no condition on hours; it could be open 7 days a week and evenings.
- Due to misleading and incomplete detail, it was not possible to make a clear assessment of the proposal's impact.

- The Highway Authority had made no comments, but the travel plan was flawed, a point made in 20 objection letters. There were dykes either side of Hall Lane, which would serve this primary school, and it had no passing lanes or verges. There was a working farm opposite the entrance and there were no footpaths, cycle paths or street lighting.
- It was likely that pupils would come from the wider Lincolnshire area; therefore, the travel plan was not plausible and pupils would come by car resulting in over 100 additional vehicle movements per day as well as service vehicles. This would have a significant impact on local amenity.
- The proposal split the application site and it was suggested children would be mini-bussed from one site to the other, around their property, and did not explain how children would access the toilets.
- The proposed method of treating sewage was unsatisfactory and the sewage system was in not in the proper place.

Representation was received from three representatives for the applicant, who shared the five-minute speaking time and made the following main points.

Mrs L Hartman, owner and director of the Chelsea Group of Children, which would own and operate the Willow School:

- The impact of the proposal would be small; it would be a general and sustainable use of the land and the size of the school, only 30 children, was the size of an average classroom in a mainstream school.
- Pupils would not cause undue noise or damage property; they would be 4-11 year olds with special needs, not young offenders.
- The organisation had provided education and therapy to young children for over 20 years and had created the Taught through Nature curriculum, which engaged children in an effective way, and they would train and employ local staff.
- They had employed a company to determine the need for a special needs primary scheme in the area and their report clearly showed an urgent need for additional provision, as many children travelled outside the area to attend special schools.
- The school would be good for the community and have a significant impact on the lives of young children with special needs.

Mrs J Duemler, head teacher for the Chelsea Group of Children in London

- Their research had identified the need for a school in this area and many parents had told them of their search for a school in their community. Some had no choice but to send their children to a residential school and only see their children on weekends. The Willow School was a day school located half-way between Boston and Spalding. The school's location would mean that children would have a short, normal journey to school each day and live at home with their families instead of living in residential schools or travelling long distances; this had a huge impact on families. It would be significantly cheaper for the County Council to send their children to day school rather than residential. They would be providing 30 children and their families a local school to attend. This was a perfect location for the Willow School, allowing them to support the community and use the land for a positive purpose.

Mrs D Loizou

- The school was trying to achieve a better life for a small group of children who were entitled to a fulfilling education, offering children with disabilities the opportunity to learn in an outdoor environment, working on meaningful tasks, giving them a sense of purpose.
- It was hoped that objections were based on uninformed assumptions or a natural response to any development and unrelated to it being a special needs school.
- There would be additional traffic when pupils were dropped off and picked up, but traffic was not a significant problem at this location.
- People would hear the children laughing, learning and having fun.
- It was hoped that people would come to support the school because it was unmistakably good.

Representation was received from Parish Councillor S Walker on behalf of Algarkirk Parish Council, who made the following points, in summary:

- The Parish Council had never objected to the application because was a special needs school; their objections were on the grounds of the location, road infrastructure, health and safety, and the lack of economic and environmental benefit to the community.
- The road infrastructure consisted of three single-track lanes, none of which had passing places and all had a deep dyke on either side with tight bends. The village had been cut off due to snow and roads were not gritted.
- The village relied on these three lanes; everything was brought in by road because there were no amenities. Hall Lane took most of the traffic and needed to be kept free of parked vehicles.
- The Committee should visit the site and see the road system for themselves to judge how poor the access roads were.
- There were many benefits to these quiet lanes, which were used by many people, including families, for recreational purposes, e.g. dog walking and cycling.
- There was significant concern that the lane would not be kept clear and access for emergency vehicles would be impeded.
- With only 14 parking spaces proposed, there would be no-where to park for any more cars; people would use Hall Lane.
- Bussing children between the each part of the site through a recessed access gate on hall lane; this would not be safe as the gate could only be seen from a very short distance.

It was proposed by Councillor Brian Rush and seconded by Councillor Jonathan Noble that planning permission be refused on the grounds that it was contrary to Policy G1 as it would have a substantial effect on the character of the area and the amenity of the neighbouring property. However, when this was put to the vote, it fell (Vote: 4 for, 6 against).

Councillor Alison Austin proposed that the Committee visited the site, but this was not seconded.

It was then proposed by Councillor Stephen Woodliffe and seconded by Councillor Peter Bedford that the Committee were minded to approve the application in line with the Planning Officer's recommendation with an additional condition regarding business hours.

Vote: 6 for, 4 against

RESOLVED:

That the Committee is Minded to Approve the application subject to the following list of conditions and subject to no new issues being raised within any new information received prior to the expiry of the consultation period (24 October 2018).

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

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

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

- Ref: P1000 Rev P.01 'Location Plan' (1/19)
- Ref: P1011 Rev P.01 'Proposed Ground Floor Plan' (6/19)
- Ref: P1012 Rev P.03 'Proposed First Floor Plan' (7B/19)
- Ref: 1136 P1013 Rev P.01 'Proposed Roof Plan' (8/19)
- Ref: 1136 P2009 Rev P.01 'Proposed Long Elevations – Garage Building' (11/19)
- Ref: 1136 P2010 Rev P.01 'Proposed Short Elevations – Garage Building' (12/19)
- Ref: P2011 Rev P.01 'Proposed Sections Garage Building' (13/19)
- Ref: wwa_1755_AL_702 Rev P01 'Tree Protection and Removal Plan' (15A/19)
- Ref: wwa_1755_LL_101 Rev P01 'Car Park Layout Plan' (16/19)
- Ref: wwa_1755_LL_102 Rev P00 'Rectory Boundary Plan' (17/19)
- Ref: P1010 Rev P.02 'Proposed Site Plan' (19/19)

And the accompanying Design and Access Statement ref: 120618 Rev P04.

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

3. No development shall take place above slab level until details of the materials proposed to be used in the construction of the external surfaces have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the new building is in keeping with the character of the area and to accord with Adopted Local Plan Policy G1.

4. The maximum number of pupils attending the school shall be limited to 30.

Reason: The Local Planning Authority wish to be in a position to fully assess any potential impacts that may arise in respect of any significant increase in vehicle movements and any significant harm to the amenity of nearby neighbours as a

result of larger student numbers being allowed to use such a facility and to accord with Adopted Plan Policies G1 and G6.

5. No development shall commence above ground level until a Foul Water Strategy has been submitted to and approved in writing by the Local Planning Authority. The use hereby approved shall not be commenced until the works have been carried out in accordance with the approved Foul Water Strategy.

Reason: To prevent environmental and amenity problems arising from flooding and to accord with the objectives of Local Plan policy G3.

6. Prior to the commencement of any works relating to roadway or pathway works within the site final details of the surface materials to be used shall be submitted to and approved in writing by the Local Planning Authority. The development shall proceed fully in accordance with the approved scheme.

Reason: To ensure that appropriate materials are used in sensitive areas where 'no-dig' construction methods are used in accordance with Adopted Plan Policies G1, G3, G6 and the National Planning Policy Framework (2018).

7. The development hereby approved shall be carried out in accordance with the recommendations contained within the submitted Ecological Report prepared by Scarborough Nixon Associates Limited, dated 11th September 2018.

Reason: To ensure that protected species and their habitats and other breeding birds are protected in Accordance with Adopted Plan Policy G2.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking, re-enacting or modifying that Order) no fences, gates, hard surfacing, buildings or other permanent structures (other than those approved by this consent) shall be erected on the larger parcel of land within the application site known as 'the paddock'.

Reason: To ensure the rural character and appearance of this attractive area is retained and to ensure that the setting of the Grade I Listed Church and the Scheduled Ancient Monument are appropriately protected in accordance with Adopted Plan G1 and the National Planning Policy Framework (2018).

9. The use hereby approved by this consent (Class D1 of the Town and Country Planning (Use Classes) (Amendment) (England) Order 2015) shall be restricted to the use of the land and buildings as a 'special needs school' only and no changes within this Use Class or other Use Classes shall be allowed.

Reason: The care and needs of the children attending the school are such that 1:1 care is likely for the majority leading to a different anticipated intensity of use compared to a traditional main stream school. The condition will also ensure other uses falling within the same Class D1 use, such as health centres, clinics, day centres, museums, libraries and other non-residential institutions, cannot commence without formal consent being obtained from the Local Planning Authority and it will allow the Local Planning Authority to fully assess any potential

impacts that may arise from such a use. This condition accords with Adopted Plan G1 and the National Planning Policy Framework (2018).

10. Pupil teaching hours at the school shall be limited to the hours between 0900 hours and 1500 hours and no pupils shall arrive at the premises before 0815 hours and all pupils must vacate the premises by 1545 hours unless attending a parents evening, school play, school fete or other similar irregular occurring function that is directly related to the school.

Reason: To protect the amenity of nearby residents and to accord with Adopted Plan Policy G1 and emerging Plan Policy 2 of the South East Lincolnshire Local Plan (SELLP).

In determining this application the authority has taken account of the guidance in paragraph 38 of the National Planning Policy Framework 2018 in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the Borough.

23 PLANNING APPLICATION B 08 0321

Application for approval of reserved matters following outline approval B/14/0165 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 to make changes to the operational hours

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

Mr Burney, Burney Estate Ltd

The Senior Planning Officer presented the report and advised Members that Policy 3 of the South East Lincolnshire Local Plan (SELLP) was considered to be a 'red' policy, i.e. it carried limited weight. Wyberton Parish Council had responded to consultation since the agenda was published to the effect that it had no comments to make.

The Chairman asked that it be recorded that he would have preferred the traffic using the drive-thru to queue in the other direction so that more vehicles could enter the compound and reduce the possibility of them queuing on the road.

It was proposed by Councillor Alison Austin and seconded by Councillor Jonathan Noble that planning permission be granted as recommended by the Planning Officer.

Vote: 10 for, 1 against

RESOLVED that planning permission be granted subject to the following conditions:

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 (1/6)
Proposed site plan ref 3606_PL301 rev A (2A/6)
Proposed elevations Costa Coffee –plot B ref 3606_PL302A (3a/6)
Proposed floor plan- Costa Coffee-plot B ref 3606_PL304 (4/6)
Landscaping plan Costa Coffee –plot B ref 3606_PL305 (5/6)
Internal Queuing capacity – the Quadrant – plot B – Costa ref 007 rev A01 (6/6)

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 hours of 0500hrs - 2300hrs Monday to Sunday.

Reason: To accord with the applicant's stated intentions, in the interests of the amenity of the area and to accord with the objectives of Local Plan policy G1.

In determining this application the authority has taken account of the guidance in paragraph 38 of the National Planning Policy Framework (2018) in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the Borough.

24 PLANNING APPLICATION B 18 0348

Application for approval of reserved matters for the construction of retail unit (mixed use comprising class A3 and class A5) and 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, Wyberton, Boston, PE21 7TD

Mr Burney, Burney Estates Ltd

The Senior Planning Officer presented the report.

It was proposed by Councillor Alison Austin and seconded by Councillor Tom Ashton that planning permission be granted as recommendation by the Planning Officers.

Vote: 10 for, 1 abstention.

RESOLVED that planning permission be granted subject to the following conditions:

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_L01A (1/7)
- Proposed site plan – plot A ref 3606_PL500.1D (2/7)
- Proposed floor plan –plot A-Greggs ref 3606_PL505 (3/7)
- Proposed elevation- plot A-Greggs ref 3606_P506 (4/7)
- Proposed floor plan – plot A –Burger King ref 3606_PL507 (5/7)
- Proposed elevation –plot A-Burger King ref 3606_PL508 (6/7)
- Internal car parking and queuing capacity ref 011 rev A01 (7/7)

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

3. No development shall take place above ground level until full details of hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority. These works shall be carried out entirely in accordance with the approved details. The scheme shall include

- a) boundary treatment
- b) hard surface materials
- c) planting schedules (species, sizes densities)
- d) existing trees to be retained/removed

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. 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

5. The premises shall not be open to the public except between the following hours:

Burger King Opening hours

07.00 – 02.00hrs on Mondays to Saturdays and 11.00 – 00.00hrs on Sundays and bank holidays.

Greggs Opening hours

06.00 – 18.00hrs everyday

Reason: To accord with the applicant's stated intentions, in the interests of the amenity of the area and to accord with the objectives of Local Plan policy G1.

In determining this application the authority has taken account of the guidance in paragraph 38 of the National Planning Policy Framework (2018) in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the Borough.

25 PLANNING APPLICATION B 18 0207

Erection of showroom for sales and display of bathroom equipment and associated merchandise (Class A1), plus new car park and associated development

Land south of Wallace Way, The Quadrant, Wyberton, Boston, PE21 7TD

Parkland Developments

The Senior Planning Officer presented the report.

It was proposed by Councillor Jonathan Noble and seconded by Councillor Alison Austin that planning permission be granted as recommended by the Planning Officer with the addition of a further recommended condition, that use be limited to a kitchen/bathroom retail outlet.

Vote: 9 for, 2 against

RESOLVED that planning permission be granted subject to the following conditions:

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:

- Proposed block plan ref 2448-A3-07C (2a/3)
- Proposed plans, elevations and section ref 2448-A1-08C (3/3)

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

3. No development shall take place above ground level until full details of hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority. These works shall be carried out entirely in accordance with the approved details. The scheme shall include

- a. boundary treatment
- b. hard surface materials
- c. planting schedules (species, sizes densities)
- d. existing trees to be retained/removed

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. 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..

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

5. No development shall take place above ground level until details are submitted to and approved in writing by the Local Planning Authority that shows the provision and implementation of a flood warning evacuation plan. The flood warning and evacuation plan shall be carried out in accordance with the approved details

Reason: To reduce the risk of flooding and to accord with the objectives of Local Plan polciy G1 and the National Planning Policy Framework (2018)

6. No development shall take place above ground level until details are submitted to and approved in writing by the Local Planning Authority that shows the provision

of two cycle parking stands within the application site. The cycle stands as may be approved shall be installed before the retail unit is brought into use and retained thereafter.

Reason: To ensure the satisfactory provision of cycle stands within the site and to accord with the objectives of sustainable development as contained within the NPPF (2018)

7. The retail unit hereby approved shall only be used for the sale and display of bathroom and kitchen equipment and associated merchandise and the retail unit shall be not be used for any other purpose without the prior approval of the Local Planning Authority

Reason: In the interest of protecting the viability and vitality of the town centre, to accord with the details of the application and to comply with the objectives of the NPPF (2018)

In determining this application the authority has taken account of the guidance in paragraph 38 of the National Planning Policy Framework (2018) in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the Borough

26 PLANNING APPLICATION B 18 0323

Proposed erection of 1 no. two and a half storey dwelling, extended vehicular access and a new vehicular access

Land to rear of 29 Woodville Road, Boston, PE21 8AP

Mr S Penson, Habitat Residential Ltd.

The Senior Planning Officer presented the report.

Representation was received from Mr C Wicks, the applicant's agent. In summary, Mr Wicks' stated that this was a resubmission of the proposal following refusal of planning permission. The application had been revised and now proposed one dwelling instead of two and the reasons for refusing permission had been addressed. The proposed dwelling was not close to the highway; it would be set back from the road. There were two car parking spaces. The building height matched the heights of existing dwellings. It accorded with paragraph 64 of the NPPF. It was attractive and sympathetic. Flood risk issues had been overcome. The dwelling would have a long garden, 14 metres long, and no rear windows. The building would be higher than the dwelling at 1 Cherry Walk. The proposal was much improved from the previous application, the separation distances were satisfactory and there would be no loss of amenity. If this site was considered too small, there would many such gaps left undeveloped. The proposal was not dominating or intrusive and would not adversely affect the area. Mr Wicks added that the hedge on the site would be tidied up.

It was proposed by Councillor Brian Rush and seconded by Councillor Jonathan Noble that planning permission be refused in line with the Planning Officer's recommendation.

Vote: 10 for, 1 against

RESOLVED that planning permission be refused, as recommended by the Planning Officer, for the reason set out below.

The proposed dwelling, having regard to its position in relation to neighbouring dwellings and respective boundaries coupled with its height and design, will be out of character with the overall pattern of development in the area and will appear dominant, awkward and visually intrusive to the amenity of the neighbouring occupiers and will substantially harm the character of the area.

Consequently the proposed development will therefore contravene the objectives of Boston Borough Local Plan 1999 Policies G1, H2 and H3, the National Planning Policy Framework (2018) and Policies 2 and 3 of the South East Lincolnshire Local Plan 2011-2036.

Refused drawing numbers:

- Location plan ref 17-2382-P-02 Rev A
- Proposed site plan ref 17-2382-P-03 rev A
- Proposed plans and elevations ref 17-2382-P-01 rev E

In determining this application the authority has taken account of the guidance in paragraph 38 of the National Planning Policy Framework (2018) in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the Borough.

THE CHAIRMAN ADJOURNED THE MEETING AT THIS POINT IN THE PROCEEDINGS AND RECONVENED THE MEETING AT 2PM

27 PLANNING APPLICATION B 18 0337

Siting of a portakabin to provide office and kitchen area for a temporary 3 year period

Drayton Motors, The Drayton, Swineshead, Boston, Lincolnshire, PE20 3JN

Wilson & Co (Kia) Ltd

The Planning Officer presented the report and summarised the contents of a letter of objection received from the occupier of Corner Cottage, which had been received after the publication of the agenda pack and copied to Members prior to the meeting.

It was proposed by Councillor Peter Bedford and seconded by Councillor Tom Ashton that planning permission be granted as recommended by the Planning Officer.

Vote: 10 for, 1 abstention

RESOLVED That planning permission be granted 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 –

- Plan 1/3 – Site Plan
- Plan 2/3 – Block Plan (5653 Layout)
- Plan 3/3 – Proposed Site Layout Plan (TS.DM.2018.01.PC)
- Application Form

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. This planning permission is granted for a limited period only expiring 3 years from the date of this permission. The portakabin hereby permitted shall be removed and the land restored to its original condition.

Reason: The development hereby approved is not considered suitable as a permanent development to safeguard amenity and to comply with policies set out in the Boston Borough Local Plan 1999 in accordance with Policy G1.

In determining this application the authority has taken account of the guidance in paragraph 38 of the National Planning Policy Framework (2018) in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the Borough.

28 PLANNING APPLICATION B 18 0263

Demolition of existing dwelling and erection of terrace block of 6 no. three storey houses with new access and associated site works

118 Church Road, Boston, PE21 0LG

Mrs B Orrey

The Growth Manager presented the report and advised Members of a typographical error on page 125 of the agenda pack, where the measurement of allocated parking spaces should read 4.8 x 2.4m; sizes had been checked and it was considered very unlikely that there would be any overhanging of vehicles.

A letter of support had been received from the occupier of 80 Church Road, to the effect that they liked the design of the proposed houses, which would meet an existing demand, and most residents would walk into Boston. Also, it would put the site to good use, as it had been used by 'undesirables'.

Representation was received from Mr J Cartwright in objection to the application, the main points of which were:

- The fundamental issue causing concerns was that the proposed development was too large for the scale of the site leading to problems with privacy, parking, character of area and visual impact.
- The proposed 3-storey dwellings with little adjoining open ground would dominate surrounding properties, especially in Windsor Crescent. Residents spoken to felt it would reduce their privacy and sunlight significantly.
- Proposed car parking provision was insufficient; a total of 9 spaces against the Highway Authority's recommendation of 2 per house. As people often had 2 vehicles, the overspill would park outside the development, which is situated on the bend of a busy road.
- The proposal would have a negative visual impact; there were no 3-storey dwellings with flat roofs in the area; they were predominantly 2-storey with gable roofs; the proposed dwellings would be completely out of character.
- Outline planning permission granted on the adjacent site had been limited to 2 storeys to retain the character of the area.
- The site did require re-development, but this proposal was commercial in appearance and would adversely affect the area; there was no reason why the design should not match the existing dwellings.
- Living right by the site, no-one had been seen using the site or vandalising it and it was usually locked up.

Mr C Wicks, the applicant's agent, asked permission to circulate two copies of the proposal, purely because the slide shown by the Planning Officer was faint and the Chairman allowed this.

Representation was then received from Mr Wicks, summarised as follows:

- The existing house on the site was semi-derelict and used by vagrants and drug-users; this proposal represented an opportunity to improve the quality of the area.
- Planning permission had been given in the past for a large extension to the existing dwelling and it already had large windows overlooking the gardens to the rear in Windsor Crescent.
- The proposal was well-designed and contemporary with quality materials, satisfying SELLP Policy 3, and would inspire similar new development.
- Flood risk requirements would be met by lifting the terrace, which enhanced the main elevation.
- The building would be low-energy and highly sustainable and it would have charging points for cycles and cars.
- Car parking provision satisfied current guidelines and occupiers were unlikely to need 2 cars as the site was within walking distance of the town centre.
- The objectors to the rear already looked onto the existing dwelling and the majority of the windows to the rear of the proposed dwellings would be opaque; therefore, their situation would be improved by the proposal.
- No substantial harm would be caused by overlooking and separation distances satisfied guidelines.
- None of the consultees objected to the application.
- Landscaping to the frontage would soften the impact of the scheme.

It was proposed by Councillor Tom Ashton and seconded by Councillor Jonathan Noble that planning permission be refused on the grounds of harm to the general character of the area in terms of layout, density and appearance; being contrary to paragraphs 127 and 122 of the NPPF, which required development to fit well with the overall quality of an area and be in sympathy with it; and contrary to Policy H3,2 in that it was incompatible with the surrounding area in terms of layout, design, density and materials, and on the grounds of the adverse effect on the amenity of local residents.

Vote: 9 for, 2 against

RESOLVED That planning permission be refused, contrary to the Planning Officer's recommendation, for the following reasons:

The proposal, by virtue of its layout, density, appearance and the materials to be used in its construction, would be viewed as a scheme that would be unsympathetic to the surrounding development causing substantial harm to the general character and appearance of the area. Furthermore the proposal, due to its layout and density, would adversely affect the amenity of local residents. The proposals would therefore be contrary to Adopted Local Plan Policy H2 and the National Planning Policy Framework (2018)

29 PLANNING APPLICATION B 18 0137

Outline planning application for erection of 2 detached dwelling houses with details of access, with all other matters reserved

Land adjacent to Holly House, 84 Causeway East, Wyberton, Boston, PE21 7AR

Mr & Mrs D Bell

[Councillors Tom Ashton, David Brown and Yvonne Stevens left the room for the entire consideration of this application.]

The Growth Manager presented the report. Since the agenda was published a Flood Risk Assessment had been received. There was nothing new of significance within the Flood Risk Assessment compared to the requirements already highlighted by the Environment Agency except that it identified that the ground floor should be 150mm above existing ground levels, which would only be a slight increase in height.

The site was on a 60 mph road with a sharp turning. The Highway Authority had originally objected to the application; however, the applicant had undertaken traffic surveys that indicated that the speed limit could be effectively reduced to enable the necessary visibility splays to be provided, potentially, a 30 mph limit could be considered requiring a 43-metre visibility splay. Visibility splays of 65 metres would be required for a speed limit of 40 mph and it was not possible to provide this. The necessary works, requiring further surveys and assessments by the Highway Authority would be required through a Section 106 Planning Obligation, which had not yet been negotiated and, therefore, this was one of the reasons that Planning Officers recommended that planning permission be refused. If the application was approved it would have to be

subject to completion of this agreement if it was considered that the speed limit needed reducing.

Representation was received from Mrs S Bell, one of the applicants, which included:

- The proposal would be part of a much larger development once the Quadrant was completed and Wyberton had all amenities, including a primary school etc, as well as a social club and playing field across the road.
- The site was within a short distance of regular bus services into Boston just two miles away; the site was sustainable, not remote.
- There was footway and roadway lighting.
- The traffic survey on the road indicated that vehicles averaged 760 per day with an average speed of 28 mph. This information had only become available in September and they had no problem entering into an agreement on this issue.
- The property had been rebuilt and it appeared there had been intention of infill.
- Planning permission for a house immediately opposite had been granted four years previously, as yet unbuilt.
- The Planning Officer's report at paragraph 7.4 stated that "the NPPF therefore effectively replaces the housing supply policies in the Development Plan meaning that the weight to be attributed to Policy C01 'Development in the Countryside' is negligible".
- The two plots would be amongst semi-mature trees so landscaping would be unspoilt.
- By gaining an additional access onto the road, the existing access would be used less, which represented a planning gain and it was only 10 metres from the bend compared to the proposed access being 50 metres from it.

The Legal Advisor explained that, should the Committee be minded to approve the application, it would need to be subject to a Section 106 Agreement to apply for a Traffic Regulation Order to reduce the speed limit on the road because the required visibility splay could not be provided due to the site being on a corner.

It was proposed by Councillor Jonathan Noble and seconded by Councillor Michael Cooper that planning permission be granted subject to a Section 106 Agreement to apply for a Traffic Regulation Order to reduce the speed limit on the road, plus standard conditions, a condition limiting development to two dwellings and setting the parameters for the height of the dwellings, a Flood Risk Assessment and any other appropriate conditions identified by the Planning Officers.

The reasons for granting planning permission were put forward by the Councillors were that it satisfied the NPPF in terms of the three criteria for economic, social and environmental development; it was in a sustainable location; and there was built form on either side of the proposed dwellings; and the proposal contributed to the housing supply.

Vote: 5 for, 3 against

RESOLVED That planning permission be granted, contrary to the Planning Officer's recommendation, subject to the completion of a Section 106 Legal Agreement to apply for a Traffic Regulation Order to reduce the speed limit on Causeway East to 30 mph, and subject to the following conditions:

1. No development shall commence until details of the layout, appearance, 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 51 of the Planning and Compulsory Purchase Act 2004.

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 51 of the Planning and Compulsory Purchase Act 2004.

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 51 of the Planning and Compulsory Purchase Act 2004.

4. The development shall proceed fully in accordance with the following approved plans:

- * 'Location Plan' (1A/6)
- * 'Access Details – Visibility Splay Details' (5/6)

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 shall be carried out in accordance with the submitted Design and Access Statement, in particular, the ground floor of the dwellings shall be used only for garaging, utility room, WC and garden store room, with all habitable accommodation at first floor or above.

Reason: To reduce the risk and impact of flooding to the dwellings and future residents and to accord with the intentions of the NPPF (2018).

6. 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 extensions to provide additional habitable/living accommodation shall be erected.

Reason: To reduce the risk and impact of flooding to the dwellings and future residents and to accord with the intentions of the NPPF (2018).

7. Prior to the commencement of the residential use of either dwelling final details of the boundary treatment to be used, in terms of its position, height, design and

materials, shall be submitted to and approved by the Local Planning Authority. The boundary treatment shall be erected as per the approved details prior to the commencement of the use of the dwelling it will serve.

Reason: To protect the amenity of future occupiers of the dwellings and the amenity of occupiers of neighbouring dwellings in accordance with Adopted Local Plan Policy G1.

8. No more than 2 dwellings shall be constructed on site.

Reason: To define this permission, in the interests of residential amenity and highway safety and to accord with the objectives of Local Plan policies G1, H3 and G6.

9. The maximum ridge height of the proposed dwellings shall not exceed 9.0m.

Reason: To protect the character and appearance of the countryside and to ensure that the proposed dwellings assimilate well with adjacent dwellings and to accord with Adopted Local Plan Policies G1 and H3.

[Councillor Brian Rush left the meeting at 3.20 pm. Councillors Tom Ashton, David Brown and Yvonne Stevens returned to the meeting at this point.]

30 APPEALS REPORT

The Growth Manager presented a report, which advised Members of the receipt of the appeal decisions in respect of Planning Application B/17/0373, Change of use from existing residential space to form shop/off licence, 120 Skirbeck Road, Boston, PE21 6DG. Officers had made a delegated decision to refuse the application.

The decision of the Planning Appeal Inspector had been to dismiss the appeal. A copy of the Inspector's decision was attached to the report.

Action: LH

Provide a breakdown of appeal results in terms of Committee decisions and decisions made by officers with delegated authority.

31 PLANNING APPLICATION VALIDATION CHECKLIST

The Growth Manager presented a report, which set out proposed planning application validation checklists.

Planning applications required information to be provided by the applicant in order for the proposal to be considered against national and local plan policies as well as other material considerations. The Government set out within the National Planning Practice Guidance (Paragraph: 016 Reference ID: 14-016-20140306) the information required to be submitted for an application to be valid (including application form, fee, site and location plans). However, other information was more often than not required, such as floor and elevation plans, flood risk assessments, planning statements etc. This information was not statutorily required to make an application valid and was currently

requested by the Council if not submitted with the application after the application was notified to neighbours and Councillors on the weekly list.

This could cause delay in the determination of the application. The Growth and Infrastructure Act 2013 enabled local planning authorities to adopt a 'local list' of requirements. This, the National Planning Policy Framework 2018 and Planning Practice Guidance, required Local Planning Authorities to only request information that was relevant, necessary and material to the development proposed and to review their validation checklist every 2 years in order to be able to rely on information requirements within their local list.

A local list had been prepared for planning applications detailing the information required for the differing types of proposals that might be submitted to the Council, as well as detailing when the relevant information would be required. A shortened, and simpler, version had been created for householders.

The Council currently validated planning applications in accordance with the national list. This required very little information to be submitted in order to make an application valid. This led to delay in the processing of many applications, frustration for people partaking in the planning process as well as increasing costs for the Council. Adopting a local list of application requirements would overcome this and was considered to outweigh any disadvantages.

Vote: Unanimous

RESOLVED That:

- **The proposed planning application validation checklists be agreed;**
- **The proposed checklists be subject to consultation for a minimum of 6 weeks (in accordance with government guidance) to statutory consultees, agents, developers and town and parish council's; and**
- **A report on the summary of consultation responses be presented to Planning Committee**

32 DELEGATED DECISION LIST

The delegated decision list for 1st to 28th September 2018 was noted.

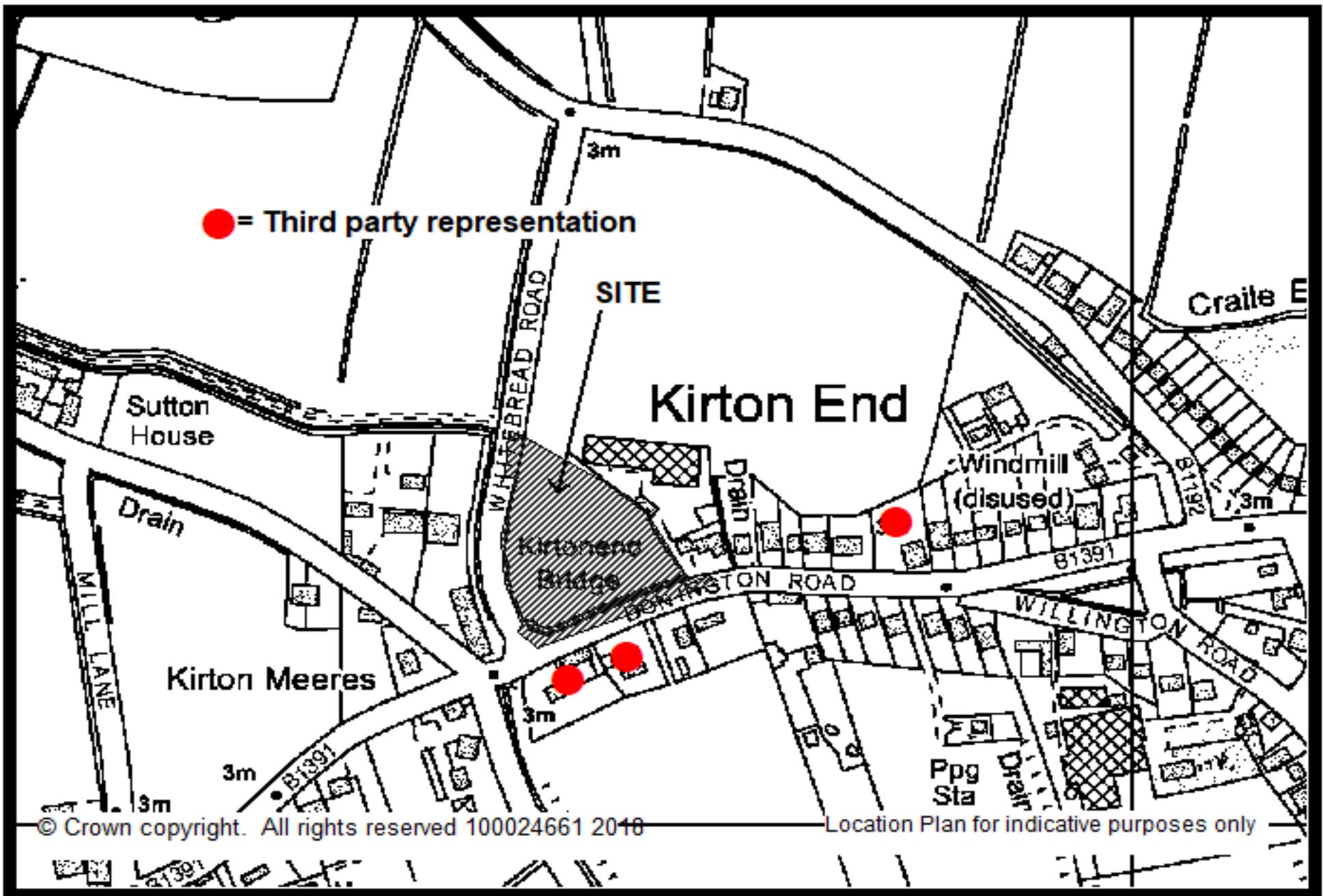
The Meeting ended at 3.32 pm

PLANNING APPLICATION B/18/0346

Outline application for residential development
(up to 8 dwellings) with all matters reserved for
later approval

Land west of Millview, Donington Road,
Kirton End, Boston, PE20 1NX

Applicant: Mr Carl Bates



● = Third party representation

SITE

Kirton End

Sutton House

Craile E

Windmill (disused)

Drain

Kirton End Bridge

Drain

BUXTON ROAD

B1391

Kirton Meeres

WILLINGTON ROAD

3m

Ppg Sta

Drain

3m

3m

3m

3m

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Location Plan for indicative purposes only

BOSTON BOROUGH COUNCIL

Planning Committee - 13 November 2018

Reference No: B/18/0346

Expiry Date: 12-Oct-2018
Extension of Time:

Application Type: Outline Planning Permission
Proposal: Outline application for residential development (up to 8 dwellings) with all matters reserved for later approval

Site: Land west of Millview, Donington Road, Kirton End, Boston, PE20 1NX

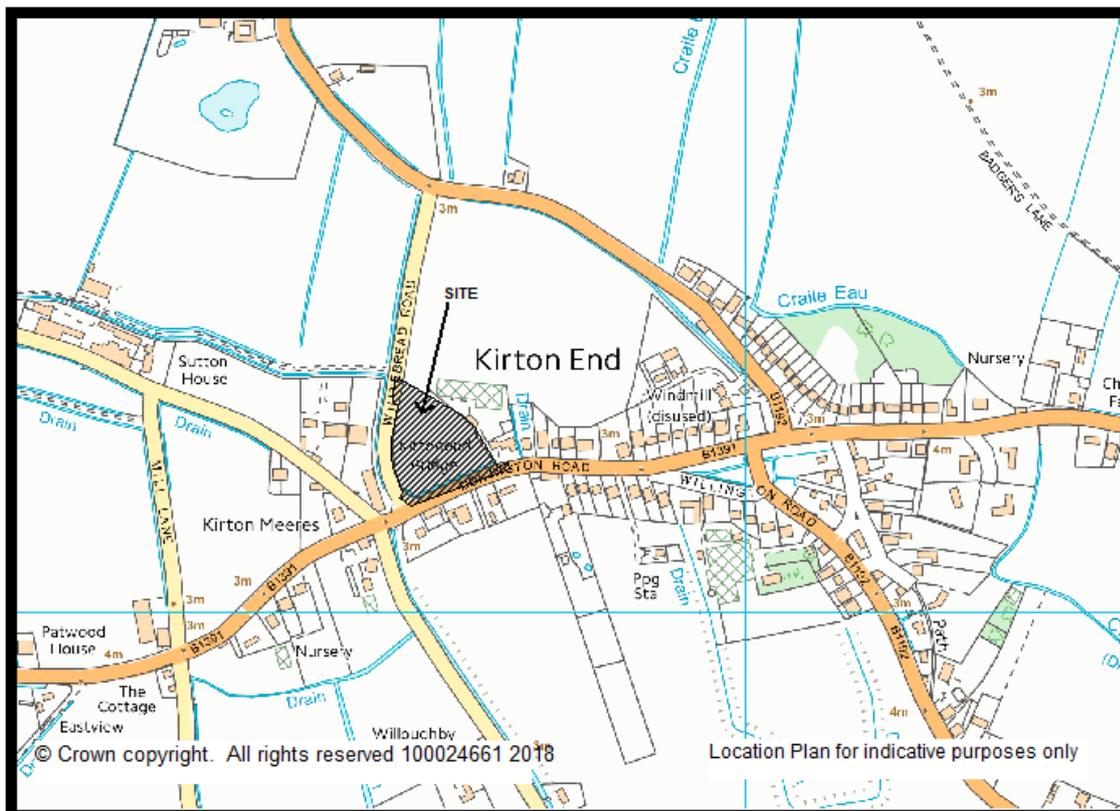
Applicant: Mr Carl Bates
Agent: Mr Chris Dwan, DLP (Planning) Ltd

Ward: Kirton & Frampton Parish: Kirton Parish Council

Case Officer: Trevor Thompson Third Party Reps: 11

Link to application: [B/18/0346](#)

Recommendation: MINDED TO REFUSE



1.0 **Reason for Report**

1.1 This application has been presented to the Planning Committee at the request of Councillor Brown. The reason for the request is 'due to the emerging policies within the SELLP'

2.0 **Application Site and Proposal**

2.1 The application site occupies about 0.96 hectares of agricultural land. It is located within countryside as defined in the Boston Borough Local Plan and outside the settlement boundary of Kirton End. The site is located to the west of this settlement, towards the junction of Donington Road and Whitebread Road.

2.2 The site's southern boundary fronts onto Donington Road and the site's western boundary fronts onto Whitebread Road. To the north of the site there is a large glasshouse which forms part of the Millview Nursery and beyond the glasshouse lie agricultural fields. Immediately adjacent to the site to the east, there is a dwelling known as 'Millview' which forms part of the Millview Nursery.

2.3 There are residential properties within the immediate vicinity of the site, on the opposite side of Donington Road to the south and either side of the site, both to the east and west.

2.4 This application seeks outline planning permission for residential development (up to 8 dwellings) with all matters reserved for later approval. The application is accompanied by an indicative layout plan that shows how the site could be developed. It is proposed to construct a new vehicular access off Donington Road to serve this development plus a new estate road. Given flood risk constraints, it is intended to raise the ground floor levels of the proposed dwellings 0.5m above average ground levels.

2.5 An amended plan has recently been submitted which shows an extended site boundary and includes a section of land in front of 'Millview' to accommodate the footpath link between the site and the existing footway network. This matter is discussed in detail below.

3.0 **Relevant History**

3.1 In 2003 an application for residential development on part of this current application site was refused. The application was for four residential plots fronting Donington Road. The application was refused given the site's location within countryside and outside of the settlement boundary. It was considered that the application was contrary to Local Plan policies C01 and C013. (ref B/03/0525)

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). Section 38(6) of the Planning and Compulsory Purchase

Act 2004 requires that determination must be made in accordance with the plan unless material considerations indicate otherwise.

- 4.2 The land is designated as countryside within the Adopted Local Plan 1999.
- 4.3 The saved Local Plan Policies of relevance to this application are as follows:
- G1 – Amenity
 - G2 – Wildlife and Landscape Resources
 - G3 – Surface and Foul Water Disposal
 - G4 – Safeguarding the Water Environment
 - G6 – Vehicular and Pedestrian Access
 - H3 – Quality of Housing development
 - T2 – Roads and Footpaths in New Developments
 - CO1 – Development in the Countryside

National Planning Policy Framework (2018)

- 4.4 The NPPF (2018) replaces the NPPF (2012) version. At the heart of the new framework is a presumption in favour of sustainable development. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and should not be taken in isolation. As with the former NPPF, these overarching objectives are economic, social and environmental. The sustainability credentials of this development with regard to these three objectives are discussed in detail further below.
- 4.5 Paragraph 9 of the Framework indicates that:
- ‘These objectives should be delivered through the preparation and implementation of plans and the application of the policies in this Framework; they are not criteria against which every decision can or should be judged. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area’.
- 4.6 Paragraph 11 of the NPPF indicates that plans and decisions should apply to a presumption in favour of sustainable development. It adds that for decision making, this means :
- c) approving development proposals that accord with an up-to-date development plan without delay; or
 - d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

- 4.7 The Council does not have a 5 year supply of housing and therefore policies relevant to the supply of housing are out of date. The tilted balance in paragraph 11 of the National Planning Policy Framework (NPPF) is therefore engaged and on this basis there is a presumption in favour of sustainable development which presumes in favour of the grant of permission unless harm significantly and demonstrably outweighs the benefits of the scheme.
- 4.8 With regard to rural housing, paragraph 78 of the NPPF is relevant. It indicates that 'To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby'.
- 4.9 Section 9 of the NPPF relates to transport issues. Paragraph 103 states:
- 'The planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.'

South East Lincolnshire Local Plan 2011-2036 (SELLP)

- 4.10 Kirton End is defined as 'Other service centre and settlement' within the South East Lincolnshire Local Plan. It is anticipated that the South East Lincolnshire Local Plan will likely be adopted before the end of this year. Therefore the policies contained within this document are attracting increasing weight. Objections have not been received in relation to the settlement boundaries and therefore weight can be attributed to Policy 1 (Spatial Strategy) as set out within the Main Modifications. This policy allows development within settlement boundaries that supports its role as a service centre for the settlement itself, helps sustain existing facilities or helps meets the service needs of other local communities. It adds that development will normally be limited to committed sites and infill.
- 4.11 Thus the fact that the site lies outside the village envelope of Kirton End as identified in the SELLP attracts significant weight.
- 4.12 Part D: Countryside of policy 1 also applies and states:
- "In the Countryside development will be permitted that is necessary to such a location and/or where it can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community or environmental benefits."
- 4.13 Paragraph 48 of the NPPF states:
- Local planning authorities may give weight to relevant policies in emerging plans according to:

- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- b) 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
- c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

5.0 Representations

5.1 As a result of publicity 11 representations have been received from the occupiers of the following properties:

- 255 Willington Road
- 287 Willington Road
- The Lindens, Willington Road
- 261 Willington Road
- 12 Holmes Road (x2)
- Kefs, Donington Road
- The Bridge, Donington Road (x2)
- 11 Thomas Middlecott Drive, Kirton

5.2 In addition, one letter of objection has been received from a local objection group known as KEROTD (Kirton End Residents Opposed to Development). The letter was submitted by the occupier of 'The Bridge', Donington Road and has been signed by the residents of 'Bridge House', 'The Bridge', 'Sunnycroft' and 'Kefs', Donington Road. The comments contained within this letter of objection constitute a material consideration.

5.3 Two of the submitted letters from the occupiers of 11 Thomas Middlecott Drive and 287 Willington Road are in support of this application; the remaining 9 letters are in opposition to this scheme.

5.4 One of the supporters of this application considers that more housing is required to re-invigorate the village and to bring more people in the village. The supporter adds that the proposed eight dwellings is reasonable and modest. The other supported 'welcomes' the development.

5.5 The letters of objection which may be summarised as follows:

Impact on residential amenity

- Loss of privacy especially since existing ground levels are to be raised and that the site is higher than the land on the opposite side
- Development will appear dominant
- Vulnerability to overlooking- potential for breach in GDPR legislation

South East Lincolnshire Local Plan

- Development is contrary to the SELLP. Site was assessed as part of the South East Lincolnshire Strategic Housing Land Availability Assessment and was considered unsuitable due to the proposed plan's location strategy, adverse environmental impact and poor location. This assessment contains significant flaws with regard to transport and sustainability
- Concerns that this scheme is the first application for further development in Kirton End

Highway safety, public transport and accessibility

- There is no footpath into Kirton and the public transport is limited to school buses and the call -connect bus service which is not a 'commuter service'. There are serviceability and suitability issues relating to the call- connect service. Future residents would be car dependent. Submitted Transport Statement is misleading and flawed.
- Impact on road safety. Traffic hazard on an already busy road with too high speed limit. 40mph is too high. Traffic generation will increase and this stretch of road has been subject to a number of 'near misses'
- Concerns over adequacy of existing street lighting and visibility
- The roads either side of the proposed development are not very wide
- Proposed access is next to 4 access points, close to a blind bend in the road. Donington Road now carries far more freight traffic than any time before. Traffic from the west on Donington Road frequently exceeds the speed limit and is at times heavy.
- Many large vehicles use this road, particularly farm traffic especially when entering or leaving the farm track opposite the proposed new access
- Three properties off Whitebread Road would be safer though road widening would be necessary.
- There is no footpath to the nearest locality, cycling has significant dangers and public transport is ineffective. There is no footpath on the side of the road fronting the site and potential residents would have to cross the road to access the footpath on the other side and then cross back over the highway a second time to continue to Kirton End
- Concerns regarding provision of adequate road signage, traffic calming, street lighting and damage to roads (and private property) during construction
- There is an over reliance on cycling provision in the submitted details. Concerns about the sustainability credentials of the development, including the safety and ability of future residents (and children) needing to cycle to local facilities outside of Kirton End
- Concerns that future occupiers would have 2 cars per property may result in parking overspill when potential residents have visitors

Impact on the character of the area

- Development is unnecessary and will change the 'feel' of Kirton End. It will not enhance the area, create a visual scar and development will impact the character and pattern of development in the area since properties in this area are much more wider spaced. Development does not relate well to the existing built form of Kirton End or Kirtonend Bridge
- Proposal will appear cramped in. Density not in character with village

- Proposed estate and layout will be out of character and does not accord with local vernacular, cultural landscape or historic growth. Diversity of building stock in Kirton End is unique.
- The village has more than enough developments for its size.
- Concerns over precedent and approval of this application will encourage applications for further development to the north of the site

Loss of agricultural land

- Site needs to be retained as agriculture. This application would result in the loss of grade 1 agricultural land and subsequent loss of food supply

Infrastructure, amenities and facilities

- There is no infrastructure in the area, services or amenities. Sewage system will not be large enough to accommodate more houses. Concerns regarding surface water run off
- Services such as water, sewerage, drainage and electricity are likely to be degraded
- Kirton End is not a village and lacks the necessary criteria to render it a village since it does not contain a church, shop, public house, public telephone, post office, primary school or police house.

Affordable housing

- Concerns over affordability. Planning Statement indicates that this scheme is for affordable housing. No details of how affordable housing units will be provided and lack of affordability guarantees. Proposed development will not be affordable houses given nature of development and concerns over long term mechanisms to ensure the delivery of affordable housing for rent or purchase.

Note: This application does not include the delivery of any affordable units

Broadband

- Broadband speeds in Kirton End are low and further development in the village would further effect broadband speeds

Article 8 of the European Convention of Human Rights

- Boston Borough Council has a duty of care to local residents beyond public liability under Article 8 of the European Convention of Human Rights and potentially under The Data Protection Act and the GDPR. Liability is extended under protocol 1 of the European Convention of Human Rights through the Road Traffic Act and Town and Country Planning Act.

Public consultation

- Lack of community engagement. No effort was made by the applicant to carry out public communication regarding the application. Lack of community protection

Need

- Significant number of undeveloped plots in and around Boston which have been approved and not yet developed
- Number of properties in the area have taken a significant time for the sale to proceed given lack of demand

Planning history

- The previous application on part of the subject site was refused partly on the grounds of impact on the character of the rural area. The build character of Kirton End has not changed since then and the grounds for refusing the application remain.
- Planning circumstances relating to the recent approval of the new dwelling off Willington Road are different to this application

Clarity

- The lack of clarity over the minimum number of dwellings to be built. Applicant must be more definitive over the intended number of dwellings proposed. Concerns over applicant's future intentions regarding this proposal.

Note: This outline application is for **up to 8 dwellings**. The number, siting and design of the dwellings are reserved for later approval.

6.0 Consultations

6.1 Kirton Parish Council has made the following comments:

'goes against planning whereby building on agricultural land should only be when needed for farmworkers. – not in keeping with area. – number of dwellings is not consistent in the paperwork. – not within the village envelope. – not sustainable Village'.

6.2 County Highways Authority initially raised objections to the application but following the submission of additional details, the County Highway Authority has now no objections subject to three conditions.

6.3 Environment Agency initially raised objections to the application but following the submission of an amended Flood Risk Assessment, the Environment Agency has now no objections subject to one condition that relates to finished floor levels.

6.4 Black Sluice Internal Drainage Board has no objections but recommends that the proposed surface water scheme is submitted for approval.

7.0 Planning Issues and Discussions

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

- Principle of development and policy interpretation
- Loss of agricultural land
- Density

- Impact on highway safety
- Impact on residential amenity
- Impact on the character and appearance of the countryside
- Sustainability
- Flood risk
- Other matters
- The planning balance

Principle of development and policy interpretation

- 7.2 The Council published and updated its assessment in relation to its 5-year housing supply (Assessment of 5-year housing land supply as at 31 March 2018). Depending upon whether the Liverpool or Sedgfield method of calculating housing requirement is used, there is currently an oversupply using the Liverpool method or undersupply using the Sedgfield Method. However, the report identifies that until the housing identified within the emerging plan can be counted as contributing towards the housing land supply the Sedgfield method should be used. Therefore, the Borough does not have a five year housing land supply.
- 7.3 The NPPF supports sustainable housing development in rural areas. Although the Framework does not refer to settlement boundaries it does seek to recognise the character and beauty of the countryside. Policy G2 of the Local Plan seeks to resist development which would have an adverse effect on the existing landscape and Policy G1 seeks development which does not substantially harm the general character of the area because of its scale, density, layout or appearance. These aims are consistent with the Framework.
- 7.4 As indicated above, the site is at the edge of the village envelope, outside of the settlement boundary as defined in the Local Plan. Local Plan policy C01 primarily seeks to resist development in the countryside unless supported by other Local Plan policies.
- 7.5 As indicated above the lack of a five year supply of housing land means that any Local Plan policies that are to do with housing supply are 'out of date'. The weight attached to such policies and their breach still falls to be determined in the planning balance.
- 7.6 The fact that the proposed development would be located in the countryside does not necessarily by itself make it unacceptable in principle. Instead, such applications for housing schemes within countryside locations are now assessed more generally in relation to the objectives of Local Plan policies G1 and H3 which resists development which will cause substantial harm to the amenity and character of an area which promotes quality housing schemes. However, as indicated above, the application site is outside of the Kirton End village settlement boundary as defined in the SELLP and significant weight should now be applied to SELLP policy 1.
- 7.7 Local Plan Policy H3 refers to the Quality of Housing Development and there are similar criteria to those in Policy H2 in terms of judgments of character and compatibility. Policy H3 would not permit housing if it is close to an existing use which is likely to cause environmental problems to future residents; and subsection 4) resists developments which would cause or aggravate adverse traffic conditions on the highway network.

- 7.8 In terms of the principle of development, the main issues are therefore whether the proposed development would be acceptable having regard to policies concerning the location of new housing, whether it promotes a sustainable form/pattern of development and whether the development will harm the character and appearance of the area.

Loss of agricultural land

- 7.9 The application site covers over 0.9 hectares of agricultural land and concerns have been expressed by neighbours with regard to loss of agricultural land. Paragraph 170 of the revised NPPF (2018) advises that decisions should contribute to and enhance the natural and local environment, amongst other things by:

a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);

b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.

- 7.10 There are no saved Local Plan policies to do with the protection of agricultural land.
- 7.11 Officer opinion is that it is clearly inevitable that high quality agricultural land will always be under pressure for development when much of the land surrounding Boston is high quality agricultural land, there are no remaining housing allocations in the Local Plan and that there is not a five year land supply. Furthermore the loss of grade 1 agricultural land was not a reason to refuse the application for the large housing scheme at Middlegate Road, Frampton last year and the planning Inspector dealing with the appeal at land off St Swithins Close, Bicker concluded that 'the proposal would result in a loss of the best and most versatile agricultural land but it is unlikely that the Council's housing supply could be remedied without such a loss'.
- 7.12 It is considered that the loss of grade 1 agricultural land counts against this application in the planning balance but it is not considered that it will pose as a major constraint to this development.

Density

- 7.13 The application site occupies 0.96 hectares and it is proposed to construct up to 8 dwellings on the site. This would equate to around 8 dwellings per hectare. The density within the immediate proximity of the site is also very low at about the same density.
- 7.14 Paragraphs 122 and 123 of the revised NPPF are relevant and states, in part:

'Planning policies and decisions should support development that makes efficient use of land, taking into account:

- a) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;
- b) local market conditions and viability;
- c) the availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;
- d) the desirability of maintaining an area’s prevailing character and setting (including residential gardens), or of promoting regeneration and change; and
- e) the importance of securing well-designed, attractive and healthy places (para 122).

Where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site....’ (para. 123).

- 7.15 It is considered that the proposed density of around 8 dph is acceptable in this edge of village location.

Impact on highway safety

- 7.16 It is intended to construct a new vehicular access onto Donington Road which is a class B single two lane carriageway. The stretch of road fronting the site is subject to a 40mph speed limit. There is no footpath on the northern side of Donington Road immediately fronting the site but there is a footpath next to the site fronting ‘Millview’ which leads to the village. There is also a stretch of footpath on the opposite side of the road although this footpath is limited in length and does not provide a direct link to the village. Access does not form part of this application and is a matter reserved for later approval. The indicative layout plan provides an indication of where the new access will be located and shows an extension to the existing footway on the north side of Donington Road into the site that will provide a link to the existing footpath network in Kirton End. An amended plan has now been submitted which shows an extended site boundary and includes a section of land in front of ‘Millview’ to accommodate the proposed footpath link.
- 7.17 Concerns have been expressed by some neighbouring residents about the impact this development may have on highway safety. Given the small scale and nature of the proposed development, it is unlikely that car trips or traffic generation to and from this development would be excessive, nor would such journeys likely to be made at the same time.
- 7.18 The applicant considers that the impacts on the transport network, in terms of trips by all modes of transport and the effect on capacity, congestion and highway safety will not be significant or of a level that would warrant mitigation. On this basis, the applicant adds, the impact is not severe.
- 7.19 The County Highway Authority initially raised objections to this application. However, following the submission of additional details, the County Highway Authority has now no objections subject to three conditions including one that

requires the provision of a new footway from the site to link with the existing footpath network.

Impact on residential amenity

- 7.20 Local Plan Policy H3 of the Local Plan would resist new housing which does not provide pleasant, secure environments for residents; are incompatible with the existing character of the area; are close to an existing use which is likely to cause environmental problems to future residents; or will cause or significantly aggravate adverse traffic conditions on the public highway. Policy G1 is the general development control policy which has some overlap with Policy H3. The test in the policy is that permission would only be granted if a proposal will not 'substantially harm' amenities of neighbours or the general character of the area.
- 7.21 There are residential properties within the immediate vicinity of the site and the occupiers of some of these properties may be affected by the proposed development to some extent with particular regard to loss of privacy, overlooking, impact on visual outlook and traffic generation, both pedestrian and vehicular.
- 7.22 It is true to say that the presence of new buildings on open land where none exists at present will be intrusive and have, to some extent, an impact on the amenity of the neighbours. It is also equally true that this development will generate both pedestrian and vehicular traffic also which may have some impact on residential amenity.
- 7.23 However, Donington Road is a busy road and it is likely that any increase in traffic noise as a result of this development will be negligible compared to the noise being generated by existing traffic movements. Furthermore although there may be noise disturbance that would be caused by additional traffic during the construction of the development, it is considered that it will not cause substantial harm sufficient to warrant refusal of the application. A condition may be imposed on any permission granted which requires the submission of a traffic management statement which seeks to minimise traffic congestion and impacts on residential amenity during the construction period.
- 7.24 Matters relating to scale, layout and appearance are reserved for later approval though the application is accompanied by an indicative plan which shows how the site could be developed. The plan demonstrates that it is possible to provide a good quality layout and satisfactory separation distances between proposed and existing dwellings to ensure residential amenity of existing occupiers could be maintained. Clearly there is plenty of land within the site to modify this layout to increase separation distances from existing neighbouring properties if required. Although it is intended to raise slab levels of the proposed dwellings 0.5m above average ground levels to meet flood risk constraints, this should not pose as a significant constraint to deliver a satisfactory form of development which does not substantially harm residential amenity.
- 7.25 Overall, it is considered that subject to a good quality housing scheme which may be submitted at reserved matters stage, this site is large enough to satisfactorily accommodate a sensitively designed residential development without causing substantial harm to residential amenity and therefore will not be contrary to Local Plan policies G1 and H3.

Impact on the character and appearance of the countryside

- 7.26 The site occupies 0.96 hectares and consists of flat, open agricultural land located at the western edge of the village. The site may be described as rural, bounded by roads to the south and west, open drain on the south with low tree cover and devoid of landscape feature of value. The site is not brownfield land and is not high environmental value given it is not nationally or locally designated as a protected site of having any landscape value. There are no public rights of way which cross the site so public views of the site will be largely from Donington Road, Whitebread Road and Holmes Lane. The site is therefore of low recreation value but may provide some local value and the site may provide some visual amenity to the occupiers of neighbouring residents. Overall, it may be argued therefore that the site has low to moderate landscape value.
- 7.27 Clearly the effect of the proposed development on visual amenity and the character of the area is a subjective issue. The development of the site will encroach significantly beyond the settlement limits of Kirton End by about 100m or so and it may therefore be argued that the development will represent an alien and awkward projection into countryside that would substantially harm the character of the area, the pattern of development and would undermine the existing landscape value of the area, contrary to policy.
- 7.28 The development of this site will clearly change the open characteristics of the area, essentially from an agricultural use devoid of any buildings to a small estate development which may be considered to be at odds with the nature, character and pattern of development within this rural environment. The residential appearance is often further emphasized by domestic paraphernalia, sheds, outbuildings etc. which area often found within such urban environments which may appear alien within this countryside setting.
- 7.29 Alternatively, it may be argued that the proposed development reasonably links the western parts of the village to the collection of dwellings and commercial properties at Kirton End Bridge and therefore consolidating the form and pattern of development within this part of the village.

Sustainability

- 7.30 The Framework sets out three dimensions and roles of sustainable development i.e. social, economic and environmental. In addition, one of the core elements of the NPPF is that patterns of growth should be properly managed and to make the most effective use of public transport, cycling and walking. Paragraph 8 of the Framework explains that these three roles should not be undertaken in isolation because they are mutually dependent.
- 7.31 The application site is at an edge of a village which is identified within the SELLP as an 'Other service centre and settlement'. There are no main facilities within Kirton End and there is no footpath with street lighting which connects Kirton End to Kirton which is a main village with many facilities. It is likely therefore that there would be a need for the future occupiers of the proposed dwellings on this site to travel by motor vehicle outside of the settlement to access other key services in Boston and Kirton, especially during winter months when walking or cycling to and from Kirton is far less likely and not entirely safe. The NPPF however indicates

that 'opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making'. Given the rural nature of the site, it may be argued that the site is within an unsustainable location and this may count against the application.

- 7.32 In social terms, residential development of the site for up to eight dwellings would make a moderate contribution towards the supply of housing in the area. The NPPF identifies the social objectives as the provision of a sufficient number and range of homes, safe and well-designed development, accessible services and open space that support communities' health, social and cultural well-being. The development would accord with paragraph 8 of the Framework since this scheme will provide some, limited social benefit in terms of helping to meet the housing supply shortage.
- 7.33 In economic terms, the proposal would provide employment at construction stage and may support local businesses and the local wider economy both during construction and when the dwellings are occupied. The approval of this application would however result in the loss of agricultural land which weighs against this proposal in economic terms. However such loss of agricultural land as a result of this development has limited weight and on balance it is considered that the development would meet the economic dimension of sustainable development.
- 7.34 The environmental dimension of the NPPF aims to protect and enhance the natural, built and historic environment and biodiversity. In environmental terms, it is considered that the proposed development will extend beyond the built up part of the village which will represent an awkward and alien encroachment within countryside. The proposed development would not constitute 'rounding off' of this part of the village envelope or 'infill' development and any approval of this application would lead to a consolidation of a group of buildings within countryside location and adjacent to a settlement boundary. The buildings and other domestic paraphernalia would also create an urban environment which will erode the character of the countryside and the surrounding environment. The resultant effect would therefore not meet the environmental thread of sustainable development.

Flood risk

- 7.35 The application site is located within Flood zone 3 of the Environment Agency's Flood Zone Map. The application is accompanied by a Flood Risk Assessment which has been amended since the application was originally submitted given objections raised by the Environment Agency. The revised FRA recommends that finished floor levels should be raised 0.5m above the average level of the site. It is intended that surface water flows will discharge to Kirton Drain subject to agreement with the Black Sluice Internal Drainage Board. The Environment Agency has no objections subject to one condition.

8.0 Other matters

- 8.1 As indicated above, the applicant has recently submitted an amended location plan that shows an extended site boundary. The revised site boundary now includes some additional land at the front of the site that is outside of the

applicant's ownership. In accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 the applicant has served the appropriate notice on the landowners which includes the Lincolnshire County Council on the 29th October 2018 and has submitted a Certificate B. The recipients have 21 days from this date to make any representations to this Council. This means that no formal decision can be made on this application until after the 19th November 2018

9.0 The Planning Balance

- 9.1 There are issues which weigh both in favour and against this application and one of the main issues is therefore whether the adverse impacts outweighs the benefits given the objectives of policies contained within the Local Plan, the relevant policies contained in the SELLP and the presumption in favour of sustainable development as contained within the NPPF (2018).
- 9.2 The application site is outside of the village envelope as contained within both the adopted Boston Borough Local Plan and the emerging South East Lincolnshire Local Plan, in an area where new development is strictly controlled. It may also be argued that the application will represent an awkward and alien encroachment within countryside and will substantially harm the amenity and rural character of the area. On this basis, the application is therefore contrary to Local Plan policies G1, G2 and C01. It is also contrary to Policy 1 of the SELLP and the environmental dimension of sustainable development.
- 9.3 Furthermore, this development will result in the loss of prime agricultural land and may have some impact on the amenity of neighbouring occupiers and highway safety. These factors weigh against this application.
- 9.4 Alternatively this scheme will provide some benefits. The proposed development will provide up to eight new homes thereby contributing to the supply of housing in the Borough and in the village. There would also be economic benefits in terms of customers and employees for local businesses and economic benefits associated with construction and employment generation. However, the combined benefits arising from this proposal would be moderate in scale. Furthermore, it may be argued that this development would consolidate the western part of the village to the existing group of buildings at Kirton End Bridge and therefore, subject to good quality housing scheme coupled with a structured comprehensive landscaping scheme, the environmental impact of this development would be more positive rather than negative. It may also be argued that Whitebread Road to the west forms more logical and natural boundary to the village. These factors, along with the presumption in favour of sustainable development as identified within the NPPF, weigh in favour of this application.

10.0 Conclusion

- 10.1 It is considered that this development will not represent a natural infill or an acceptable expansion shape of the village. It will represent both an awkward and pronounced encroachment within countryside, a fundamental change to the open character of the site and will introduce an urbanising form of development. Collectively this would have a materially harmful effect on the appearance of the

area. Therefore this development does not meet the environmental thread of sustainable development, Local Plan policies G1 and C01, and Policy 1 of the South East Lincolnshire Local Plan.

11.0 Recommendation :

It is recommended that Committee are **MINDED TO REFUSE** the application subject to no adverse representations being received that raises additional issues which would warrant the reconsideration of the application. The time period for making representations expires on the 19th November 2018.

- 1 The application site is located outside of the settlement boundary of Kirton End as defined in the Boston Borough Local Plan and within an area defined as 'countryside'. This development will extend the built up area of the village creating an awkward and alien encroachment within this flat, rural landscape. The development would also consolidate the surrounding urban environment with the existing residential and commercial development to the west and the resultant effect would substantially erode the character and appearance of the countryside and open rural landscape. This scheme will therefore promote an unsustainable pattern of development in this area and any benefits the development may provide relating to the supply of housing in the area and local economic benefits would be significantly and demonstrably outweighed by its adverse effects. The application is therefore contrary to the objectives of Local Plan policies C01, G1 and G2, Policy 1 of the emerging South East Lincolnshire Local Plan and the environmental dimension of sustainable development as contained within the National Planning Policy Framework (2018).

Refused drawing numbers: Location plan ref 18.079 S01 01 Rev B
Indicative site plan ref 18.079 S03.01 Rev A
Proposed elevations ref 18.079 S03.01 Rev A

In determining this application the authority has taken account of the guidance in paragraph 38 of the National Planning Policy Framework 2018 in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the Borough.

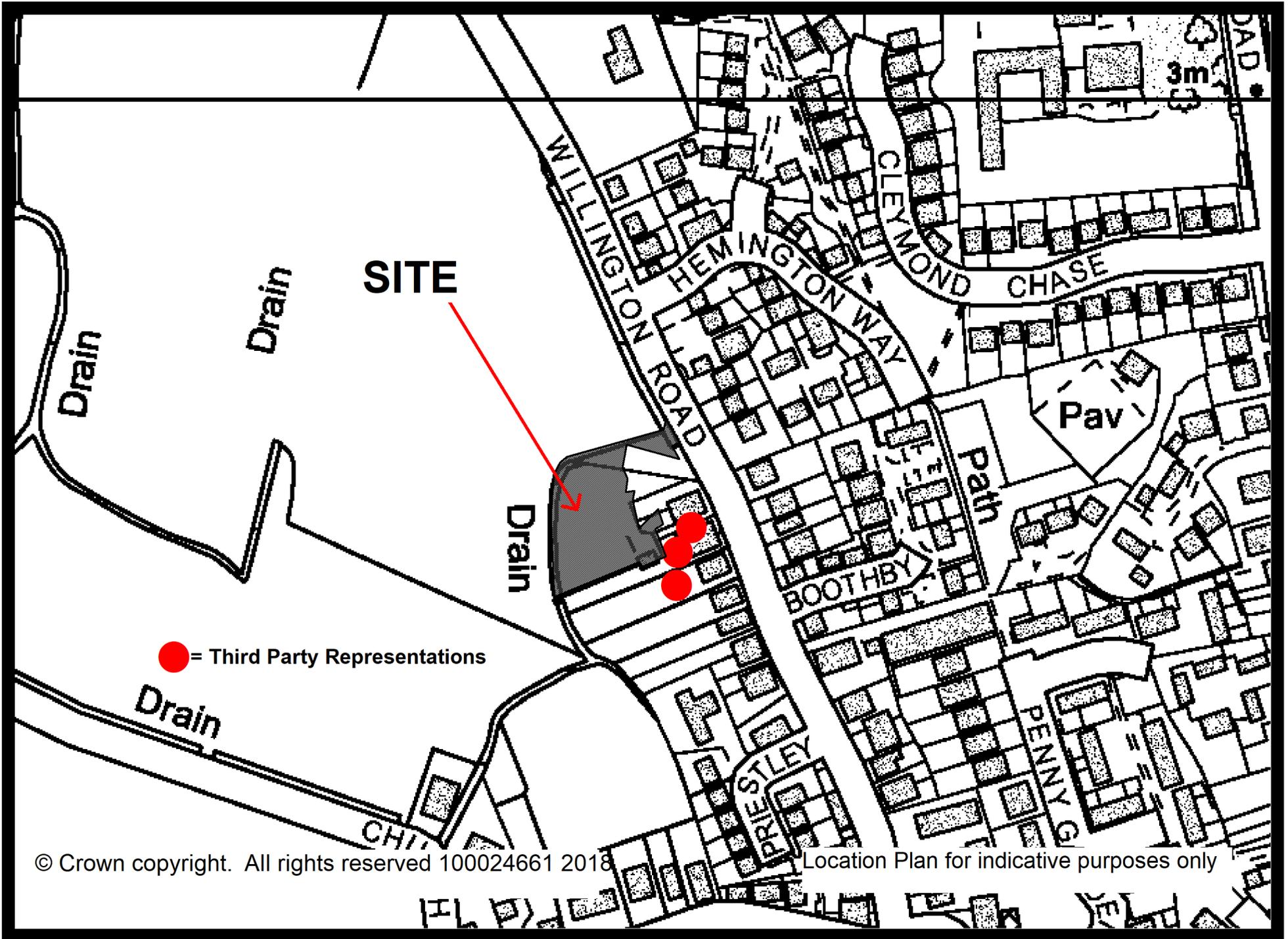
Lisa Hughes
Growth Manager

PLANNING APPLICATION B/18/0274

Erection of 2 semi-detached and 4 detached bungalows and detached garages and associated site works

Land rear of 58, 60 and 62 Willington Road,
Kirton, Boston, PE20 1EW

Applicant: Mr Roger Leighton, Roger Leighton
Homes Ltd



BOSTON BOROUGH COUNCIL

Planning Committee – 13 November 2018

Reference No: B/18/0274

Expiry Date: 30-Aug-2018
Extension of Time: 16-Nov-2018

Application Type: Full Planning Permission
Proposal: Erection of 2 semi-detached and 4 detached bungalows and detached garages and associated site works

Site: Land rear of 58, 60 and 62 Willington Road, Kirton, Boston, PE20 1EW

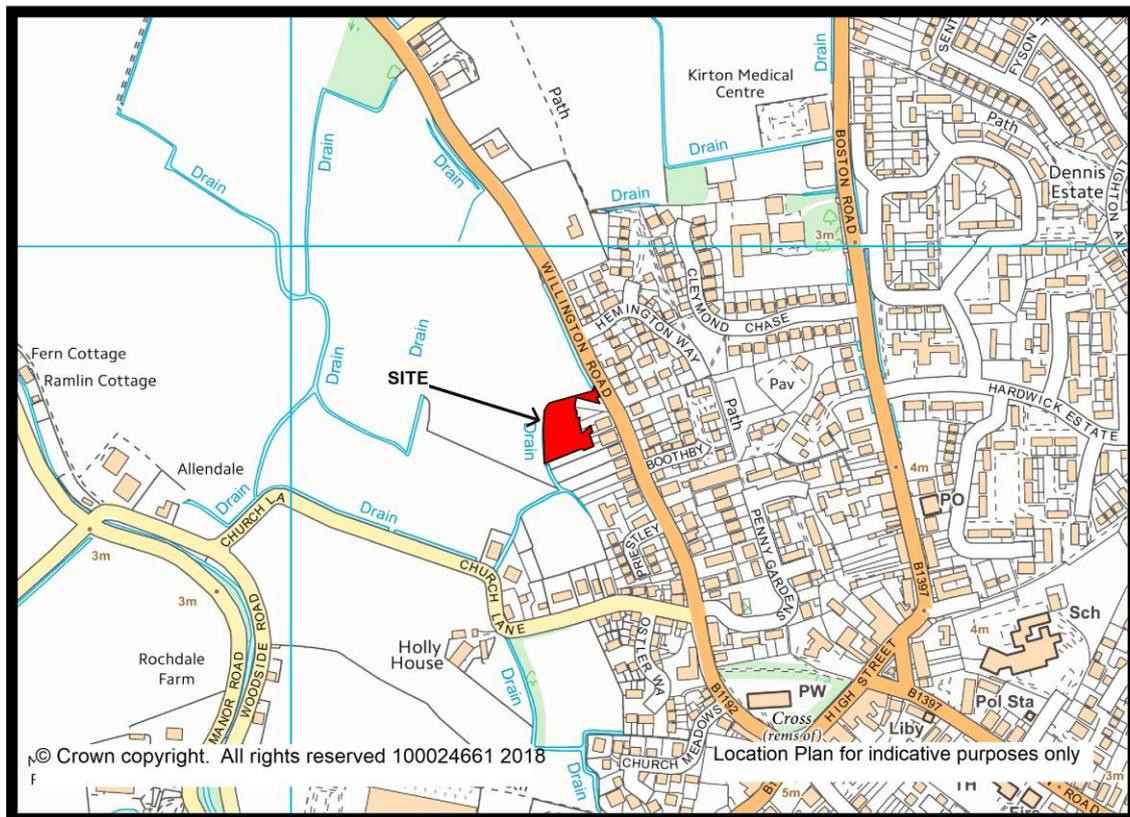
Applicant: Mr Roger Leighton, Roger Leighton Homes Ltd.
Agent: Mr Clive Wicks, Clive Wicks Associates

Ward: Kirton & Frampton Parish: Kirton Parish Council

Case Officer: Trevor Thompson Third Party Reps: 4

Link to application: [B/18/0274](#)

Recommendation: GRANT



1.0 Reason for Report

- 1.1 This application has been presented to the Planning Committee because the application raises issues relating to the interpretation of planning policy.

2.0 Application Site and Proposal

- 2.1 The application site is an irregular shaped parcel of land which occupies 0.29 ha (i.e. approximately 59m wide by 45m long). It is partly used as a garden located to the rear of 62 Willington Road and partly used as a builder's storage area. Part of the site is also behind nos 58 and 60 Willington Road. The builder's storage area is served by vehicular access onto Willington Road, located next to the AW pumping station and to the north of 62 Willington Road.
- 2.2 There are rear gardens to the south of the site which serve properties fronting Willington Road. Opposite the site's entrance, there are residential properties that front onto Willington Road which forms part of a large housing estate. To the west of the site (to the rear) and to the north lie open, agricultural fields.
- 2.3 This application seeks full planning permission to erect 6 dwellings plus associated private drive and garages. It is intended to erect 4 detached bungalows and one pair of semi detached bungalows on this site. It is also intended to construct six garages to serve the proposed dwellings plus a new double garage to serve 62 Willington Road. The application has been amended since it was originally submitted in order to overcome neighbours' concerns with regard to overlooking and third party flooding.

3.0 Relevant History

- 3.1 Part of the site was subject to a planning application for residential development (one plot) to the side of the AW pumping station in 2004. The application was refused because of the site's location within countryside, outside the development limits of Kirton. The application was also refused on highway grounds due to poor visibility at the site's access onto Willington Road and also because of the site's irregular size and shape (ref B/04/0741). The subsequent appeal was dismissed.

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). Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that determination must be made in accordance with the plan unless material considerations indicate otherwise.
- 4.2 The vast majority of the site is **OUTSIDE** the settlement boundary of the Kirton Village envelope as defined within the Boston Borough Local Plan though a very small part of the site that forms part of the rear garden of no 62 is within the envelope.

4.3 The saved policies within Boston Borough Local Plan of relevance to this application are as follows:

- Policy G1 – Amenity
- Policy G3 – Surface and Foul Water Disposal
- Policy G6 – Vehicular and Pedestrian Access
- Policy H3 – Quality of housing developments
- Policy C01- Development in the countryside

South East Lincolnshire Local Plan 2011- 2036 (SELLP)

4.4 Kirton is defined in the SELLP as a Main Service Centre. The majority of the site is mainly **WITHIN** the settlement boundary as defined in the SELLP though a small part of the site at the entrance to the site is outside of this village envelope.

4.5 Those policies that have attracted no objections as contained within the South East Lincolnshire Local Plan 2011-2036 (SELLP) now attribute significant weight. The Policies within the draft South East Lincolnshire Local Plan of relevance to this application are as follows:

Policy 1: Spatial Strategy:

The SELLP identifies Kirton as a Main Service Centre and Policy 1 indicates that within settlement boundaries of Main Service Centres development will be permitted that supports their role as a service centre itself, helps sustain existing facilities or helps meet the service needs of other local communities.

Policy 2: Development Management

This policy indicates that planning permission will be granted for proposals provided that sustainable development considerations are met in relation to, amongst other things, size, scale, layout, density, design, access and impact on the amenity, trees, character and appearance of the area and the relationship to existing development and land uses.

Policy 36: Vehicle and Cycle Parking

This policy sets out minimum vehicle and parking spaces for certain types of development unless a high quality design can demonstrate that a lower standard of provision delivers the requirements set out in the policy. This matter is discussed below.

4.6 No objections have been received in relation to the revised village envelope of Kirton as contained within the SELLP. Thus, significant weight can be applied to Policy 1: Spatial Strategy.

National Planning Policy Framework (2018)

4.7 The NPPF (2018) replaces the NPPF (2012) version. At the heart of the new framework is a presumption in favour of sustainable development. Achieving sustainable development means that the planning system has three overarching

objectives, which are interdependent and should not be taken in isolation. As with the former NPPF, these overarching objectives are economic, social and environmental. The sustainability credentials of this development with regard to these three objectives are discussed in detail further below.

4.8 Paragraph 11 of the NPPF indicates that plans and decisions should apply to a presumption in favour of sustainable development. It adds that for decision making, this means:

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

4.9 This Council does not have a 5 year supply of housing and therefore policies relevant to the supply of housing are out of date. The tilted balance in paragraph 11 of the National Planning Policy Framework (NPPF) is therefore engaged and on this basis there is a presumption in favour of sustainable development which presumes in favour of the grant of permission unless harm significantly and demonstrably outweighs the benefits of the scheme.

4.10 Paragraph 64 of the NPPF says that Local Planning Authorities should ‘support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes’

4.11 Under the heading ‘achieving well designed places, paragraph 127 of the NPPF says, amongst other things that decisions should ensure that developments:

‘...will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit...’

4.12 Paragraph 48 of the NPPF states:

Local planning authorities may give weight to relevant policies in emerging plans according to:

- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- b) 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
- c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

4.13 Under the heading 'achieving appropriate densities' Paragraph 123 says that

'Where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site.' It adds that:

'local planning authorities should refuse applications which they consider fail to make efficient use of land, taking into account the policies in this Framework. In this context, when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards)'.

5.0 **Representations**

5.1 Three letters of objection or concern were received from the occupiers of the following properties relating to the scheme as originally submitted

- 56 Willington Road
- 58 Willington Road
- 60 Willington Road

5.2 The neighbours are concerned or have raised objections on the following grounds:

- Impact on third party flooding
- Impact on residential amenity
- Impact on residential amenity, loss of privacy (given raised land levels)
- Concerns regarding boundary treatment (eg existing 1.8m high fencing would be inadequate given raised floor and land levels)
- Loss of existing trees/impact on wildlife/wildlife habitats
- Part of site is also to the rear of 60 Willington Road (not only 62 Willington Road as per title of application)
- There have been previous applications to build bungalows on this site which was refused
- There are drainage problems in the area- sewers collapsed along Willington Road when new estate was being developed. Pumping station is

regularly being emptied. AW indicate that there is no longer any capacity for new dwellings in the area

- Local Plan (July 2016) states that Kirton has already built and granted permission for more than its allocation of houses for 2011 to 2036 by 256 (dwellings).
- Site layout distorts entrance /exit area as the driveway would run along the boundary with the pumping station, there will be no room for tree planting (as shown on the plan) and would cause difficulties for AW to maintain the unit.

5.3 Note: Comments have been made by neighbours with regard to a covenant on the land. This is not a planning matter and is not a material consideration.

5.4 Further note: Following the submission of amended plans, neighbouring residents were consulted. At the time of writing this report, one letter has been received from the occupier of 58 Willington Road. The neighbour is 'pleased' to see that a new fence is to be provided and has now no objections.

6.0 **Consultations**

6.1 Kirton Parish Council has no objections. However the Parish Council wishes to point out that the access is 'narrow'

6.2 County Highways Authority initially asked for additional information which has subsequently been supplied by the applicant. The CHA has now no objections subject to two conditions relating to the provision of a 1.8m wide footway along part of Willington Road and visibility splays.

6.3 Environmental Health has no objections

6.4 Black Sluice Internal Drainage Board points out the existence of a bye-law on the western boundary of the site and has made comment with regard to the disposal of surface water, filling in of watercourses and the use of soakaways. The BSIDB also says that existing ground levels should not be raised unless measures are undertaken to avoid surface water flooding onto neighbouring land.

6.5 Environment Agency has no objections subject to one condition

6.6 Anglian Water Services has not commented

7.0 **Planning Issues and Discussions**

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

- Principle of development and policy interpretation
- Impact on highway safety
- Flood risk and drainage
- Impact on residential amenity
- Impact on the character of the area
- Other matters

Principle of development and policy interpretation

- 7.2 As indicated above, the application site is located within countryside and outside of the settlement boundary of Kirton in an area where Local Plan policy C01 resists new residential development unless supported by other Local Plan policies.
- 7.3 However the fact that the proposed development would be located in the countryside, in Local Plan terms, does not necessarily by itself make it unacceptable in principle. Instead, such applications for housing schemes within countryside locations are now assessed more generally in relation to the objectives of Local Plan policies G1 and H3 which resists development which will cause substantial harm to the amenity and character of an area which promotes quality housing schemes.
- 7.4 Local Plan Policy G1 resists developments that would substantially harm the amenity of nearby residents or the general character of the area. Local Plan Policy H3 refers to the Quality of Housing Development and there are similar criteria to those in Policy G1 in terms of judgments of character, amenity and compatibility. Policy H3 would not permit housing if it is close to an existing use which is likely to cause environmental problems to future residents; and subsection 4) resists developments which would cause or aggravate adverse traffic conditions on the highway network. The site is outside of the village envelope so Local Plan Policy H2 (windfall housing sites) does not apply.
- 7.5 The lack of a five-year supply of housing land means that any Local Plan policies that are to do with housing supply are 'out of date'. The weight attached to such policies and their breach still falls to be determined in the planning balance.
- 7.6 With regard to the SELLP, the majority of the site is located within the new settlement boundary as defined on Inset Map 6 and in an area where SELLP policy indicates that within settlement boundaries of Main Service Centres, development will be permitted that supports their role as a service centre itself, helps sustain existing facilities or helps meet the service needs of other local communities. However as indicated a small part of the site (about 15%) lies within countryside where part D of this policy states;
- 7.7 'In the Countryside development will be permitted that is necessary to such a location and/or where it can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community or environmental benefits'.
- 7.8 The NPPF supports sustainable housing development in rural areas. Although the Framework does not refer to settlement boundaries it does seek to recognise the character and beauty of the countryside. Policy G2 of the Local Plan seeks to resist development which would have an adverse effect on the existing landscape and Policy G1 seeks development which does not harm the general character of the area because of its scale, density, layout or appearance. These aims are consistent with the Framework.
- 7.9 In terms of the principle of development, the main issues are therefore whether the proposed development would be acceptable having regard to policies

concerning the location of new housing, whether it promotes a sustainable form/pattern of development and whether the development will harm the character and appearance of the area.

Impact on highway safety

- 7.10 It is intended to construct a new private drive and six garages to serve each dwelling. It is also proposed to demolish an existing garage and to provide a new garage that will serve 62 Willington Road as part of this scheme. The private drive will form cul-de-sac and will be about 4.1m wide and 65m long with a turning facility at its end which enable a service and emergency vehicle to turn. Each unit will have a single garage together with a minimum of one car parking space at the front of each garage.
- 7.11 The site is within a sustainable location and within easy walking or cycling distance from facilities within Kirton and it may be therefore be argued that only limited parking spaces would be necessary in this location to serve six proposed dwellings.
- 7.12 Local Plan Policy G6 resists development where the proposed means of pedestrian and vehicular access are unsatisfactory and paragraph 109 of the NPPF indicates that 'development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe'.
- 7.13 Annex 6 of the SELLP relates to car parking standards. It indicates that two parking spaces should be provided to serve properties of up to three bedrooms and that a garage can count as one space if it is 2.6m by 5.6m internal width with an additional 1m at its end to park cycles. The proposed garages do not comply with this requirement. However, there is ample space within each plot to provide cycle parking so it is not considered the application should be refused on this basis. The County Highway Authority has no objections subject to two conditions.

Flood Risk and drainage

- 7.14 The application site is located within flood zone 3a High Probability and the application is accompanied by a Flood Risk Assessment. It is intended to raise the floor levels of the proposed bungalows 500mm above the average ground level of the site at 3.75m ODN. The proposed private is to be built to LCC adoptable standards though the driveways serving each property will have a gravel surface. Foul water will be discharge to the existing main sewer and surface water will discharge to soak-aways
- 7.15 Concerns have been expressed by neighbours about the potential of third party flooding given raised levels and the impact on residential amenity, in terms of overlooking that may result due to these raised levels.
- 7.16 An amended plan and additional details have now been submitted by the applicant in order to overcome the concerns expressed by neighbours. The amended plan shows a new 2.4m high fence along the southern boundary of the site and details of the land levels have also been submitted. The applicant says that only the footpaths & patios around each bungalow will be raised to suit the raised floor levels of each dwelling and that the remaining gardens will not be raised.

- 7.17 The applicant adds that the road will be permeable tarmac and all hard-standings will be gravel, only the footpaths and patios around the bungalows will be impervious paving slabs that will drain naturally on to the garden areas. It is intended that rainwater runoff from roofs will be discharged to soakaways and that there is an existing ditch along the west boundary which will be piped. This could also be used if the soakaway tests are poor.
- 7.18 As indicated above, concerns have been expressed about drainage and one neighbour points out that there have been drainage problems in the past within the vicinity of the site. The site is located next to an Anglian Water pumping station and Anglian Water Services has therefore been consulted on this application. At the time of writing this report, no comments have been received from Anglian Water Services.

Impact on residential amenity

- 7.19 There are neighbouring properties adjacent to the application site and the amenity of the occupiers of these properties may be harmed by this development. Consideration must also be given to the amenity of the occupiers of the no 62 Willington Road. The height of the proposed six bungalows will be between 5.5m and 6m from raised ground levels. As indicated above, finished floor levels will be raised 500mm above existing average ground levels.
- 7.20 The majority of the site is open garden land that serves 62 Willington Road. Therefore the physical presence of six new dwellings at around 6m in height coupled with raised land levels to accommodate flood risk where no such structures exist at present, will substantially change the visual outlook of neighbouring occupiers and the nature and character of the area.
- 7.21 The proposed layout includes four bungalows to be sited along the western boundary of the site which adjoins open agricultural fields (i.e. plots 3-6) and the proposed pair of dwellings (on plots 1 and 2) will lie next to the new rear boundary shared with no 62 Willington Road.
- 7.22 The proposed dwelling on plot 3 will be erected close to the neighbour's boundary to the south. It will be set at an angle to this boundary so that the nearest part of the proposed dwelling will be 1.3m from this boundary and the furthest part will be 5m. The proposed dwelling at plot 3 will also be about 38m from the rear elevations of 58 and 60 Willington Road. The side (south) elevation of the proposed dwelling on plot 3 facing the neighbouring garden areas includes a doorway leading to a kitchen, and a bathroom window.
- 7.23 As indicated above, it is proposed to raise land and floor levels to accommodate flood risk. To minimise overlooking, it is now intended to erect a 2.4m high close-boarded fence along the southern boundary of the site and along part of the southern and eastern boundaries where the existing garage is to be removed. The footpath and patio that will serve the dwelling on plot 3 will be laid 350mm above existing ground levels and will be very close to the neighbour's rear garden and proposed new fence. However, the 2.4m fence along the southern boundary will still be of adequate height to avoid overlooking.
- 7.24 The proposed pair of bungalows on plots 1 and 2 will be between 8.5m and 13m from the site's southern boundary shared with 58 Willington Road and the side

elevation of the bungalow on plot 1 will be about 17m from the rear elevation of 62 Willington Road.

- 7.25 As Members are aware, there are no locally adopted standards relating to minimum distances between the rear elevations of existing and proposed properties or in relation to overlooking of rear garden areas. However, the 22m 'rule of thumb' between rear elevations of existing and proposed properties and 12m 'rule of thumb' from the side and rear elevations has been used on many occasions by this Committee which assumes two storey properties on level land. The proposed development is not two storey and given flood risk, land levels of the finished development and the neighbouring properties will not be the same. Nevertheless, it is not considered that this development will substantially harm residential amenity of the occupiers of the neighbouring residents to warrant refusal of the application.

Impact on the character of the area

- 7.26 The application site is located in an edge of settlement location and is currently used as a garden which serves 62 Willington Road and a builders' storage area. The site also includes a garage which serves this property which is to be demolished. Next to the site there is a pumping station and opposite lie residential, frontage dwellings. To the west and north lie open agricultural fields. The character of the area may therefore be described as semi-urban and varied and given the range of different house types in the area, there is no dominant architectural style or type.
- 7.27 The site is largely outside of the settlement boundary for Kirton as identified in the Local Plan but the majority of the site lies within the settlement boundary as defined in the SELLP. Although a small part of the site lies outside of the settlement boundary as defined in the SELLP, this area forms the part of the storage area and access to it. In visual terms therefore, the site appears to form part of the built up environment of the village and the natural edge of the village where the urban area ends and countryside begins.
- 7.28 The density of the proposed development will be around 20 dwellings per hectare (dph) which is acceptable in this edge of settlement location. The density of the surrounding area varies between 10-12 dph along the western side of Willington Road and increases to around 28 dph on the eastern side of this road. It is considered that the density of the proposed development is acceptable.
- 7.29 Given the shape of the site, its current land use, proposed density and its relationships with surrounding properties, the proposed development would not present an awkward encroachment into countryside or undermine the existing landscape character or value of the area.

8.0 Other matters

- 8.1 Concerns have been expressed about the impact on ecology and that this development may affect wildlife habitat. A number of trees will need to be removed to facilitate this development though the majority of the site is used as a garden area and a small proportion is a builder's storage area, which is brown-field land. These trees are not protected by a Tree Preservation Order and the site

is not within a conservation area. The trees to be removed do not provide significant amenity value to warrant them being subject of a Tree Protection Order.

- 8.2 In order to minimise impacts on biodiversity, it is recommended that a condition is imposed which requires the installation of bird boxes within the site.

9.0 **Summary and Conclusion**

- 9.1 The NPPF indicates that housing applications should be considered in the context of the presumption in favour of sustainable development and seeks the speedy approval of proposals that accord with the development plan and, where the plan is “absent, silent or relevant policies are out of date”, to grant permission unless the adverse impact would significantly and demonstrably outweigh the benefits; or that policies in the NPPF indicate development should be restricted.

- 9.2 There are factors which weigh both in favour and against the application. The majority of the application is located within countryside, outside the village envelope as defined in the Local Plan in an area where new housing development is normally restricted. This application is therefore contrary to the objectives of Local Plan Policy C01. Also, the application will have an adverse impact on the amenity of some residents, in particular the siting of the proposed dwelling on plot 3. These factors weigh against the application.

- 9.3 However the majority of the site is within the village envelope as defined in the SELLP and Policy 1 (Spatial Strategy) of this document now has significant weight. This policy essentially supports new housing within such settlements. Furthermore, the NPPF encourages such developments on brown field land and a small part of the site is brownfield land. Also, this development is for six single storey bungalows which are considered by the applicant to be ‘potential near retirement accommodation’. According to the applicant, this form of accommodation is ‘sadly lacking’ within the market place. The social dimension of the NPPF seeks the delivery of a range of homes which meet the needs of present and future generations and it may be argued therefore that this application meets this objective. These factors weigh in favour of the application.

- 9.4 Bringing these matters together as part of the planning balance, it is considered that the limited adverse impacts on the amenity of the neighbouring residents would not significantly or demonstrably outweigh the social and economic benefits. It is my view that, this development would comply with Local Plan Policies G1 and H3 and on this basis; the development would comply with Local Plan policy C01. The proposed development would also meet the objectives of the NPPF and the relevant policies of the SELLP.

10.0 **Recommendation**

- 10.1 It is recommended that Committee GRANTS planning permission for this development subject to the conditions set out below.

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

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

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

Location plan ref 16-2327-P-12 rev A
Proposed site layout plan ref 16-2327-P-10 rev K
Plans and elevations – plots 1 and 2 ref 16-2327-P-01
New garage at 62 Willington Road ref 16-2327-P-09
Garage details plot 1 ref 16-2327-P-02
Garage details plots 2 and 3 ref 16-2327-P-04
Plans and elevations – plot 3 ref 16-2327-P-03
Plans and elevations- plot 4 ref 16-2327-P-05
Plans and elevations –plot 5 ref 16-2327-P-06
Plans and elevations- plot 6 ref 16-2327-P-07
Garage details – plots 4, 5 and 6 ref 16-2327-P-08
Landscape specification ref 16-2327-P-13

- 3 The 2.4m high fence as shown on Proposed site layout plan ref 16-2327-P-10 rev K shall be erected before any dwellings hereby approved on plots 1, 2 and 3 are occupied. The fence 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 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.

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.

- 5 No development shall take place above ground level until details of the materials proposed to be used in the construction of the external surfaces have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: No details of materials have been submitted, in the interests of the amenity of the area and to ensure that the new buildings are in keeping with the character of the area to accord with the objectives of Adopted Local Plan Policy G1.

- 6 Before the access is brought into use all obstructions exceeding 0.6 metres high shall be cleared from the land between the highway boundary and the visibility

splays indicated on drawing number 16-2327-P-10 rev K and thereafter the visibility splay shall be kept free of obstacles exceeding 0.6 metres in height.

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

- 7 The development hereby approved shall not be occupied before a scheme has been submitted to and approved in writing by the Local Planning Authority for the construction of a 1.8 metre wide footway and new vehicular access to AWA Pumping Station, together with arrangements for the disposal of surface water run-off from the highway at the frontage of the site. The agreed works shall be fully implemented as approved before any of the dwellings are occupied, unless an alternative a phasing arrangement is agreed in writing with the Local Planning Authority.

Reason: To ensure safe access to the site and each dwelling, in the interests of residential amenity, convenience and safety and to accord with the objectives of Local Plan policy G1.

- 8 The development shall be carried out in accordance with the approved Flood Risk Assessment (FRA) dated July 2018, Version 1, compiled by RM Associates, including the following mitigation measures detailed within the FRA:

- Finished floor levels set no lower than 3.75m above Ordnance Datum
- Flood resilience measures as described in the Flood Risk Assessment

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

Reason :To reduce the risk and impact of flooding on the development and future occupants and to accord with the objectives of Local Plan Policies G1 and H3.

- 9 No development shall take place above slab level until details of the measures to enhance the biodiversity of the site as a consequence of the development, together with the timescales for implementation have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details.

Reason: In the interests of providing biodiversity enhancement of the site and to accord with the objectives of Local Plan Policy G2 and the NPPF (2018).

- 10 No development shall commence above slab level until a surface water strategy has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the approved foul water strategy.

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

- 11 Prior to the commencement of the development above ground level, a Construction Management Plan shall be submitted to the Local Planning Authority for approval in writing. The Construction Management Plan 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 and the vehicles of site personnel will be parked and where materials will be delivered and stored within the site. Construction of the permitted development shall be undertaken in accordance with the approved Construction Management Plan.

Reason: In the interests of the safety and free passage of the public, in the interests of residential amenity and to accord with the objectives of Local Plan Policies G1 and G6.

- 12 The bin collection area as shown on plan 16-2327-P-10 rev K shall be made available for use before any of the dwellings hereby approved are occupied and shall be retained in that form thereafter.

Reason: To ensure the provision of a suitable area for the siting of refuse bins, in the interests of highway safety and residential amenity and to accord with the objectives of Local Plan policy G1.

- 13 Before the development is brought into use, the private driveway shall be provided with lighting in accordance with details to be submitted to and agreed in writing by the Local Planning Authority. The submitted details shall include the locations of the lighting, type, degree of illumination and future management.

Reason: To provide adequate lighting of the private driveway in the interest of crime prevention and community safety and in accordance with Adopted Local Plan Policy H3.

In determining this application the authority has taken account of the guidance in paragraph 38 of the National Planning Policy Framework 2018 in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the Borough.

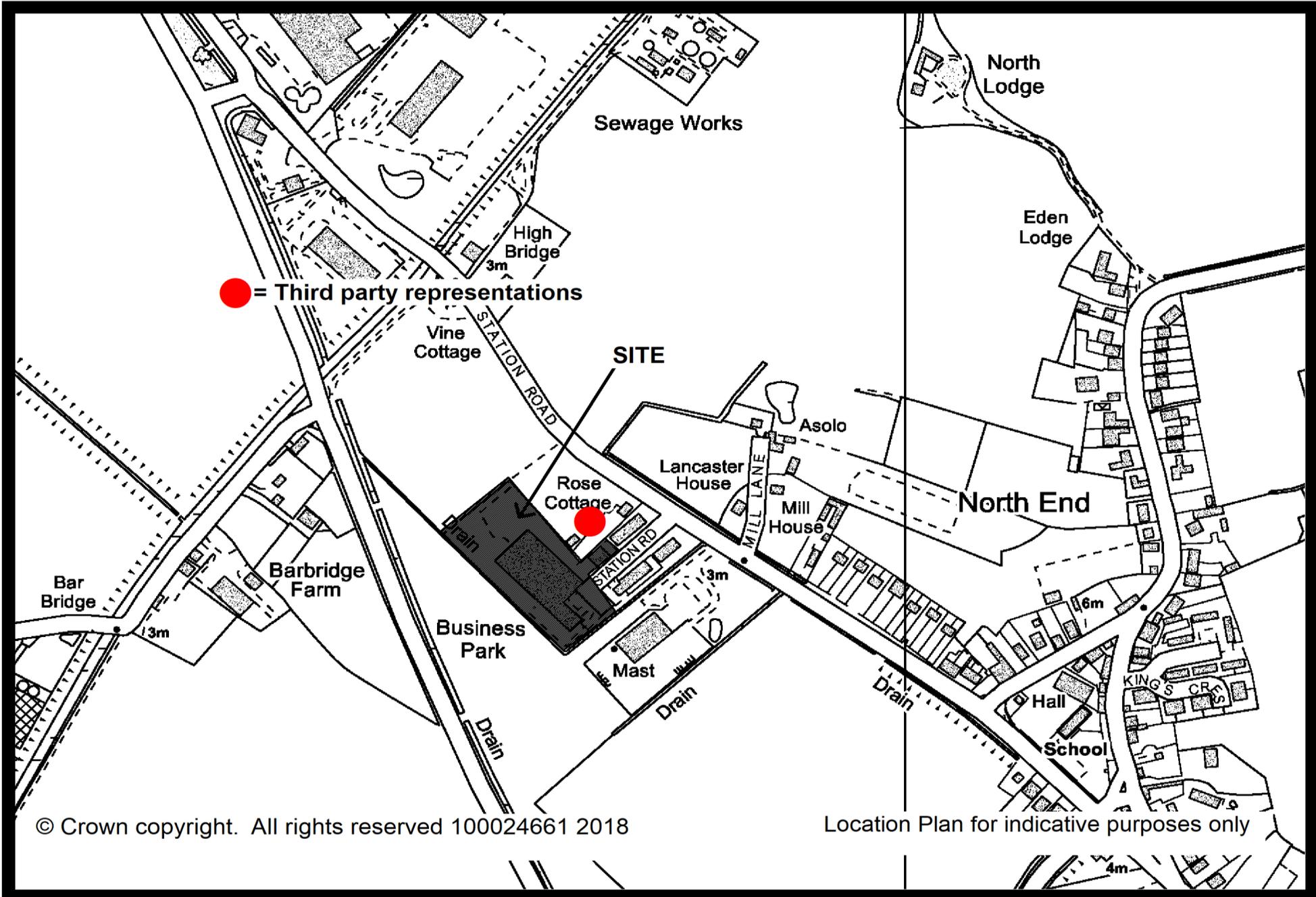
Lisa Hughes
Development Manager

PLANNING APPLICATION B/18/0299

Installation of 10 wall-mounted wind turbines

Reflex Lables, Station Road Industrial Estate,
Station Road, Swineshead, Boston, PE20 3PW

Applicant: Mr David Liversuch, Reflex Labels



BOSTON BOROUGH COUNCIL

Planning Committee - 13 November 2018

Reference No: B/18/0299

Expiry Date: 01-Oct-2018

Extension of Time: 26-Oct-2018

Application Type: Full Planning Permission

Proposal: Installation of 10 wall-mounted wind turbines

Site: Reflex Lables, Station Road Industrial Estate, Station Road, Swineshead, Boston, PE20 3PW

Applicant: Mr David Liversuch, Reflex Labels

Agent:

Ward: Swineshead and

Parish: Swineshead Parish Council

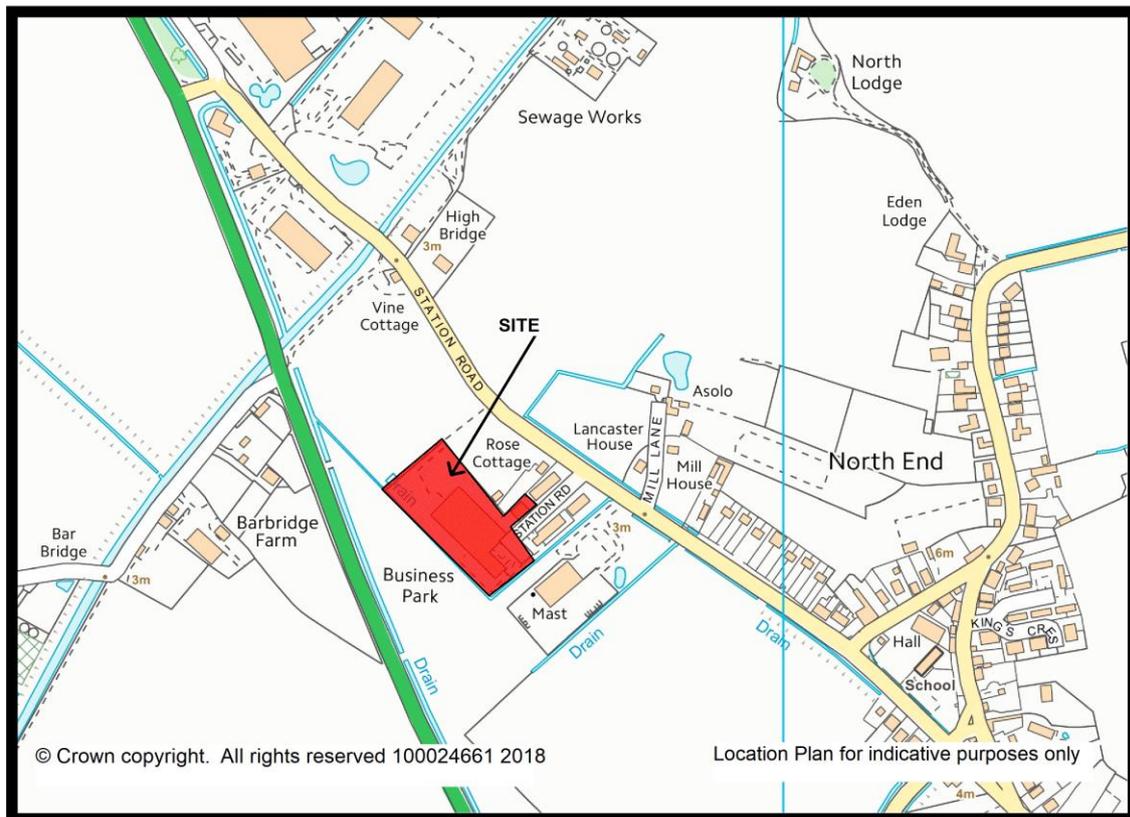
Holland Fen

Case Officer: Trevor Thompson

Third Party Reps: 2

Link to Application: [B/18/0299](#)

Recommendation: GRANT



1.0 Reason for Report

- 1.1 This application has been presented to the Planning Committee at the request of Councillor Brown. The reason for the request is to enable Local Plan policy ED11 to be fully assessed.

2.0 Application Site and Proposal

- 2.1 The application building is located within an allocated employment area as identified on Inset Map no.22 of the Adopted Plan and is situated within an established industrial estate. The site is however outside the settlement boundary of Swineshead. It gains vehicular access off an industrial road that junctions with Station Road.
- 2.2 There are residential properties within the immediate proximity of the site i.e. Rose Cottage, Lancaster House and Lavender Lodge. The area consists of employment /industrial buildings that form part of the industrial estate, with open countryside to the west. The A17 lies about 60m west of the application site.
- 2.3 It is proposed to install 10 wall mounted wind turbines on the south western elevation of an existing industrial building which will face the A17. Each turbine will be about 6.2m long (including the rotor blades and pole mounting) and each rotor will have a diameter of around 2m. The turbines will be fitted on the side wall of the building and will project between 1m and 2.2m above the ridge of this building.

3.0 Relevant History

- 3.1 The site has been subject to a number of applications in the past. The most recent being earlier this year for the erection of two storey side extension to existing industrial unit to provide office and ancillary accommodation following demolition of single storey extension (ref B/18/0033).
- 3.2 An extension to part of the industrial building where it is intended to install the turbines was granted in 2016 (ref B/16/0383).

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). Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that determination must be made in accordance with the plan unless material considerations indicate otherwise.
- 4.2 The application site is located on land which is allocated in the Boston Borough Local Plan as a Proposed Industrial/ Commercial Area.
- 4.3 The saved Policies within Boston Borough Local Plan of relevance to this application are as follows:
- Policy G1 – Amenity
 - Policy ED9 – Extension or redevelopment of existing commercial or industrial enterprises

- Policy ED1- development in industrial/commercial areas

4.4 Policy ED 11 – Renewable Energy is particularly relevant. It states:

Planning permission will be granted for development that will provide a renewable energy source, provided that the proposal:

- 1) will not significantly harm the appearance or character of the area;
- 2) will not generate levels of traffic, dust, noise, smell or other pollution which will significantly harm the environment, local living or working conditions, or the operation of nearby land uses;
- 3) will not challenge the visual dominance of the tower of St. Botolph's church over Boston's skyline, and
- 4) will not adversely affect The Wash SSSI or sites of local nature conservation interest.

South East Lincolnshire Local Plan (SELLP)

4.5 Certain policies that have attracted no objections as contained within the SELLP now attribute significant weight. Policies which have attracted objections may only attract limited weight.

4.6 The site forms part of an area allocated in the SELLP as an 'established employment site'. Policy 7: 'meeting physical infrastructure and service needs' has attracted objections so limited weight may only be given to this policy.

4.7 The Policies within the draft South East Lincolnshire Local Plan of relevance to this application are as follows:

- Policy 2: Development Management
- Policy 8 : Prestige Employment sites

National Planning Policy Framework

4.8 Paragraph 11 of the NPPF indicates that plans and decisions should apply to a presumption in favour of sustainable development. It adds that for decision making, this means

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

5.0 Representations

5.1 As a result of publicity two representations have been received from the occupiers of the following properties:

- Rose Cottage, Station Road, Swineshead
- The Bungalow, Station Road, Swineshead

5.2 The neighbours are concerned about noise disturbance and the ability of the applicants to meet the recommended noise levels as set out below.

6.0 Consultations

6.1 Swineshead Parish Council has no objections or comments

6.2 MOD Defence Infrastructure Organisation has no objections

6.3 NATS Safeguarding (air traffic control) has no objections

6.4 Environmental Health has no objections subject to conditions

7.0 Planning Issues and Discussions

7.1 The main issues in the determination of this application are:

- Impact on residential amenity especially in terms of noise disturbance and visual amenity
- Impact on the character of the area.

Noise disturbance

7.2 Noise disturbance is a major factor in the determination of an application for wind turbines that often attracts objections from concerned residents. As indicated above, the occupiers of Rose Cottage, Station Road and The Bungalow, Station Road have raised objections or concerns with regard to noise.

7.3 Following initial requests from the Environmental Health Manager the applicant has now submitted additional information relating to noise that has been obtained direct from the manufacturer of the proposed turbines. Supporting information would suggest that the turbines are a 'near silent' operation and given there is no gearbox means there is no mechanical noise though it may be possible to hear generator distant 'hum'.

- 7.4 The Environmental Health Manager has now no objections subject to two conditions as set out below (ie conditions 3 and 4) which sets out defined noise levels and a procedure which relates to any future complaints relating to noise.
- 7.5 In addition to recommended conditions 3 and 4 below, it is also recommended that a further condition (ie condition 5 below) is imposed which seeks to ensure that prior to operation of the wind turbines, appropriate testing is undertaken to ensure compliance with condition 3.
- 7.6 Should the applicant breach a planning condition which may be attached to any permission granted for this development, this Council may, if it is considered expedient to do so, serve a 'breach of condition' notice. A breach of condition notice requires its recipient to secure compliance with the terms of a planning condition. Any recipient of a breach of condition notice will be in breach of the notice if, after the compliance period, any condition specified in it has not been complied with, and the steps specified have not been taken or the activities specified have not ceased. There is no appeal against a breach of condition notice.

Impact on the character of the area

- 7.7 The application site is located within an area that is allocated in the Boston Borough Local Plan as a proposed industrial/commercial area. The character of the area is therefore largely defined by the industrial nature of buildings and land uses within the site's immediate surroundings. As indicated above, the proposed turbines are to be positioned on the south western elevation of the industrial building, which will face the A17 and will be about 85m away from this highway.
- 7.8 There are flat, open agricultural fields that lie between the existing industrial building and the A17. There is also extensive and mature landscaping along the eastern side of this stretch of the A17. Although there are gaps in the landscaping along the A17 that would enable brief glimpses of the proposed turbines when travelling along the A17, the existing landscaping will provide an effective screen to ensure that the proposed turbines will not cause substantial harm to the character of the surrounding area when viewed from the A17.
- 7.9 Given that the turbines will project above the ridge line of the existing building, they may be seen from residential properties and other land users within the surrounding area. However, given the industrial nature of the site and its immediate surroundings, they are unlikely to cause visual harm to the amenity of the surrounding countryside or the existing employment area. The proposed turbines are not of the same scale or nature as the existing turbines at the Bicker Wind Farm and will only be about 9m from ground level. They will not be located within a sensitive area and will not be prominent or in the foreground of principle outlooks.

8.0 Summary and Conclusion

- 8.1 The proposed ten wall mounted turbines on an industrial building located on an established and allocated industrial area will not harm the visual amenity or the character of the area. Concerns have been raised by neighbours about possible noise disturbance and that noise levels may exceed above the levels recommended by the Environmental Health Manager. These concerns are understandable given the type of development proposed. However, as indicated

above, it is recommended that conditions 3, 4 and 5 below are imposed to protect residential amenity. If the applicant failed to meet the requirements of such conditions, this Council may take the appropriate legal action.

9.0 Recommendation

9.1 It is recommended that Committee GRANT planning permission subject to the following conditions:

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

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

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

- Site location plan ref SLP
- Elevation plan ref 05/3 Rev D

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

3 The wind turbine's noise level shall not exceed a level of 35 dB(A) expressed as LA90 10 min at any existing dwelling outside of the curtilage of the approved site up to on-site wind speeds of 10m/s measured at a height of 10m in accordance with the guidance contained within the Department of Trade and Industry Report 'The Assessment and Rating of Noise from Wind Farms' (ETSU-R-97).

Reason: In the interests of residential amenity and to accord with saved Policies G1 and ED11 of the Adopted Plan.

4. Within 28 days from receipt of a written request from the Local Planning Authority following a reasonable complaint to it alleging noise disturbance at a dwelling, the landowner shall, at his expense, employ an independent consultant approved by the Local Planning Authority to assess the level of noise emissions from the wind turbines at the complainant's property. The consultant shall submit a report to the Local Planning Authority within 2 months of the date of the letter which shall include measures necessary to remedy any breach of noise emissions set out in Condition 3. Those measures shall be carried out within 1 month of their approval in writing by the Local Planning Authority and thereafter retained.

Reason: In the interests of residential amenity and to accord with saved Policies G1 and ED11 of the Adopted Plan

5 Prior to operation of the wind turbines, noise testing shall be undertaken by an independent noise consultant to determine compliance with condition 3 above and thereafter a programme of noise monitoring shall be submitted to and agreed with the Local Planning Authority

Reason: In the interests of residential amenity and to accord with saved Policies G1 and ED11 of the Adopted Plan.

In determining this application the authority has taken account of the guidance in paragraph 38 of the National Planning Policy Framework 2018 in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the Borough.

Lisa Hughes
Growth Manager

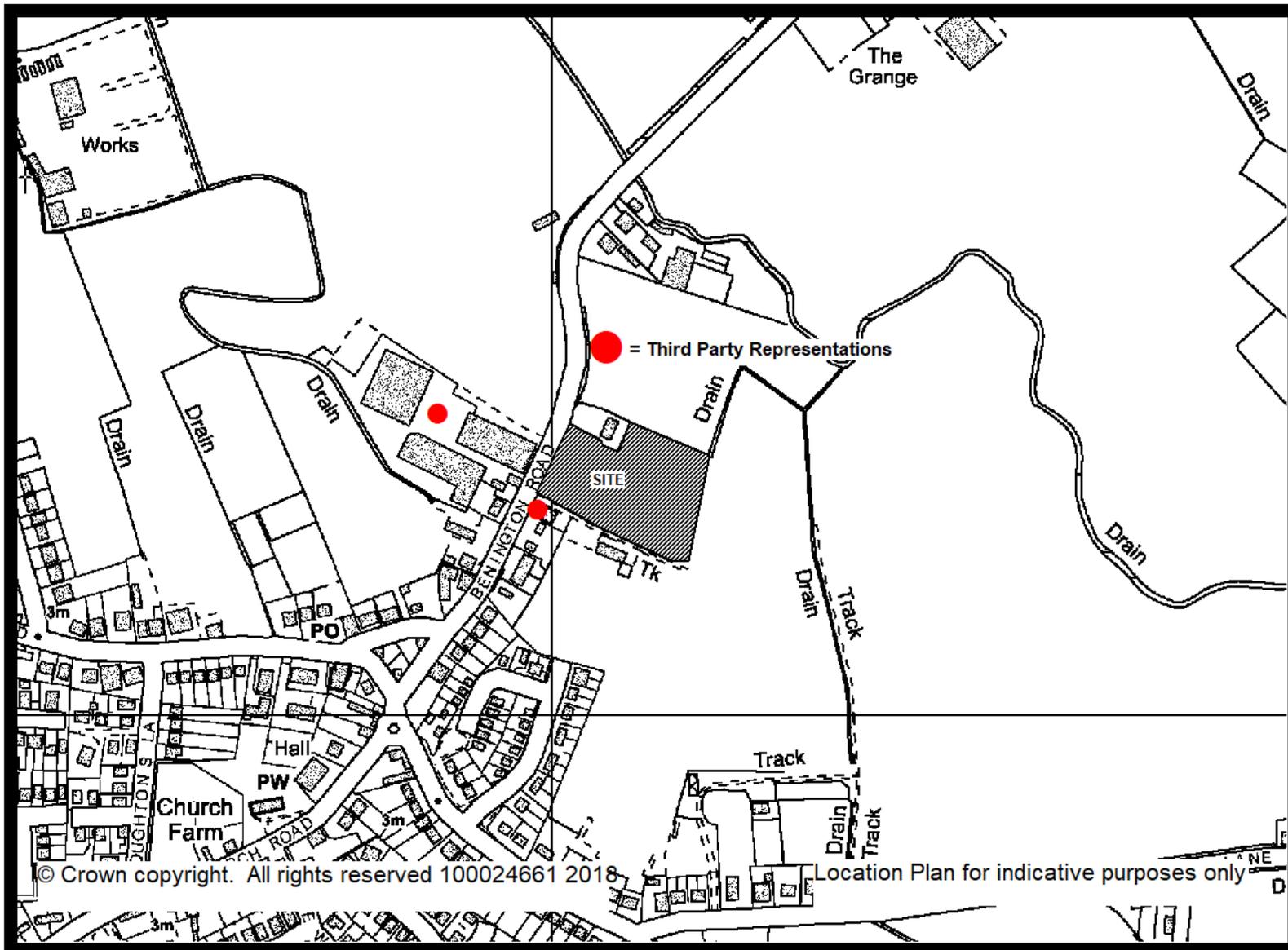
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PLANNING APPLICATION B/18/0328

Outline application with all matters (access, landscaping, layout, appearance and scale) reserved for later approval for the erection of up to 26 dwellings

Land adjacent to Magnolia Lodge, Benington Road, Butterwick, PE22 0EX

Applicant: Mrs Jennifer Heath



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Location Plan for indicative purposes only

BOSTON BOROUGH COUNCIL

Planning Committee - 13 November 2018

Reference No: B/18/0328

Expiry Date: 31-Oct-2018
Extension of Time:

Application Type: Outline Planning Permission

Proposal: Outline application with all matters (access, landscaping, layout, appearance and scale) reserved for later approval for the erection of up to 26 dwellings.

Site: Land adjacent to Magnolia Lodge, Benington Road, Butterwick, PE22 0EX

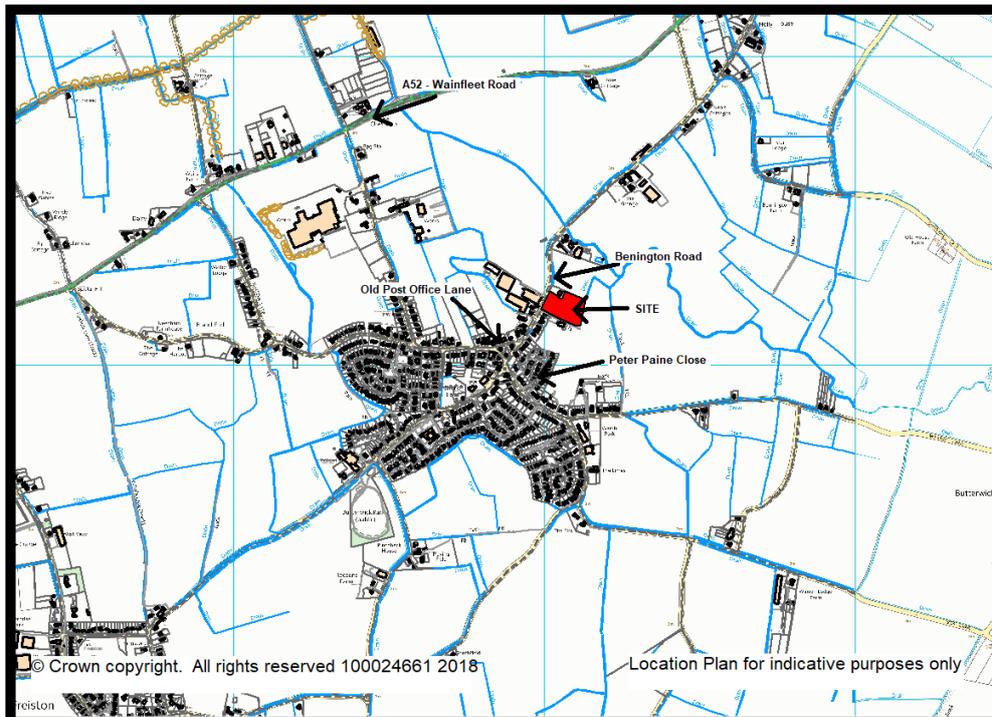
Applicant: Mrs Jennifer Heath
Agent: Mr John Sneddon, Robert Doughty Consultancy Ltd

Ward: Coastal Parish: Butterwick Parish Council

Case Officer: John Taylor Third Party Reps: 2 received

Link to Planning Application: [B/18/0328](#)

Recommendation: GRANT subject to conditions and completion of S106 Legal Agreement



1.0 Reason for Report

- 1.1 This application has been presented to the Planning Committee as the proposal includes the provision of four affordable homes and a financial contribution of £67,965 towards education that requires the completion of a S106 Legal Agreement.

2.0 Application Site and Proposal

- 2.1 The site measures almost 1 hectare in size and according to the Adopted Local Plan is located immediately to the north of the Butterwick settlement boundary.
- 2.2 A dwelling is located adjacent to the north-eastern corner of the site with open fields to the north and east. To the west (on the opposite side of Benington Road) are commercial buildings with further dwellings located to the south.
- 2.3 The application seeks outline planning permission for residential development (up to 26 dwellings) with all matters (i.e. access, landscaping, scale, layout and appearance) reserved for later approval.

3.0 Relevant History

- 3.1 No recent relevant history exists for the site.

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). Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that determination must be made in accordance with the plan unless material considerations indicate otherwise.
- 4.2 The site was previously used as a horticulture business and is not allocated for any specific use within the Adopted Local Plan
- 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 G3 – Surface and Foul Water Disposal
 - Policy G4 – Safeguarding the Water Environment
 - Policy G6 – Vehicular and Pedestrian Access
 - Policy CO1 – Development in the Countryside
 - Policy H3 – Quality of housing development
 - Policy H4 – Open space in housing estates

National Planning Policy Framework (NPPF) (2018)

- 4.4 The NPPF (2018) replaces the NPPF (2012) version. At the heart of the new framework is a presumption in favour of sustainable development. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and should not be taken in isolation. As with the former NPPF, these overarching objectives are economic, social and

environmental. The sustainability credentials of this development with regard to these three objectives are discussed in detail further below.

4.5 Paragraph 9 of the Framework indicates that:

‘These objectives should be delivered through the preparation and implementation of plans and the application of the policies in this Framework; they are not criteria against which every decision can or should be judged. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area’.

4.6 Paragraph 11 of the NPPF indicates that plans and decisions should apply to a presumption in favour of sustainable development. It adds that for decision making, this means

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

4.7 The Council does not have a 5 year supply of housing and therefore policies relevant to the supply of housing are out of date. The tilted balance in paragraph 11 of the National Planning Policy Framework (NPPF) is therefore engaged and on this basis there is a presumption in favour of sustainable development which presumes in favour of the grant of permission unless harm significantly and demonstrably outweighs the benefits of the scheme.

4.8 Section 9 of the NPPF relates to transport issues. Paragraph 103 states:

‘The planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.’

South East Lincolnshire Local Plan (SELLP)

4.9 Butterwick is defined as a ‘minor service centre’ in the SELLP. The site is a preferred allocation under the ref: BUT004 with land immediately to the south of the application site also a preferred allocation for housing development. Significant weight should therefore be given for residential development on this site given that the allocation has been through the modification stage.

4.10 Paragraph 48 of the NPPF states:

Local planning authorities may give weight to relevant policies in emerging plans according to:

- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- b) 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
- c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

4.11 It is anticipated that the South East Lincolnshire Local Plan will likely be adopted before the end of this year. Therefore the policies contained within this document will attract increasing weight over the next few months as the plan approaches adoption. However, as indicated, limited weight may be applied to the SELLP given outstanding objections to the Modification Draft of the SELLP relating to this site.

5.0 **Representations**

5.1 As a result of publicity 2 letters of representation have been received from the occupiers of Pearson Packaging Ltd and no.16 Benington Road.

5.2 The objections and comments can be summarised as follows:

- The application site is immediately opposite commercial/light industrial premises that already generate large rigid and articulated vehicles. This could lead to a traffic hazard if approval is granted
- Entrance to the site is from a road where the 60mph national speed limit applies
- Site is a Greenfield site outside village envelope
- Site is not fully served by pavements between it and the village centre
- No provision for enhancement of infrastructure in village
- Conflict of uses from commercial site and residential site
- Existing commercial premises may wish to expand in the future and expansion should not be curtailed by objections from the future development
- A natural sound barrier should be imposed in the form of a tree and shrub belt
- The SELLP already recognises that the site will have some impact to character of area and that protection needs to be built into the design and layout
- Site is outside the envelope for the village in the Adopted Plan
- The identification of the site in the plan is for a possible site for development
- This development if allowed will encourage linear development
- Overlooking from the development
- Impact on visual amenity
- Dwellings will have to be set 1m above ground level to comply with FRA
- The adjacent property is a bungalow and thus the dwellings will be dominant
- Unsympathetic on the streetscene

6.0 **Consultations**

6.1 Butterwick Parish Council - No objections

- 6.2 County Highway Authority - No objections subject to conditions
- 6.3 Environment Agency – Response yet to be received. Members will be updated at committee
- 6.4 Environmental Health – No objections but request the standard contaminated land conditions be attached
- 6.5 Black Sluice Internal Drainage Board (BSIDB) has no objections but provides advice on their Byelaws and future consent that may be required
- 6.6 Local Housing Authority (Boston Borough Council) considers that the Council's minimum affordable housing requirements of 15% would be satisfied by the provision of 4 dwellings.
- 6.7 Anglian Water Services – No objections but recommends conditions be attached
- 6.8 NHS England – Does not wish to request a contribution
- 6.9 Lincolnshire County Council (Education) request a financial contribution of £67,965 to be secured through a section 106 agreement.
- 6.10 Lincolnshire Wildlife Trust – No response received
- 6.11 Lincolnshire Police has no objections but has made comment about design and layout with regard to crime prevention

7.0 Planning Issues and Discussions

7.1 The main considerations in the determination of this application are:

- Principle of the development
- Developers contributions
- Impact on the character of the locality
- Impact on highway safety
- Flood risk and drainage
- Impact upon residential amenities

Principle of development

- 7.2 The Council published and updated its assessment in relation to its 5-year housing supply (Assessment of 5-year housing land supply as at 31 March 2018). Depending upon whether the Liverpool or Sedgefield method of calculating housing requirement is used, there is currently an oversupply using the Liverpool method or undersupply using the Sedgefield Method. However, the report identifies that until the housing identified within the emerging plan can be counted as contributing towards the housing land supply the Sedgefield method should be used. Therefore, the Borough does not have a five year housing land supply.
- 7.3 Policies are deemed out of date when the Council cannot demonstrate a five year supply of deliverable housing supply. The tilted balance in paragraph 11 of the National Planning Policy Framework (NPPF) is therefore engaged and on this basis there is a presumption in favour of sustainable development which for decision takers means:

- Approving development proposals that accord with an up-to-date development plan without delay; or
- Where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting permission unless:
 - The application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development*, or
 - Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

7.4 The Framework states that permission should be granted unless adverse impact would significantly and demonstrably outweigh the benefits; or that policies in it [the Framework] indicate development should be restricted. Thus the fact that the site is not allocated for housing within the Adopted Plan and the proposed development would be located outside of Boston's development boundary, does not necessarily make it unacceptable in principle. The NPPF therefore effectively replaces the housing supply policies in the Development Plan meaning that the weight to be attributed to Policy CO1 'Development in the Countryside' is negligible.

7.5 Paragraphs 8 and 9 of the NPPF set out the three inter-linked dimensions and objectives of sustainable development - economic, social and environmental which are required to be jointly and simultaneously achieved. However, the objectives are not criteria against which every decision should be judged. The sustainability credentials of the site are discussed below under 'Sustainability'.

7.6 Policy G2 of the Adopted Local Plan seeks to resist development which would have an adverse effect on the existing landscape and Policy G1 seeks development which does not harm the general character of the area because of its scale, density, layout or appearance. These aims are consistent with the Framework and are addressed below.

7.7 This site, which measure just under 1 hectare, is located outside of but close to the defined settlement of Butterwick according to the Adopted Plan and the emerging South East Lincolnshire Local Plan which is now nearing adoption identifies this site as a future allocation under the ref: But004. Giving appropriate weight for this future allocated site it is suggested that the principle of residential development for this site is considered acceptable.

Developer contributions

7.8 Paragraph 56 of the NPPF (2018) indicates that: '

Planning obligations must only be sought where they meet all of the following tests:

- a) necessary to make the development acceptable in planning terms;
- b) directly related to the development; and
- c) fairly and reasonably related in scale and kind to the development.

- 7.9 Lincolnshire County Council (Education) request a financial contribution of £67,965 towards four additional classrooms at Haven High Tollfield Campus.
- 7.10 This proposal also offers 4 of the 26 dwellings as affordable housing units.

Impact on the character of the area

- 7.11 Residential properties border the site to the south and a further dwelling exists to the north. On the opposite side of the road are active commercial premises that have expanded over the years.
- 7.12 It would appear that the site was used as a horticulture site in the past and does not visually form part of an agricultural field. The large commercial buildings opposite the site and the adjacent dwellings would collectively assist in reducing any potential visual impact that this development would have down to a level that would appear acceptable within the context of the area.
- 7.13 It is concluded that any resulting harm arising from the development on the character and appearance of the area would be limited. It should be noted that the appearance of the dwellings cannot be assessed at this time.
- 7.14 Overall, it is considered that subject to a good quality housing scheme which must be submitted at reserved matters stage, this site is large enough to satisfactorily accommodate a sensitively designed residential development without causing substantial harm to residential amenity and therefore will not be contrary to Local Plan policies G1 and H3.

Impact on highway safety

- 7.15 Access to the proposed development will be taken from Benington Road and visibility at the point of access appears to be acceptable. Although concerns have been raised by an objector regarding the large lorries that use the commercial premises located on the opposite side of the road it is considered that this concern would not lead to the conclusion that the proposed position of the access is unacceptable in any way.
- 7.16 County Highways have assessed the site and do not object to the proposal.

Flood risk and drainage

- 7.17 The site is located within Flood Zone 3 as indicated in the Environment Flood Risk Maps and is therefore considered to be at high risk from flooding. The application is accompanied by a Flood Risk Assessment (FRA) although final comments are yet to be received from the Environment Agency. Members will be updated on this matter at the Development Control Committee.
- 7.18 Surface water from the proposed development will be discharged into a watercourse using a system of sustainable drainage.

Impact on residential amenity

- 7.19 Local Plan Policy H3 of the Local Plan would resist new housing which does not provide pleasant, secure environments for residents; are incompatible with the existing character of the area; are close to an existing use which is likely to cause

environmental problems to future residents; or will cause or significantly aggravate adverse traffic conditions on the public highway. Policy G1 is the general development control policy which has some overlap with Policy H3. The test in the policy is that permission would only be granted if a proposal will not 'substantially harm' amenities of neighbours or the general character of the area.

- 7.20 As the layout and appearance of the dwellings are reserved for later approval a full assessment of exactly how the proposed dwellings would impact residential amenity cannot be fully considered. However, given the size of the site and the number of dwellings proposed it is considered that the site is sufficiently large enough to accommodate a scheme that would allow suitable separation distances and a quality layout to be achieved.

8.0 Recommendation

- 8.1 That the Planning Committee resolve that they are Minded to Approve this application subject to conditions and a Section 106 agreement and;

- Any permission is not released until the applicants have entered into a section 106 planning obligation with the Council requiring the provision of 4 affordable housing units and a contribution of £67,965 for education towards the provision of four classrooms at Haven High Tollfield Campus
- Authority is delegated to the Development Manager to approve this application upon satisfactory completion of the planning obligation.

1. No development shall commence until details of the layout, appearance, landscaping, scale and access 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 51 of the Planning and Compulsory Purchase Act 2004.

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 51 of the Planning and Compulsory Purchase Act 2004.

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 51 of the Planning and Compulsory Purchase Act 2004.

4. The development shall proceed fully in accordance with the submitted location plan ref: 1301-1_OP_LP01.

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

5. No development shall commence above ground level until a Foul Water Strategy has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the approved Foul Water Strategy.

Reason: To prevent environmental and amenity problems arising from flooding and to accord with the objectives of Local Plan policy G3.

6. A landscape management plan including management responsibilities and maintenance schedules of the public open space and equipment shall be submitted to the Local Planning Authority before the occupation of any dwelling. The management plan shall be carried out as approved.

Reason: To ensure the long term maintenance of the public open space in the interests of the amenity of residents and to accord with the objectives of Local Plan policy H4.

7. All landscape works shall be carried out in accordance with the approved details in accordance with timescales that shall be submitted to and agreed in writing by the Local Planning Authority before any development above ground level. 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. The condition accords with Adopted Local Plan Policy G1 and H3.

8. No more than 26 dwellings shall be constructed on site.

Reason: To define this permission, in the interests of residential amenity and highway safety and to accord with the objectives of Local Plan policies G1, H3 and G6.

9. The layout of the site shall incorporate an area of public amenity open space/children's play area comprising not less than 7.5% of the gross site area which shall be laid out in a manner to be submitted to and agreed in writing by the Local Planning Authority. The submitted details shall include the type, number and location of the play equipment. The open space and equipment shall be made available for use in accordance with timescales which shall be agreed in writing by the the Local Planning Authority. The public open space shall be retained and shall not at any time be incorporated within the curtilage of any dwelling.

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

10. Prior to the commencement of the development hereby permitted, a Construction Management Plan shall be submitted to the Local Planning Authority for approval. The Construction Management Plan 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 and the vehicles of site personnel will be parked, measures to control noise, fumes, vibration and dust during the development period and where materials will be delivered and stored within the site. Construction of the permitted development shall be undertaken in accordance with the approved Construction Management Plan.

Reason: In the interests of the safety and free passage of the public and to accord with the objectives of Local 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 the commencement of any development to ensure that neighbour's amenity and safety are respected.

11. No development shall take place until a surface water drainage scheme for the site, based on sustainable 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 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 which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme 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 to ensure for 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 vicinity and to accord with Adopted Local Plan Policies G1 and G6. This is a pre-commencement condition as the drainage strategy is a fundamental part of the layout and the details need to be agreed prior to any form of development taking place.

12. The development hereby permitted shall not be occupied before a 1.8 metre wide footway, to connect the development to the existing footway network, has been provided in accordance with details that shall first have been submitted to, and approved in writing by, the Local Planning Authority. The works shall also include

appropriate arrangements for the management of surface water run-off from the highway.

Reason: To ensure the provision of safe and adequate pedestrian access to the permitted development, without increasing flood risk to the highway and adjacent land and property and to accord with Adopted Plan Policies G1 and G6.

13. Before the access is brought into use all obstructions exceeding 0.6 metres high shall be cleared from the land within the visibility splays to be illustrated on drawing and thereafter, the visibility splays shall be kept free of obstructions exceeding 0.6 metres in height.

Reason: So that drivers intending entering the highway at the access may have sufficient visibility of approaching traffic to judge if it is safe to complete the manoeuvre and to accord with Adopted Plan Policies G1 and G6

14. Before any dwelling is occupied, 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 to, and approved in writing by, the Local Planning Authority

Reason: In the interests of safety, to avoid the creation of pedestrian trip hazards within the public highway from surfacing materials, manholes and gullies that may otherwise remain for an extended period and to accord with Adopted Plan Policies G1 and G6.

15. The development hereby permitted shall not be commenced until details of a comprehensive contaminated land investigation has been submitted to and approved by the Local Planning Authority (LPA) and until 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:

a) A Phase 1 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 the 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 Local Planning Authority.

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. Two full copies of the site investigation and findings shall be forwarded to the Local Planning Authority.

Reason: To ensure potential risks arising from previous site uses have been fully assessed and to accord with Policy G1 of the Adopted Plan

16. 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 Local Planning Authority (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 Local Planning Authority.

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

17. Remediation of the site shall be carried out in accordance with the approved remediation strategy (see preceding condition). No deviation shall be made from this scheme without the express written agreement of the Local Planning Authority. (LPA).

Reason: To ensure site remediation is carried out to the agreed protocol and to accord with Policy G1 of the Adopted Plan.

18. Within two months of completion of remediation, two copies of a closure report shall be submitted to the Local Planning Authority (LPA). The report shall provide validation and certification that the 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 had been carried out to the required standards and to accord with Policy G1 of the Adopted Plan.

19. If during development, contamination not previously considered is identified, then the Local Planning Authority (LPA) shall be notified immediately and no further work shall be carried out until a method statement detailing a scheme for dealing with suspect contamination has been submitted to and agreed in writing with the Local Planning Authority.

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

In determining this application the authority has taken account of the guidance in paragraph 38 of the National Planning Policy Framework, 2018 in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the Borough.

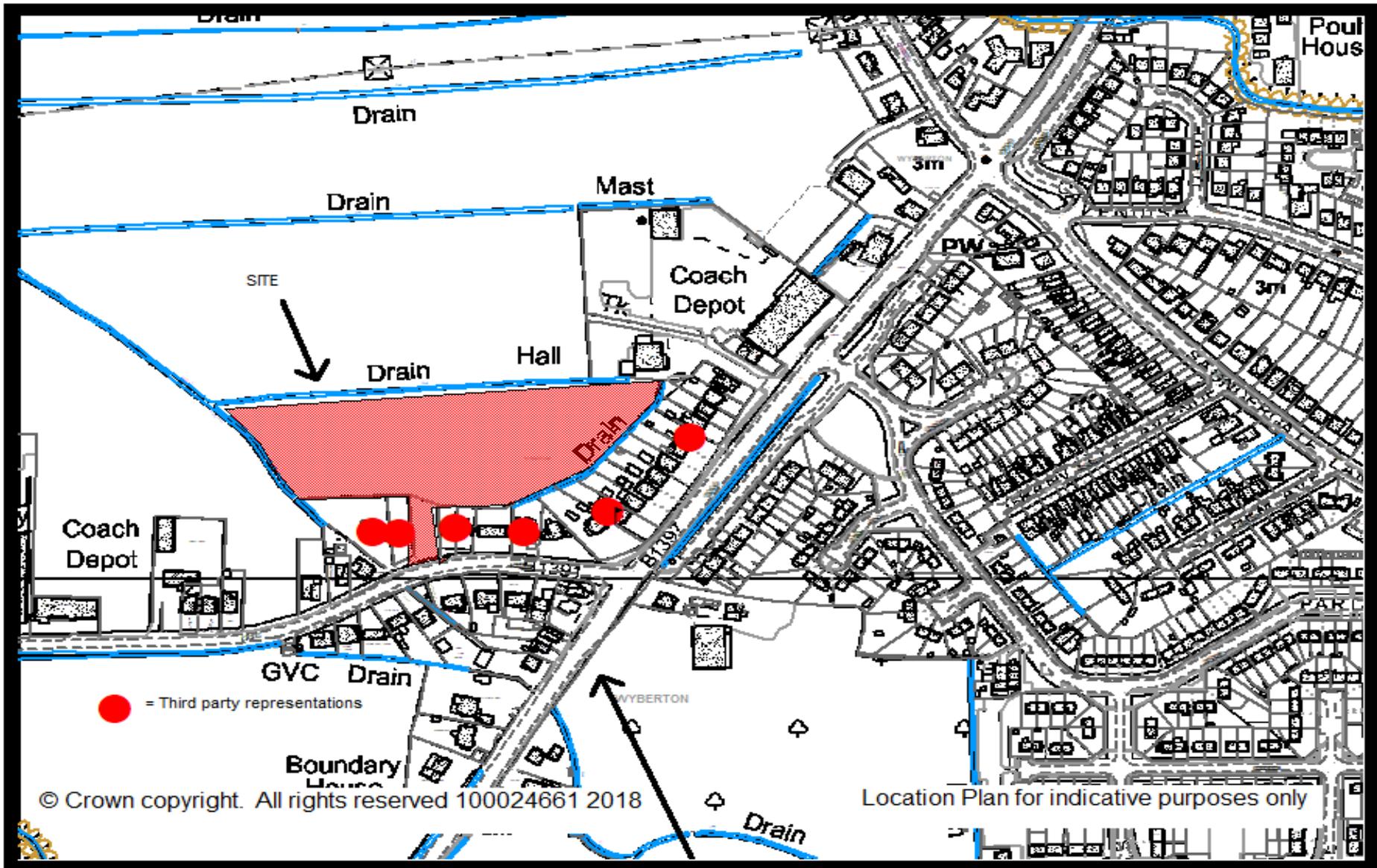
Lisa Hughes
Growth Manager

PLANNING APPLICATION B/18/0298

Outline planning application for residential development (up to 30 dwellings) with all other matters reserved

Land to rear of 1-9 Ralphs Lane, Wyberton,
Boston, PE21 7AX

Applicant: Mr W.B. Lake



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Location Plan for indicative purposes only

BOSTON BOROUGH COUNCIL

Planning Committee – 13 November 2018

Reference No: B/18/0298/OUTL

Expiry Date: 15-Oct-2018
Extension of Time: 19-Nov-2018

Application Type: Outline Planning Permission
Proposal: Outline planning application for residential development (up to 30 dwellings) with all other matters reserved

Site: Land to rear of 1-9 Ralphs Lane, Wyberton, Boston, PE21 7AX

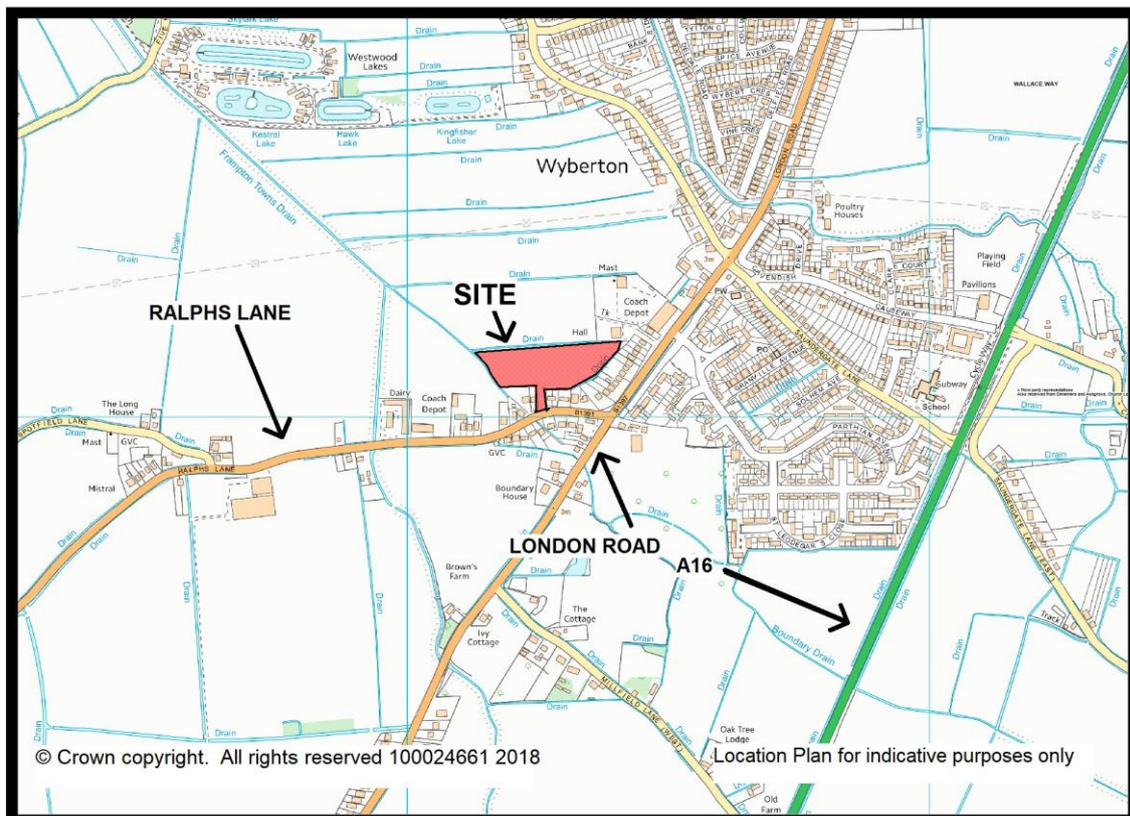
Applicant: Mr W.B. Lake
Agent: Mr Guy Forman, Guy Forman Architecture Ltd

Ward: Wyberton Parish:Wyberton Parish Council

Case Officer: Stuart Thomsett Third Party Reps: Eight

Link to Application: [B/18/0298](#)

Recommendation: REFUSE



1.0 Reason for Report

- 1.1 This application is presented to Planning Committee to clarify whether such sites are within the countryside or are infill development, particularly in light of policies contained within the emerging South East Lincolnshire Local Plan (SELLP).

2.0 Application Site and Proposal

- 2.1 The site is an agricultural field located to the rear of 1-9 Ralphs Lane and the dwellings on the northern side of London Road. Hence, the application site is abutting, but outside the Boston development boundary in the Parish of Wyberton. Wyberton Parish Hall is located to the north east of the site. There is a mix of dwelling styles in the immediate locality comprising predominantly bungalows, however there are also chalet bungalows and two storey houses, some of which have been constructed very recently. The site is to the rear properties forming the junction of Ralphs Lane and the dwellings (almost all bungalows) on the northern side of London Road. Consequently, the area has a semi urban characteristic to the front with a very rural feel to the site itself and entrance to the site on Ralphs Lane which is characterised by open fields interspersed with dwellings.
- 2.2 The site includes an access point from Ralphs Lane which is the existing field access 115m from the junction with London Road (B1397). The site is an almost entirely flat agricultural field with no apparent constraints.
- 2.3 The application seeks outline consent for up to 30 dwellings with all matters reserved. The proposed access road to serve the development as well as the layout of the site is purely indicative. The dwellings would likely be predominantly detached although a small number of semi-detached properties have been included on the indicative layout. The majority of trees and shrubs forming the boundary of the site would be retained and supplemented by further planting.

3.0 Relevant History

- 3.1 None.

4.0 Relevant Policy

- 4.1 The development plan consists of the saved policies of the Boston Borough Local Plan 1999. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that determination must be made in accordance with the plan unless material considerations indicate otherwise.
- 4.2 The land is designated as countryside within the Adopted Local Plan 1999.
- 4.3 The saved Local Plan Policies of relevance to this application are as follows:
- G1 – Amenity
 - G2 – Wildlife and Landscape Resources
 - G3 – Surface and Foul Water Disposal
 - G4 – Safeguarding the Water Environment
 - G6 – Vehicular and Pedestrian Access
 - H3 – Quality of Housing Development
 - T2 – Roads and Footpaths in New Developments

- CO1 – Development in the Countryside

National Planning Policy Framework, 2018

- 4.4 The Council does not have a 5 year supply of housing and therefore policies relevant to the supply of housing are out of date. The tilted balance in paragraph 11 of the National Planning Policy Framework (NPPF) is therefore engaged and on this basis there is a presumption in favour of sustainable development which presumes in favour of the grant of permission unless harm significantly and demonstrably outweighs the benefits of the scheme.
- 4.5 Paragraph 11 of the NPPF indicates for decision making, this means;
- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, (this includes development proposals involving the provision of housing in situations where the Borough Council cannot demonstrate a 5 year supply of housing) granting permission unless:
- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 4.6 Section 9 of the NPPF relates to transport issues. Paragraph 103 states:
- ‘The planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.’
- 4.7 Paragraphs 8 and 9 (Achieving Sustainable Development) set out three inter-linked dimensions and roles of sustainable development: economic, social and environmental. These three roles should not be undertaken in isolation because they are mutually dependent. Paragraph 78 of the NPPF encourages housing in rural areas where it will maintain or enhance the vitality of rural communities. However, isolated homes in the countryside should be avoided unless one or more of the circumstances listed within paragraph 79 apply.

South East Lincolnshire Local Plan

4.8 Paragraph 48 of the NPPF states:

Local planning authorities may give weight to relevant policies in emerging plans according to:

- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- b) 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
- c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

4.9 It is anticipated that the South East Lincolnshire Local Plan will likely be adopted before the end of this year. Therefore the policies contained within this document are attracting increasing weight. Objections have not been received in relation to the settlement boundaries and therefore significant weight can be attributed to Policy 1 (Spatial Strategy) as set out within the Main Modifications. The site is not included within the village boundary within the South East Lincolnshire Local Plan (SELLP). Therefore 'Countryside' 'D' within Policy 1 applies which states:

"In the Countryside development will be permitted that is necessary to such a location and/or where it can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community or environmental benefits."

5.0 Representations

5.1 As a result of publicity eight representations have been received from:

305 & 317 London Road
20 West End Road, Wyberton
No. 3, No. 7, Leaward, Walcott and Chapel Hollow, Ralphs Lane

5.2 The objections and comments can be summarised as follows;

- Retain the existing hedges forming the existing boundary and whilst bungalows would be preferable, limit to two storey dwellings as a maximum.
- Existing housing estates under construction (Quadrant, Windmills and other sites in Kirton and Frampton) are yet to be completed. Is it necessary to build more homes which will further increase pressure upon roads, schools, doctors and dental surgeries and hospitals?
- If approved, would it be an unfinished building site for years?
- Whilst small by modern standards, the field has produced a crop for at least the last 30 years.
- The access is between houses and close to a junction on Ralphs Lane which sees drivers approaching quite often at excessive speed.
- The proposed dwellings will overlook the properties on Ralphs Lane.

- The proposed development is contrary to policies contained within the Local Plan. Granting permission would be inappropriate as it would go against the council's own guidelines.
- This site was classified as Wyb 007 under the South East Lincolnshire Local Plan but was rejected and classified as undevelopable.
- The proposed development would detrimentally affect the character of the area which is essentially rural.
- The majority of existing dwellings are bungalows and given the proposed dwellings will be subject to a 1m floor raise, the two storey dwellings would result in overlooking issues.
- The site does not drain well and I am worried about increased flooding to my property.
- There has been ample opportunity to challenge the emerging South East Lincolnshire Local Plan (SELLP) rather than submitting a speculative planning application.
- Several nearby sites including this one were rejected in the assessment of the emerging SELLP as unsuitable for housing and it indicates that the sites are not considered by the council to be in a general location for new housing.
- To accept this site would set a precedent for similar applications and specifically the next field, Wyb006.
- The easement of the internal drain could result in an area that would represent a health and safety risk as well as attract anti-social behaviour and is only apportioned as open space to mitigate against the limitations of the site.
- The proposed management company to manage the open spaces is likely to result in future conflict and difficulties.
- As an agronomist I can debunk the theory that the land is not suitable for agricultural use. This grade I agricultural land has supported a wide range of crops over at least 30 years including cereals, sugar beet, Brassicas, bulbs and peas.
- I have followed the emergence of the South East Lincolnshire Local Plan with interest and have been impressed with the thoroughness and professionalism with which officers have conducted the process, having spoken to several of them at various public exhibitions and ask the council to support their planners and make consistent planning decisions to be made for the benefit of the borough and not set precedents in the future.

6.0 Consultations

6.1 Wyberton Parish Council has advised they are not in a position to provide a comment.

6.2 County Highways Authority has no objection in principle but has requested that conditions are attached relating to: -

- The number of parking spaces (namely two spaces for dwellings with no more than three bedrooms and three spaces for dwellings with four or more)
- Access and roads to be constructed within the limits of the existing highway and in accordance with highway standards
- No development shall be commenced until an Estate Street Phasing and Completion Plan has been submitted to and approved in writing by the Local Planning Authority.

- 6.3 Lincolnshire Lead Local Flood Authority raise no objections in principle but has requested that a condition is attached relating to surface water drainage.
- 6.4 Environment Agency raises no objection subject to a number of conditions and advise their response only covers the risk of flooding from fluvial and tidal sources.
- 6.5 Black Sluice Internal Drainage Board raised no objections and provided advice regarding consents that would be required from the Board. That advice was also sent to the applicant and agent.
- 6.6 Anglian Water (AW) confirmed that it has no assets within the application site. In terms of wastewater treatment AW stated that 'the foul drainage from this development is in the catchment of Frampton Water Recycling Centre which currently does not have capacity to treat the flows the development site. Anglian Water are obligated to accept the foul flows from the development with the benefit of planning consent and would therefore take the necessary steps to ensure that there is sufficient treatment capacity should the Planning Authority grant planning permission.'

Moreover, there is capacity within the sewerage system to accept used water. AW does not comment on surface water disposal as it has no assets that will be affected by the proposed development. Therefore, AW raises no objections.

- 6.7 Lincolnshire County Council's Strategic Development Officer (Education) seeks a Section 106 contribution of £171,042 based on a formula calculated on the estimated impact upon primary and secondary schools and sixth form provision. Specifically, the contribution will be spent on the following: -
- Wyberton Primary £67,658 towards a ninth and tenth classroom
 - Haven High School (Tollfield Campus) Secondary £84,957 towards four additional classrooms
 - Boston Grammar School Sixth Form £18,427 towards a new sports hall

The applicant has agreed to the requested s.106 contribution (£171,042) in the event that the application is approved.

- 6.8 NHS England does not wish to seek a s106 contribution for 30 dwellings on this occasion.
- 6.9 Wyberton Parish Council wishes to make no comment.
- 6.10 Boston Borough Council's Environmental Health Manager wished to raise no objections.
- 6.11 Boston Borough Council's Housing Strategy and Standards Manager confirms that the 16.6% affordable housing would meet the Council's current requirements. A slightly different mix and tenure would be preferred and the Housing Authority would be willing to discuss this in the event that the application is approved.

7.0 Planning Issues and Discussions

7.1 The main considerations are:

- Principle of the development
- Impact on the character of the locality
- Impact upon residential amenities
- Impact on highway safety
- Flood risk and drainage
- Sustainability
- Loss of agricultural land
- Weighing up

Principle of the development

7.2 The Council published and updated its assessment in relation to its 5-year housing supply (Assessment of 5-year housing land supply as at 31 March 2018). Depending upon whether the Liverpool or Sedgfield method of calculating housing requirement is used, there is currently an oversupply using the Liverpool method or undersupply using the Sedgfield Method. However, the report identifies that until the housing identified within the emerging plan can be counted as contributing towards the housing land supply the Sedgfield method should be used. Therefore, the Borough does not have a five year housing land supply.

7.3 Policies are deemed out of date when the Council cannot demonstrate a five year supply of deliverable housing supply. The tilted balance in paragraph 11 of the National Planning Policy Framework (NPPF) is therefore engaged and on this basis there is a presumption in favour of sustainable development which for decision takers means:

- Approving development proposals that accord with an up-to-date development plan without delay; or
- Where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting permission unless:
- The application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development*, or
- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

7.4 The Framework states that permission should be granted unless adverse impact would significantly and demonstrably outweigh the benefits; or that policies in it [the Framework] indicate development should be restricted. Thus the fact that the site is not allocated for housing within the Adopted Plan and the proposed development would be located outside of Boston's development boundary, does not necessarily make it unacceptable in principle. The NPPF therefore effectively replaces the housing supply policies in the Development Plan meaning that the weight to be attributed to Policy CO1 'Development in the Countryside' is negligible.

- 7.5 Paragraphs 8 and 9 of the NPPF set out the three inter-linked dimensions and objectives of sustainable development - economic, social and environmental which are required to be jointly and simultaneously achieved. However, the objectives are not criteria against which every decision should be judged. The sustainability credentials of the site are discussed below under 'Sustainability'.
- 7.6 The NPPF supports sustainable housing development in rural areas where it will maintain or enhance the vitality of rural communities.... and ...'Where there are groups of smaller settlements, development in one village may support services in a nearby village' (paragraph 78). In this case, the site is outside of the development boundary and therefore this aspect of the NPPF is not triggered and the development is therefore not considered to be infill development.
- 7.7 Paragraph 79 permits isolated homes subject to meeting one of five circumstances. The Framework does not define isolated, however the 2017 Braintree District Council High Court Judgement (Braintree District Council v (1) Secretary of State for Communities and Local Government, (2) Greyread Limited and (3) Granville Developments Limited [2017] EWHC 2743 (Admin)) considers that isolated should be taken as "far away from other places, buildings or people; remote". It is therefore not considered to be an isolated plot, as the site abuts the Boston development boundary and dwellings on London Road and Ralphs Lane, and therefore the circumstances identified do not apply. Notwithstanding this, the proposal does not fall within any of the criteria (e.g. dwelling for an agricultural worker, sub-division of an existing dwelling etc.) and the development would not be supported.
- 7.8 Policy G2 of the Local Plan seeks to resist development which would have an adverse effect on the existing landscape and Policy G1 seeks development which does not harm the general character of the area because of its scale, density, layout or appearance. These aims are consistent with the Framework and are addressed below.
- 7.9 The site is within the Parish of Wyberton and this geographical location is well served by a variety of services and facilities and services within Boston are accessible. This site is located outside of the defined settlement within both the Adopted Plan and also the South East Lincolnshire Local Plan which is currently out for consultation in relation to modifications. As such, the principle of up to 30 dwellings on this parcel of land is unacceptable as it is not able to meet the objectives of Local Plan policies and/or the NPPF. However, it is necessary to fully assess the proposal to establish if 'other material considerations' indicate that planning permission should be granted.

Impact on the character of the locality

- 7.10 The site comprises approximately 1.6ha of land, located outside but abutting the Boston development boundary. The site sits behind housing to the south and with open arable fields to the north and west. The application site is currently served by a field access located between No.9 and 'Leaward' on Ralphs Lane. The layout and design of the housing, through the reserved matters application if outline permission is granted, can be controlled so that they are reflective of bungalows and houses in the immediate area, together with appropriate soft landscaping to retain the countryside feel of the location.

- 7.11 The indicative plans show the dwellings and the width of the plots of a comparable size to one another and the existing site boundaries would be retained. The depth of the rear gardens of the proposed new dwellings is quite generous compared to many residential developments that have been submitted over the last ten years. Each dwelling would still provide with a good amount of outdoor amenity space and separation distances between existing and propose dwellings within the development. In terms of housing density, the proposed site would result in 18.75 dwellings per hectare (dph) and is broadly comparable with the density of the nearby surrounding residential development (14.5 dph).
- 7.12 In relation to its wider impact, Policy G1 identifies that for development to be approved, it should not substantially harm the amenities of other near residents or the general character of the area due to its nature, scale, density, layout, appearance or level of traffic generation. The impact upon residential amenity is discussed in the next section below.
- 7.13 In relation to the character of the wider streetscene, the site is largely screened by existing dwellings on two sides, namely London Road and Ralphs Lane. However, the site is completely open on two sides to open arable fields. Unless those fields are developed in the future, no realistic amount of landscaping and screening will mitigate against the likely detrimental impact upon this rural character of this area.
- 7.14 The dwellings on Ralphs Lane and London Road almost all have good-sized rear gardens, the majority of which culminate in either timber fencing and / or high, thick and mature hedging ranging between 2 and 4m in height. The overall character is therefore rural although the existing dwellings do have an urbanising effect.
- 7.15 Whilst the proposal is in outline, indicative plans of the layout, scale and landscaping have been submitted. The plans indicate that existing hedging would be retained and supplemented by further planting. The indicative layout plan includes an internal estate road and footpath, one area of public open space forming the easement to the internal drain to the rear of the site and a further small pocket of open space in the heart of the development. The development would also be served by an attenuation pond in the north-west corner where flood risk hazard is highest as well as swales to aid surface water drainage. In the event of an approval, the possible landscape alterations would result in a very good site layout, as landscaping is a matter for later consideration it cannot be guaranteed that the development would be implemented as shown if permission is granted.
- 7.16 The dwellings would result in a dramatic change to the character of the area together with the urbanising of the field access. The indicative dwellings, regardless of height would be prominent, particularly as the entire site would be raised 1.0m to mitigate against flood risk. As scale is not a consideration of this application, the dwellings could be designed to be lower and less prominent. However, they would need to be at least 1.5 to two storeys in height to comply with Environment Agency's requirements. Notwithstanding the above considerations, this is a semi-urban but still a predominantly rural location where dwellings are well spaced from one another in a linear development with open fields to the rear. As such, adding a further 30 on a small housing estate would completely alter the character of the area by adding built form where there is

currently none. In addition, the activity associated with 30 additional dwellings would increase with comings and goings of people and vehicles which would also have impact on the character of the area. Policy G1 addresses amenity and states that permission will be refused when there is substantial harm. It is concluded from the above discussion that there would be harm resulting from housing development on this site and the harm would be substantial.

Impact upon residential amenities

- 7.17 There are residential properties which share a boundary with the site to the east and south. The application seeks outline permission for residential development with all matters reserved although an indicative site layout plan and access has been included. A Design & Access (D&A) Statement shows an indicative design taking account of the flood risk of the land. The flood risk identifies the buildings would need to be sited so that they are not at risk of the 1.0m – 1.6m (above ground level) flood depths. The site layout plan is purely indicative and should planning permission be granted, the full impact of the layout, scale and design of the building could be taken into account at reserved matters stage. The distances shown between the existing and proposed dwellings is generally in excess of 40 metres (rear to rear relationship) which is in itself very reasonable subject to later considerations regarding overlooking. However, it would be reasonable to agree parameters, via a condition, relating to the heights of these buildings if planning permission is granted. In broad principle, the relationship between the proposed dwellings and existing dwellings is considered acceptable.
- 7.18 The indicative plans show 30 dwellings could be sited on the land, and with appropriate parameter conditions, maintain the existing amenity adjoining occupiers currently enjoy. Subject to a good quality scheme submitted at reserved matters stage, the site is large enough to satisfactorily accommodate a sensitively designed residential development without causing substantial harm to residential amenity.

Impact on Highway Safety

- 7.19 Vehicular and pedestrian access to the proposed dwellings will be from Ralphs Lane and would require improvements to the existing field access. Lincolnshire County Council Highways has assessed the proposal and wish to raise no objections subject to conditions.
- 7.20 The indicative (and existing field) access is located on Ralphs Lane 115m from the junction with London Road where the speed limit is 40mph. The vast majority of the written representations received highlight the likely significant impact the development would have upon highway safety given its proximity to the junction with London Road. The County Highways Authority has not raised objections subject to conditions.

Flood Risk and Drainage

- 7.21 The application site is in an area identified as being within Environment Agency Flood Zone 3, a 'danger for all/danger for most' flood hazard and within a medium tidal probability of flooding. A separate Flood Risk Assessment (FRA) has been

submitted and has been assessed by the Environment Agency. The Agency wishes to raise no objections subject to conditions.

- 7.22 The proposed 1.0m site level raise would have a significant effect upon the overall appearance of the proposed development and the character of the area. As discussed earlier, in the event of an approval, this impact could be limited and mitigated to a certain degree through conditions restricting the number and maximum height of dwellings.
- 7.23 With regards to surface water drainage, the indicative layout includes an attenuation pond and swales in addition to the internal drains forming the site's northern and western boundaries.
- 7.24 The Black Sluice Internal Drainage Board's letter provides advice regarding the discharge of water. It would be reasonable to attach a copy of the letter to any decision notice for any future developer's attention.

Sustainability

- 7.25 The Framework sets out three dimensions and roles of sustainable development - social, economic and environmental. Paragraphs 8 and 9 of the Framework explain that these three roles are interdependent and need to be pursued in mutually supportive ways. Paragraph 9 of the 2018 NPPF has changed the criteria for consideration into sustainable development compared to the 2012 version where it states that the objectives in paragraph 8 are "... not criteria against which every decision can or should be judged...".
- 7.26 Economic objective – the proposed construction of up to 30 dwellings would provide a contribution. Employment would be provided at construction stage which may support local businesses and the local economy, in addition to when the dwellings are occupied.
- 7.27 Social objective – the proposal would provide up to 30 additional houses, five of which would be affordable units. The NPPF identifies the social objectives as provision of a sufficient number and range of homes, safe and well-designed development, accessible services and open space that support communities' health, social and cultural well-being. The proposal would contribute towards the provision of housing which, in view of failing to meet the 5-year housing land supply has significant weight attached. Conditions can be attached to any approval to ensure they are well-designed and safe. They would benefit from having private gardens as well as access to the countryside. There are accessible services within this area of Wyberton parish and whilst this development is outside Boston development boundary, it is not considered to be significantly different in transport terms to warrant a refusal on this ground.
- 7.28 Environmental objective seeks to make effective use of land, improve biodiversity, minimise waste and pollution, mitigating and adapting to climate change. The proposed development would have a significantly adverse impact on the local environment given the site is rural in character and in use as an arable field. Thus, the application does not meet the environmental thread of sustainability.

Loss of agricultural land

- 7.29 The DEFRA database that the Council has access to, indicates the entire site as Grade 1 agricultural land. It is known however that the DEFRA database is unrefined and rarely indicates variations within a site.
- 7.30 The NPPF seeks to protect areas of higher quality land by developing areas of poorer quality where development is demonstrated to be necessary. Policy G9 which seeks to protect the best and versatile agricultural land from development is not a saved policy.
- 7.31 It is inevitable, given the quality of land around this district, the lack of available housing sites and the very limited number of brownfield sites that may become an allocation, that new housing development will use agricultural land, some of it being grade 1 or grade 2. The site is not statutory Green Belt. There are no statutory Green Belts in Lincolnshire.
- 7.32 It is not considered that the loss of this relatively small area of agricultural land would be sufficient to warrant refusal of this application.

Weighing Up

- 7.33 In accordance with the NPPF, applications should be approved unless policies in the Framework protect areas or assets of particular importance and provide clear reasons for refusing the proposed development or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole.
- 7.34 The Council does not have a 5-year housing land supply and therefore significant weight needs to be attributed to this. However, the site is not an allocated housing site in either the adopted or draft local plan. The site immediately abuts the Boston development boundary in both the adopted Local Plan (1999) and emerging SELLP and in terms of the economic and social strands is considered to be sustainable development. However, sustainable development must satisfy all three strands, commonly referred to in planning as the 'three-legged stool'. In terms of the environment, the approval of permission in this location would lead to harm in terms of its detrimental impact upon the rural character of the area when assessed against the Framework policies as a whole. It is therefore concluded the proposal significantly and demonstrably outweighs the benefits.

8.0 Summary and Conclusion

- 8.1 The Framework indicates that housing applications should be considered in the context of the presumption in favour of sustainable development, adding that housing applications should be approved if the authority cannot demonstrate a 5-year housing supply unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole or specific policies in the Framework indicate such developments should be restricted.
- 8.2 It is considered that this development would have a materially harmful effect on the rural character of the area due to its location outside of the Boston

development boundary. Whilst this area of Wyberton parish offers some of the facilities and amenities future occupiers of the proposed dwellings would need, the occupiers of the dwellings would still need to travel to access key services, employment and shops, which is a minor factor against this application. Balanced against this is Policy 1 within the SELLP which state that new housing developments outside of development boundaries should be resisted. It is accepted that the site abuts the Boston development boundary and is close to some facilities and amenities and other key facilities being accessible by public transport and bicycle.

- 8.3 However, overall it is considered that the adverse impacts are significantly and demonstrably harmful and are not outweighed by the benefits of approving this application.

9.0 Recommendation

- 9.1 It is recommended that Committee REFUSE Planning Permission for the following reasons -

1. The proposed development, by virtue of the location outside of the defined village boundary together with the addition of 30 dwellings when compared to the existing character of the area would result in an urbanising effect which would have significant and demonstrable harm to its rural setting. The proposal is therefore contrary to Boston Borough Local Plan Policies C01 and G1, South East Lincolnshire Local Plan 2011-2036 Policy 1 and the National Planning Policy Framework 2018, paragraphs 78 and 79 which seek to resist new dwellings unless the harm is outweighed by the benefits. The proposal, due to its location is also considered to fail to meet the aims of sustainable development as defined in paragraph 8 and 9 of the National Planning Policy Framework 2018 by introducing built form outside of development limits.

Refused Drawing Numbers: 261-PLN-E-00 Site Location Plan (1/2)
261-PLN-P-01 Master Plan (2/2)

In determining this application the authority has taken account of the guidance in paragraph 38 of the National Planning Policy Framework, 2018 in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the Borough.

Lisa Hughes
Growth Manager

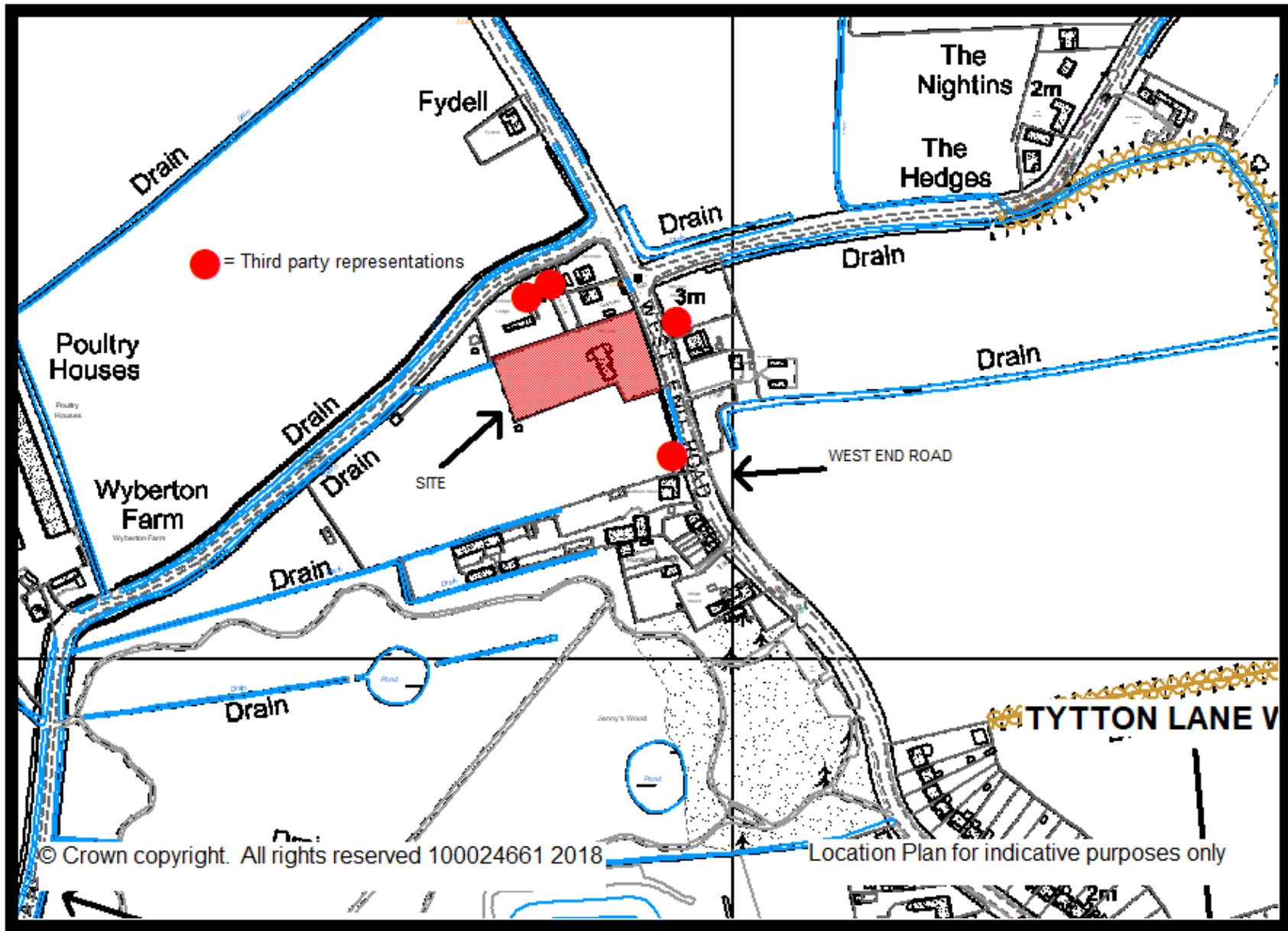
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PLANNING APPLICATION B/18/0397

Change of use of an existing detached dwelling house (Class C3) to form a hotel (Class C1).
Increase the height of the previously approved side extension (B/17/0140) by 1m.

The Firs, West End Road, Wyberton, Boston,
PE21 7LL

Applicant: Mr A. Arundell



BOSTON BOROUGH COUNCIL

Planning Committee – 13 November 2018

Reference No: B/18/0397/FULL

Expiry Date: 13-Nov-2018

Extension of Time: 16-Nov-2018

Application Type: Full Planning Permission

Proposal: Change of use of an existing detached dwelling house (Class C3) to form a hotel (Class C1). Increase the height of the previously approved side extension (B/17/0140) by 1m.

Site: The Firs, West End Road, Wyberton, Boston, PE21 7LL

Applicant: Mr A. Arundell

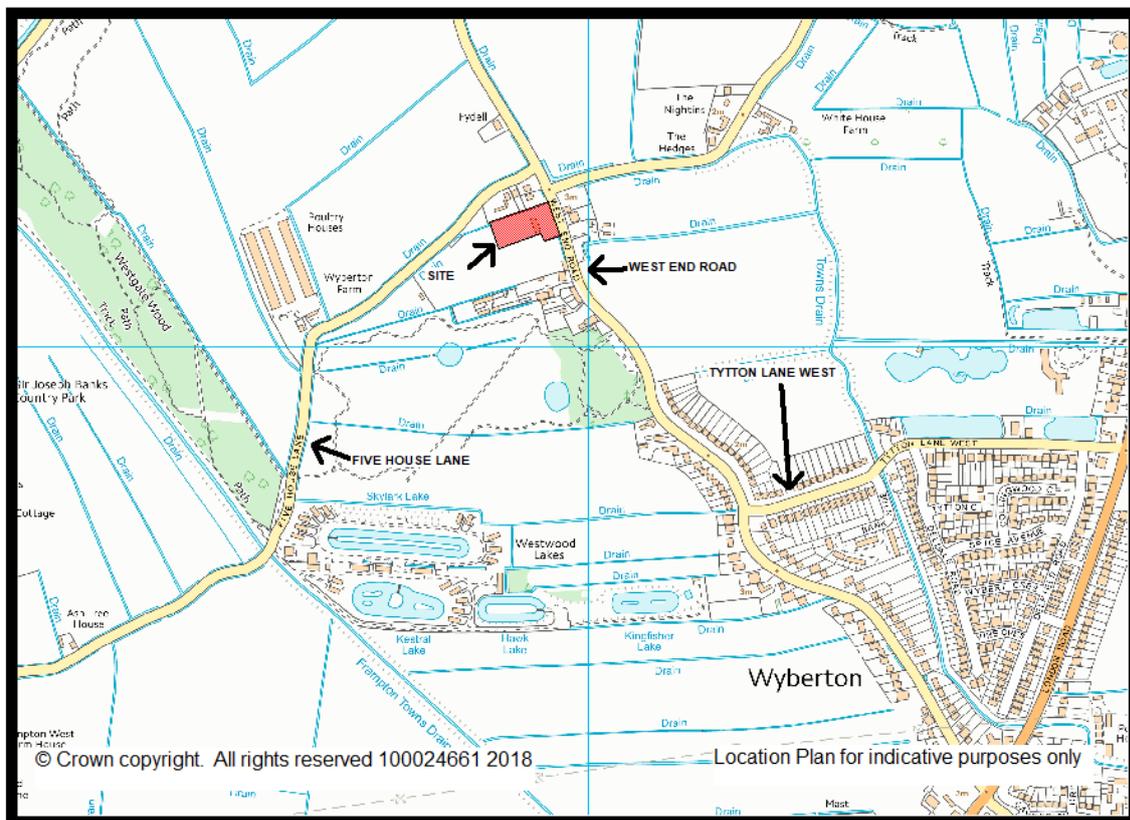
Agent: Mr Gillick, Gillick Brothers

Ward: Wyberton Parish: Wyberton Parish Council

Case Officer: Stuart Thomsett Third Party Reps: Five

Link to Application: [B/18/0397](#)

Recommendation: GRANT



1.0 Reason for Report

- 1.1 This application is presented to Planning Committee due to the individual nature of the application and the number of objections raised.

2.0 Application Site and Proposal

- 2.1 The application site comprises a large executive detached house of urban design situated within a large curtilage of 0.61ha in a rural location outside the Boston Development Boundary. 'The Firs' is set within a cluster of residential dwellings situated at the crossroads where Wyberton West Road and Five House Lane meet West End Road and is almost equidistant between the Boston development boundary to the south and north along West End Road.
- 2.2 This application seeks permission to change the use of the existing detached dwelling house (Class C3) to form a hotel (Class C1). The application also includes internal alterations and rather than implement the single storey side extension approved under B/17/0140, this proposal seeks permission to construct a 1.5 storey side extension to accommodate 17 of the proposed 20 bedrooms. It must be stressed that the volume of the extension approved under B/17/0140 and the extension proposed here are almost identical with the height of the proposed extension increased by 1m to 6m. Whilst part of B/17/0140 has been implemented, the building is not above slab height.

3.0 Relevant History

- 3.1 B/17/0140 - Erection of a single storey extension to form a triple garage to the front with a gym, swimming pool room and bar room to the rear.
- 3.2 B/17/0012 - Single storey rear extension with balcony – approved.
- 3.3 B/16/0314 - Land adjacent to The Firs - Outline application for residential development (two plots) – withdrawn by applicant.
- 3.4 B/14/0394 - Land adjacent to The Firs - Outline application for residential development (23 plots) – withdrawn by applicant.
- 3.5 B/14/0204 - Land adjacent to The Firs - Outline application for residential development (two plots) – withdrawn by applicant.
- 3.6 B/13/0112 - Application for a certificate of lawfulness (existing use) to seek confirmation that the use of the site as domestic garden and private recreation in association with 'The Firs' is lawful. The Council found it lawful.
- 3.7 B/07/0355 - Single storey side extension – approved.
- 3.8 B/07/0099 - Two storey side extension – refused under Policy CO3 (rural areas) as the proposed extension was incompatible with the original dwelling in terms of form and scale.

4.0 Relevant Policy

- 4.1 The development plan consists of the saved policies of the Boston Borough Local Plan 1999. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that determination must be made in accordance with the plan unless material considerations indicate otherwise.
- 4.2 The land is designated as countryside within the Adopted Local Plan 1999 and within the South East Lincolnshire Local Plan (SELLP).
- 4.3 The saved Local Plan Policies of relevance to this application are as follows:
- G1 – Amenity
 - G2 – Wildlife and Landscape Resources
 - G3 – Surface and Foul Water Disposal
 - G4 – Safeguarding the Water Environment
 - G6 – Vehicular and Pedestrian Access
 - CO1 – Development in the Countryside
 - CO6 – Re-use of buildings in the countryside for employment uses

National Planning Policy Framework, 2018

- 4.4 Section 9 of the NPPF relates to transport issues. Paragraph 103 states:
- ‘The planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.’
- 4.5 Paragraphs 8 and 9 (Achieving Sustainable Development) set out three inter-linked dimensions and roles of sustainable development: economic, social and environmental. These three roles should not be undertaken in isolation because they are mutually dependent. Paragraph 78 of the NPPF encourages housing in rural areas where it will maintain or enhance the vitality of rural communities. However, isolated homes in the countryside should be avoided unless one or more of the circumstances listed within paragraph 79 apply.
- 4.6 Paragraphs 83 and 84 relates to supporting the rural economy:
83. Planning policies and decisions should enable:
- a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;
 - b) the development and diversification of agricultural and other land-based rural businesses;

c) sustainable rural tourism and leisure developments which respect the character of the countryside; and

d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.

84. Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.

South East Lincolnshire Local Plan (SELLP)

4.7 Paragraph 48 of the NPPF states:

Local planning authorities may give weight to relevant policies in emerging plans according to:

- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- b) 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
- c) the degree of consistency of the relevant policies in the emerging plan to 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 It is anticipated that the South East Lincolnshire Local Plan will likely be adopted before the end of this year. Therefore the policies contained within this document are attracting increasing weight. Objections have not been received in relation to Policy 9 (Promoting a Stronger Visitor Economy) as set out within the Main Modifications and therefore significant weight can be attributed to that policy. Whilst the main thrust of that policy is aimed at other rural attractions, the provision of a hotel means that this policy must be a material consideration:

'Proposals for tourism and visitor development which utilise and enrich the natural and built environment and existing attractions of South East Lincolnshire to the benefit of the local economy, visitors and local communities will be supported within the boundaries of settlements identified in Policy 1.

Outside these settlements, small-scale development to support the visitor economy, including farm diversification, equine development and fishing lakes, will be supported provided that proposals:

1. do not conflict with neighbouring land uses;
2. are in keeping with the character of the locality; and
3. demonstrate a functional link with an existing rural attraction or farm enterprise.'

5.0 Representations

5.1 As a result of publicity five representations have been received from:

Drayton House, No. 59 and No. 61 West End Road, Wyberton
 Sonbar and Barkston Lodge, Five House Lane, Wyberton

5.2 The objections and comments can be summarised as follows;

- the very nature of the proposal is inappropriate and that the use of land/ property should not change
- unacceptable intrusion in the form of noise nuisance, more people, more traffic, general disturbance, Taxis (dropping off & collecting people at all hours), head lights shining into my bedroom at night, car doors banging and hooters disturbing our peace. Then there will delivery trucks coming and going
- would demonstrably harm the amenities enjoyed by local residents, in particular valuable green space, privacy and the right to enjoy a quiet and safe residential area
- the impact on wildlife, I am deeply concerned about the owls in this area, water voles, bats and the effect on protected trees. There is already enough traffic on this small road without any more to add to it
- concerned about the drainage or subsidence of land causing drainage issues that could affect my property
- the visual impact. There is no need for a hotel on this country road and would change the character of the area
- bedrooms contained within the ground floor extension would overlook the rear garden and rear elevation of the neighbouring properties 'Barkstone Lodge' and 'Sonbar' on Five House Lane. The lighting in those rooms would create light pollution and impact upon amenity of the neighbouring property
- Existing surface water drainage issues (in particular run-off and pressure on the existing septic tanks) will be further exacerbated
- Although West End Road is a quiet rural residential area, the road is already a 'rat run' which sees heavy use which will only be exacerbated by the proposed hotel. Speeding cars have already ended up in people's front gardens and the junction with London Road and Saundergate Lane is dangerous and uncontrolled
- Residential development has been resisted an land adjacent to this site, a hotel would be totally out-of-character on this once quiet rural road
- If there is a need for a hotel, surely it should be in a more sustainable location with close access to services. Are we to become a second Spilsby Road?
- New developments such as the stadium and Quadrant will increase pressure on West End Road and there is no demand for a hotel

6.0 Consultations

6.1 Wyberton Parish Council has objected to the application and specifically with regard to increased transport; it is a residential area and not an appropriate area for a hotel; and more detailed information is required.

6.2 County Highways Authority has no objection in principle -

'In the opinion of the Highway Authority, the residual cumulative transportation impacts of the proposed use, upon the local highway network, would not be expected to be so severe that the grant of consent for the Application would have to be withheld on highway safety or traffic capacity grounds. I note the intention to utilise adjacent land for patrons' car parking. It is suggested that the extent of that space is specifically identified in any Consent that might be granted.'

6.3 Lincolnshire Lead Local Flood Authority raise no objections: -

'The size of the application site is sufficient for suitable infiltration (soakaways) to be employed for the management of surface water run-off without increasing flood risk within the site or to neighbouring land and property.'

6.4 Environment Agency raises an objection: -

'The proposal includes 12 bedrooms at ground floor in an extension currently permitted for a swimming pool and garage. This represents a considerable increase in flood risk to people. The mitigation proposed in the FRA is to raise the ground floor sleeping accommodation to 0.5m above existing ground level and protect external doorways with 600mm high flood barriers. As demountable defences or flood barriers on ground floor doors require individual occupants/owners to install them, we strongly advise that they are not appropriate for a hotel with sleeping accommodation on the ground floor.'

6.5 Black Sluice Internal Drainage Board did not respond to the consultation request.

6.6 Anglian Water did not respond to the consultation request.

6.7 Boston Borough Council's Senior Building Control Officer submitted the following comments and in the event of an approval, the development will need to incorporate this guidance: -

'I refer to your correspondence with regard to the above and have the following observations to make:

1) Limitations on travel distance:

In bedrooms with one direction of escape – 9m

In bedroom corridors with only one direction of escape – 9m

In bedroom corridors with more than one direction of escape – 35m

2) Every internal escape stair should be a protected stairway (i.e. it should be within a fire-resisting enclosure).

3) *Every protected stairway should discharge directly to a final exit; or by way of a protected exit passageway to a final exit.*

4) *Unless the doors to a protected stairway and any associated exit passageway are fitted with an automatic release mechanism, the stairway and any associated exit passageway should not form part of the primary circulation route between different parts of the building at the same level.*

5) *Every protected stairway needs to be free of potential sources of fire.'*

6.8 Boston Borough Council's Environmental Health Manager wished to raise no objections.

6.9 Boston Borough Council's Principal Licensing & Land Charges Officer submitted the following response: -

'If it is the applicant's intention to provide licensable activities, an appropriate application will be required. However, any such application will be a separate consideration from determination of the planning application.'

7.0 Planning Issues and Discussions

7.1 The main considerations are:

- Principle of the development
- Sequential Test
- Impact on the character of the locality
- Impact upon residential amenities
- Impact on highway safety
- Flood risk and drainage
- Sustainability
- Future development of the application site and adjacent site

Principle of the development

7.2 This planning application proposes a change of use from a very large house set within an extensive curtilage to a 20-bedroom hotel. Whilst the site is located amongst a small cluster of dwellings and close to the Boston development boundary and built-up area to the north and south, the immediate area is rural in nature and in planning terms is 'countryside'.

7.3 As can be seen from Section 4 of this report, there is not a substantial amount of planning policy that relates directly to the provision of a hotel in countryside. In terms of the adopted Local Plan (1999) (ALP), saved Policy CO1 is permissive of development in the countryside which is supported by other relevant saved policies contained in the ALP which are listed and are discussed further in this section.

7.4 The Framework states that permission should be granted unless adverse impacts would significantly and demonstrably outweigh the benefits; or that policies in it [the Framework] indicate development should be restricted. Thus, the fact that no

sites are allocated for hotels within the Adopted Plan (and SELLP) and the proposed development would be located outside of Boston's development boundary does not necessarily make it unacceptable in principle.

- 7.5 Paragraphs 8 and 9 of the NPPF set out the three inter-linked dimensions and objectives of sustainable development - economic, social and environmental which are required to be jointly and simultaneously achieved. However, the objectives are not criteria against which every decision should be judged. The sustainability credentials of the site are discussed below under 'Sustainability'.
- 7.6 Paragraphs 83 and 84 of the NPPF are directly relevant and have been reproduced in full at para 4.6 of this report. The NPPF supports a prosperous rural economy subject to the development being sensitive to its surroundings, not having an unacceptable impact on local roads and exploiting any opportunities to make a location more sustainable.
- 7.7 Policy 9 (Promoting a Stronger Visitor Economy) of the South East Lincolnshire Local Plan must be given significant weight as discussed at para 4.6 of this report. This policy states that the proposed development should be supported provided that proposals do not conflict with neighbouring land uses; are in keeping with the character of the locality; and demonstrate a functional link with an existing rural attraction or farm enterprise. As the application does not comply with the final requirement, it would not comply with this policy.
- 7.8 However, with regard to all policies contained within the ALP and SELLP and guidance contained within the NPPF, there is considered far greater support for the principle of the proposed development than there is opposition.

Sequential Test

- 7.9 There are several key issues in the determination of this application, and fundamental to any decision must be whether any proposed development is appropriate on the site in which it is proposed.
- 7.10 Section 7 of the NPPF deals with ensuring the vitality of town centres. Paragraph 86 indicates that Local Planning Authorities should apply a sequential test for main town centre uses, which are neither in an existing centre nor in accordance with an up to date plan. It adds that main town centre uses should be located in town centres and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre uses be considered.
- 7.11 Paragraph 87 adds that 'when considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored'.
- 7.12 The application is not supported by a planning statement. Therefore, no justification is provided as to why it is considered essential that a hotel is required in this location. No evidence is provided which demonstrates that alternative sites within or close to the town centre are not available. The applicant informed the Planning Officer that he had accessed market research that demonstrates that there is a high demand for hotel accommodation in and around the Boston area.

- 7.13 The guidance contained in the NPPF does not specify whether the provision of hotel accommodation is necessarily a town centre land use. Thus, a sequential approach to the provision of hotel accommodation is not considered to apply. In planning terms, the site is located in countryside, and whilst rural in nature, the site has direct access onto West End Road, which in turn is directly linked to the A52 and London Road, which is linked directly to the A16. The sustainability credentials of the site are discussed later in this section.

Impact on the character of the locality

- 7.14 The site comprises approximately 0.61ha of land, located amongst a small cluster of dwellings in a rural area almost equidistant between two edges of the Boston development boundary (south of Chain Bridge and north of London Road). There are a mixture of dwellings in this location and therefore there is no set vernacular. 'The Firs' adopts a very urban appearance and is a large executive house within a large residential curtilage. A substantial side extension (triple garage, swimming pool, gym, bar and plant room) was approved last year but has only partly been implemented. In terms of physical appearance, this application intends to use the "existing" footprint albeit altered internally and the roof of the extension (approved under B/17/0140) lifted 1m to accommodate five further bedrooms in the roof space. Thus, in terms of physical appearance, the building will adopt an almost identical appearance whether it is used as a hotel or house.
- 7.15 The use of the premises would change in the event that permission is granted for the change of use to a 20-bedroom hotel. Some general assumptions have to be made about how a single dwelling house is occupied, e.g. how many people are likely to live there, the number of cars, the amount of noise, activity and light (internally and externally), etc. It must then be determined how the character of an area is likely to be affected by the proposed change of use.
- 7.16 In relation to its wider impact, Policy G1 identifies that for development to be approved, it should not substantially harm the amenities of other near residents or the general character of the area due to its nature, scale, density, layout, appearance or level of traffic generation. The impact upon residential amenity is discussed in the next section below.
- 7.17 In relation to the character of the wider streetscene and the area generally, the site is highly visible as it is completely open to the front, rear and south side. The north side of the plot which is where the foundations of the approved extension have been constructed, and where 17/20 bedrooms will be located is bounded by three dwellings, namely Castle Nau on West End Road, and Sonbar and Barkstone Lodge on White House Lane. However, as the physical appearance of the building will not be significantly altered by this application save for the proposed parking area to the south side and the 1m higher roof of the extension on the north side, the sole issue to consider (other than residential amenity) is how the use itself could impact upon the character of the area.
- 7.18 Therefore, the LPA must consider how the use of the proposed hotel could impact upon the character of the area. This is most likely to be levels of noise and activity, the impact upon the highway and impact upon neighbouring amenity. 'The Firs' is recessed from West End Road with a large front and side gardens and block-paved driveways served by access and egress points onto the highway. The

application also includes 30 on-site parking spaces to serve the hotel. In terms of general activity, the vast majority of customers will arrive well before late night check-in and are likely to be quiet and considerate subject to good management. Hotels are generally located in predominantly built-up areas and those situated in more rural settings such as this operate fairly trouble-free. This application is for change of use to a hotel, not a public house or entertainment venue.

- 7.19 The change of use of the house to hotel would result in a noticeable change to the character of the area. However, it is concluded from the above discussion that there would be insufficient, if any, harm to the character of the area resulting from the proposed change of use to hotel and certainly not a degree of harm that be worthy of a refusal.

Impact upon residential amenities

- 7.20 Whilst the proposed hotel is likely to have a degree of impact upon all residential properties within this area of West End Road, there are six properties in particular that will be directly affected by this development. These properties are the three dwellings on the opposite side of West End Road to 'The Firs', and to a greater extent the three properties that share the northern boundary of the site, namely Castle Nau on West End Road, and Sonbar and Barkstone Lodge on White House Lane. The LPA must therefore determine to what degree the proposed change of use will impact upon the amenities of these properties.

- 7.21 There are several issues that are likely to result from the change of use that will impact upon residential amenities of neighbouring properties:

- increased number of car movements at check-in / check-out and during each stay
- increased levels of noise when guests arrive and leave the hotel
- increased levels of occupancy and rooms lit
- early morning departures or guests returning late at night

- 7.22 In the event of an approval and the proposed change of use is implemented, the success of the hotel in terms of occupancy rates and the impact upon residential amenity will largely be determined by the way the business is managed and operated. Generally speaking, hotels and guest houses, and particularly in rural areas operate fairly trouble-free and give rise to very few, if any complaints to Boston Borough Council. Boston Borough Council's Environmental Health Manager wishes to raise no objections.

- 7.23 It is important to re-iterate that a substantial side extension (triple garage, swimming pool, gym, bar and plant room) was approved last year but has only partly been implemented. In terms of physical appearance, this application intends to use the "existing" footprint albeit altered internally and the roof of the extension (approved under B/17/0140) lifted 1m to accommodate five further bedrooms in the roof space. It must be accepted that use of the extension to provide 17 bedrooms as opposed to the approved triple garage, swimming pool and plant room, gym, and bar will result in a greater impact upon the amenities of the three properties that share the site's northern boundary. However, hotel guests are, on the whole, no noisier than occupants of a house, and maybe even less so. Thus, it is considered that whilst the proposed change of use will result in an impact upon the residential amenities of nearby properties, this harm is unlikely to be substantial and therefore not worthy of a refusal of this application.

- 7.24 The top of the proposed windows to serve the ground floor bedrooms within the extension are shown to be 2.5m from the ground. The existing northern boundary shared with Barkstone Lodge is an approximate 1.2m high timber fence with trellis atop. A 2.5m high close boarded fence is provided from the front of the extension to the rear of the outbuilding on Drwg no. 153-200 Rev. A. Given the openness of this location and the high winds that occur, a brick wall would be the preferred option, however, that would considerably increase costs to the point where a LPA might be considered unreasonable in attaching such a condition. As a result, it is not considered reasonable to attach a boundary condition.

Impact on Highway Safety

- 7.25 Vehicular (and pedestrian) access to the proposed hotel will be from West End Road. utilising the existing access and egress and proposed hotel parking area
- 7.26 Whilst the vast majority of the written representations received highlight the likely significant impact the development would have upon highway safety given its proximity to the junction with London Road, the County Highways Authority has assessed the proposal and wishes to raise no objections subject to conditions ensuring that there is sufficient car parking available. Revised plans now show the hotel parking area to be within the application site and thus a further condition is not required.

Flood Risk and Drainage

- 7.27 The application site is in an area identified as being within Environment Agency (EA) Flood Zone 3, a 'danger for all/danger for most' flood hazard and within a medium tidal probability of flooding. A separate Flood Risk Assessment (FRA) was submitted and has been assessed by the Environment Agency. The Agency wishes to raise an objection to the scheme as stated at para 6.4 of this report.
- 7.28 The LPA considers that in the event of a flood, there would be adequate warning to allow the ground floor bedrooms to be evacuated / not let and in all eventuality such a tidal event would prompt the owner to temporarily shut the hotel. Therefore, it should be noted that in the event that the application is approved, it would be contrary to the EA's advice.
- 7.29 With regards to surface water drainage, the application form and accompanying Flood Risk Assessment confirm that soakaways will be used. In terms of the physical building, the footprint is the same as that previously approved.
- 7.30 In terms of foul water disposal, increased occupancy of the building will lead to a significant increase in the amount of foul water produced. However, the application confirms that the property is connected to the Anglian Water mains sewerage pipe situated in West End Road. As there is a positive drainage system capable of receiving flows from the development there is no likely impact on neighbouring property, which is similar to the existing situation.
- 7.31 The Black Sluice Internal Drainage Board and Anglian Water have not responded to the consultation request.

- 7.32 In conclusion, in terms of flood risk and drainage, it is considered that there are no sufficient reasons to refuse this application.

Sustainability

- 7.33 The Framework sets out three dimensions and roles of sustainable development - social, economic and environmental. Paragraphs 8 and 9 of the Framework explain that these three roles are interdependent and need to be pursued in mutually supportive ways. Paragraph 9 of the 2018 NPPF has changed the criteria for consideration into sustainable development compared to the 2012 version where it states that the objectives in paragraph 8 are "... not criteria against which every decision can or should be judged...".
- 7.34 Economic objective - the provision of 20 hotel rooms would provide a significant contribution. Whilst low level employment would be provided at the hotel, the facility itself will support local businesses and the local economy. In terms of need for further hotel rooms, there has been a long-term shortage of hotel accommodation in Boston. Not only does this remain the case but there are some very big construction projects in Boston at present and going forward. Accommodation will be and is required for contractors and visitors to the Boston area.
- 7.35 Social objective – the NPPF identifies the social objectives by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being. Hotel accommodation is required in urban and rural areas to meet the demand of the economic sector, which includes business and tourism.
- 7.36 Environmental objective seeks to make effective use of land, improve biodiversity, minimise waste and pollution, mitigating and adapting to climate change. The proposed development would have a negligible impact on the local environment and thus, the application meets the environmental thread of sustainability.

Future development of the application site and adjacent site

- 7.37 The applicant is a local property developer who has relatively recently renovated the former Ship Inn on London Road which now forms the Quayside hotel and bar. The Quayside is in an urban setting within close proximity of Boston town centre. This application must be determined by the LPA at face value and upon its planning merits and is for the change of use of a house to a hotel and nothing more
- 7.38 The applicant also owns land adjacent to this site and has tried unsuccessfully to gain planning permission for varying degrees of residential development. These recent applications were refused primarily due to the site being considered an unsustainable location and not supported by policies contained within the development plan in terms of housing provision. This application is determined taking into account different planning policies and guidance. The applicant may submit further applications to develop the adjacent site in the future. Future plans or use of the adjacent land under the ownership of the applicant cannot form a material consideration of this application.

8 Summary and Conclusion

- 8.1 Due to the nature of this application, which is extremely rare if not unique, this is a difficult if not complex decision.
- 8.2 It is considered that the proposed change of use from a dwelling to a hotel would result in a significant and noticeable increase in levels of occupancy and subsequent levels of activity. However, this is not likely to be to a degree that will have a materially harmful effect on the rural character of the area.
- 8.3 Similarly, the increased activity and movements to and from the site will impact upon the amenities of neighbouring residential properties, and most notably those which share the site's northern boundary. However, this is not likely to cause substantial harm and not to a degree worthy of a refusal of this application.
- 8.4 Overall it is considered that any adverse impacts are significantly outweighed by the benefits of approving this application which will provide much needed hotel accommodation in a location where there is proven local need.

9 Recommendation

- 9.1 It is recommended that Committee GRANT Planning Permission 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 51 of the Planning and Compulsory Purchase Act 2004.

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

- Ref: 17-2384-P-03 - Location plan scale 1/1250 (1/4)
- Ref: 17-2384-P-01 Rev. E - Block Plan, floor plans, elevations and sections ref B/3130-02 Rev A (2b/4)
- Ref: 17-2384-P-04 - Landscaping Specification (3/4)

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 permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment by RM Associates dated (September 2018) and the following mitigation measures detailed within the Flood Risk Assessment:

- The finished floor level of the building raised to no less than 500mm above existing ground level.
- Demountable defences to a height of 600mm to cover all ground floor doors

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

Reason: To reduce the risk of flooding to the proposed development and future occupants and to accord with the objectives of Local Plan Policy H3 and the objectives of the National Planning Policy Framework 2018.

In determining this application the authority has taken account of the guidance in paragraph 38 of the National Planning Policy Framework, 2018 in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the Borough.

Lisa Hughes
Growth Manager

BOSTON BOROUGH COUNCIL
Municipal Buildings, West Street, Boston, Lincs, PE21 8QR
Tel: 01205 314305 Email: planning@boston.gov.uk

DELEGATED DECISION LIST

Full details of Planning Applications and Decisions can be viewed online at www.boston.gov.uk/pa

Application Number	Case Officer	Location	Development Description	Applicant Name	Decision	Decision Date
B/18/0053/NMA	Stuart Thomsett	Land off Church Lane, Swineshead, Boston, PE20 3JA	Application under s96A for a non material amendment to approval B/18/0053 (Application for approval of reserved matters (scale, layout, landscaping and appearance) following outline approval B/17/0122 (Outline planning application for the construction of 1no. dwelling including access)) to make amendments to proposed building including height, floor area, orientation and positioning within the curtilage	Fountain	Approved Non-material Amendment	02/10/2018

Page 113

*Swineshead Parish
Council*

Agenda Item 7

Application Number	Case Officer	Location	Development Description	Applicant Name	Decision	Decision Date
B/18/0320	Stuart Thomsett	Land fronting Sharpe's Paddock, Morley Lane, Bicker, Boston, PE20 3DP	Outline application for residential development (up to 2 dwellings) with all matters reserved	De Benedictis	Unfavourable decision	03/10/2018
<i>Bicker Parish Council</i>						
B/15/0506/CD1	John Taylor	Land south of Endeavor Way, Sutterton, Boston, PE20 0JA	Application to have approved details relating to conditions 3 (Archaeological works), and 6 (Drainage Scheme)7 (Foul Water Strategy) of planning permission B/15/0506 (Erection of 14,644sq.m Class B2 (general industrial) floor space with ancillary solis plant, parking, manoeuvring and hard and soft landscaping to provide additional production capacity to the existing factory)	Jakemans Confectioners Ltd	Condition Discharge	05/10/2018
<i>Sutterton Parish Council</i>						

B/18/0261	Trevor Thompson	Former garage and other associated buildings, Brand End Road, Butterwick, Boston, PE22 0JD	Erection of 2 detached two storey residential dwellings and partial change of use of agricultural land to form gardens, following demolition of existing	Walden	Favourable with conditions	08/10/2018
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Application Number	Case Officer	Location	Development Description	Applicant Name	Decision	Decision Date
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outbuildings

Freiston Parish Council

B/18/0339	Kirsty Harte	Westwood Lakes, Five House Lane, Wyberton, Boston, PE21 7JA	Erection of 5no log cabin holiday lodges	Westwood Lakes Ltd	Favourable with conditions	08/10/2018
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Wyberton Parish Council

B/18/0259	Kirsty Harte	The Wine and Bar Club, 7-11 Bridge Street, Boston, PE21 8QF	Listed building consent to facilitate the conversion of 2 residential units above	Trustilink Building Solutions	Withdrawn by applicant/agent	09/10/2018
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shops into 4 flats including provision of 6 conservation roof lights, dormer window, elevated walkway and alterations to existing roof line

Boston Town Area Committee

B/18/0260	Kirsty Harte	The Wine and Bar Club, 7-11 Bridge Street, Boston, PE21 8QF	Conversion of 2 residential units above shops into 4 flats to include 6 conservation roof lights, dormer window, elevated walkway and alterations to existing roof line	Trustilink Building Solutions	Withdrawn by applicant/agent	09/10/2018
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Boston Town Area

Application Number	Case Officer	Location	Development Description	Applicant Name	Decision	Decision Date
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Committee

B/18/0286	Stuart Thomsett	6A Pen Street, Boston, PE21 6TJ	Change of use from beauty salon (Sui-Generis) to retail (Class A1)	Paul	Favourable with conditions	09/10/2018
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*Boston Town Area
Committee*

B/18/0396	John Taylor	Land at Middlegate Road West, Frampton, Boston	Application under s.73 to vary conditions 6 (Parameters plan) and 10 (Flood Risk) approved under application B/16/0380 (The erection of up to 215 dwellings including access off Middlegate Road West, public open space and drainage infrastructure)	Larkfleet Homes	Withdrawn by applicant/agent	09/10/2018
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Application Number	Case Officer	Location	Development Description	Applicant Name	Decision	Decision Date
<i>Frampton Parish Council</i>						
B/15/0111/CD1	Trevor Thompson	Plot adjacent The Chestnuts, South Street, Swineshead, Boston, PE20 3JD	Application to have details approved relating to conditions 3 (Materials) and 5 (Detail Design) of planning permission B/15/0111 (Erection of dwelling with attached garages plus construction of new vehicular access)	Robinson	Condition Discharge	10/10/2018
<i>Swineshead Parish Council</i>						
B/18/0345	Stuart Thomsett	Cherry Holt, Ralphp Lane, Frampton, Boston, PE20 1RJ	Application under s.73 for the removal of condition 2 (Agricultural Habitation Clause) of planning permission B11/0354/76, and condition 3 (Agricultural Habitation Clause) of planning permission B11/0596/76	Bates	Favourable Planning decision	10/10/2018
<i>Frampton Parish Council</i>						

B/18/0281/NMA	Kirsty Harte	73 Linden Way, Boston, PE21 9DT	Application under s96A for a non-material amendment to approval B/18/0281 (Single storey rear extension following removal	Clarke and Ms B Hallam	Approved Non-material Amendment	10/10/2018
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Application Number	Case Officer	Location	Development Description	Applicant Name	Decision	Decision Date
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of existing conservatory and front porch extension) to reduce footprint, and increase roof pitch, of rear extension

Page 118

Boston Town Area Committee

B/15/0264/CD2	Trevor Thompson	The Quadrant, Land off the A16, Wyberton, Boston, PE21 7HT	Application to approve details relating to condition 2 (Materials) of planning permission B/15/0264 (Application for the approval of Reserved Matters for Phases One and Two housing following the grant of outline planning approval B/14/0165 for mixed development on land known as The Quadrant)	Chestnut Homes Ltd	Condition Discharge	10/10/2018
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Wyberton Parish Council

B/18/0295	Stuart Thomsett	Site opposite Merriman's Lounge and Restaurant (land adjacent to Larrington Trailers), Great Fen Road, Wyberton Fen, Boston, PE21 7PB	Application under s73 to vary conditions 2 (Standard Compliance) and 5 (Site Layout) of planning permission B/17/0470 (Erection of new independent behavioural school, forming of new	Bridge House Independent School	Favourable with conditions	11/10/2018
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Application Number	Case Officer	Location	Development Description	Applicant Name	Decision	Decision Date
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classrooms, workshops, admin offices, staff rooms, social spaces, residential block, external car parking and service space)

Wyberton Parish Council

Page 119

B/18/0349	Kirsty Harte	Tea and Toast, 43-44, Market Place, Boston, PE21 6NF	Change of use to first and second floors to create 3no. flats and removal of part of the single storey rear flat roof extension to enable provision of a new staircase to first floor and structural repair work to the front of the building	D-Smart Properties Ltd	Favourable with conditions	12/10/2018
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Boston Town Area Committee

B/18/0350	Kirsty Harte	Tea and Toast, 43 - 44, Market Place, Boston, PE21 6NF	Listed Building Consent for the removal of part of the single storey rear flat roof extension to enable provision of a new access staircase to first floor and structural repair work to the front of the building	D-Smart Properties Ltd	Favourable with conditions	12/10/2018
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*Boston Town Area
Committee*

Application Number	Case Officer	Location	Development Description	Applicant Name	Decision	Decision Date
B/18/0343	Stuart Thomsett	The Laurels, Hammond Beck Bank, Kirton Holme, Boston, PE20 1TQ	Conversion of existing detached garage to form 1.5 storey residential annexe accommodation	Woodcock	Favourable with conditions	16/10/2018
<i>Kirton Parish Council</i>						
B/18/0324	Kirsty Harte	Pinchins Farm Shop, Dauda Lodge, Church Lane, Algarkirk, Boston, PE20 2HN	Erection of agricultural storage building for storage of farm equipment following removal of existing post and wire fencing	Pinchin	Favourable with conditions	17/10/2018
<i>Algarkirk Parish Council</i>						
B/16/0141/CD1	Trevor Thompson	Land off Sibsey Road/Wainfleet Road, Boston, Lincolnshire	me), 6 (Landscaping and planting), 9 (Construction management), 12 (Materials), 14 (Public open space) and 16 (Lighting) of planning permission B/16/0141 (Construction of 66 no dwellings including 11 affordable dwellings, new vehicular access and estate road plus associated infrastructure)			
Application to have details approved relating to condition 5 (Surface water drainage scheme)		Guy	Condition Discharge			

Application Number	Case Officer	Location	Development Description	Applicant Name	Decision	Decision Date
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Fishtoft Parish Council

B/18/0354	Stuart Thomsett	Mill Farm, Wrangle Bank, Wrangle, Boston, PE22 9DT	Application under s73A for retrospective planning permission for the erection of a workshop	Mill Farm Leisure	Favourable with conditions	19/10/2018
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Wrangle Parish Council

B/18/0053/CD1	Stuart Thomsett	Kyrenia, Church Lane, Swineshead, Boston, Lincolnshire, PE20 3JA	Application to have details approved relating to condition 2 (materials) of planning permission B/18/0053(Application for approval of reserved matters (scale, layout, landscaping and appearance) following outline approval B/17/0122 (Outline planning application for the construction of 1no. dwelling including access)	Fountain	Condition Discharge	19/10/2018
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B/17/0392/NMA	Stuart Thomsett	T H Clements and Son Ltd, West End Road, Benington, Boston, Lincolnshire, PE22 0EJ	Application under s96A for a non-material amendment to approval B/17/0392 (Proposed extension to Dutch store) to make amendment to proposed	TH Clements Ltd	Approved Non-material Amendment	19/10/2018
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Application Number	Case Officer	Location	Development Description	Applicant Name	Decision	Decision Date
			extension including air lock added to north elevation and extend the covered way on south elevation			
		<i>Benington Parish Council</i>				
B/18/0330	Kirsty Harte	22 Wide Bargate, Boston, PE21 6HG	Listed building consent for the retention of non-illuminated sign on front elevation	TNS Financial Services Ltd	Favourable with conditions	22/10/2018
		<i>Boston Town Area Committee</i>				
B/18/0352	John Taylor	88 & 90 High Street, Boston, Lincolnshire, PE21 8TA	Listed Building Consent for replacement roof tiles to 88 & 90 High Street, Boston (side and rear roof slopes) and replacement 2m high wooden fence (close board) at rear of boundary	Hobbs	Favourable with conditions	22/10/2018
		<i>Boston Town Area Committee</i>				
B/18/0307	Kirsty Harte	Pilgrim Hospital, Sibsey Road, Boston, PE21 9QS	Retrospective application for the construction of single			

Application Number	Case Officer	Location	Development Description	Applicant Name	Decision	Decision Date
<i>Fishtoft Parish Council</i>						
B/18/0361	Kirsty Harte	Mill Farm, Wigtoft Road, Sutterton, Boston, PE20 2EL	rey office building to front of Children's Services United Favourable with 23/10/2018 Erection of single storey side extension following demolition of existing conservatory	Lincolnshire Hospitals NHS Trust	conditions Favourable with conditions	24/10/2018
<i>Sutterton Parish Council</i>						
B/18/0364	Stuart Thomsett	Plot adjacent to 19 Acorn Close, Freiston, Boston, PE22 0PN	Construction of detached chalet bungalow and detached double garage	Gildersleeves	Favourable with conditions	24/10/2018
<i>Freiston Parish Council</i>						
B/18/0367	Kirsty Harte	Torwood, Long Hedges, Fishtoft, Boston, PE22 0RH	Application under s.73 for the removal of condition 4 (Agricultural Habitation Clause) of planning permission BR303/71	Crunkhorn	Favourable Planning decision	24/10/2018
<i>Fishtoft Parish Council</i>						

B/18/0381 Stuart Thomsett 32 Red Lion Street, Boston, PE21 6PZ Erection of single storey front and rear extensions Barker Favourable with conditions 24/10/2018
Boston Town Area Committee

B/18/0386 Stuart Building Plot, Outgate Smith Favourable with 24/10/2018 Thomsett Road, Leverton, Boston, conditions

Application Number	Case Officer	Location	Development Description	Applicant Name	Decision	Decision Date
		PE22 0BJ	Erection of conservatory to the rear of a dwelling under construction			
<i>Leverton Parish Council</i>						

B/18/0390 Stuart Thomsett Vauxhall Court Residential Home, Freiston Road, Boston, PE21 0JW Application for works to trees subject to TPO (Boston No. 7) to include:
 T1 Macrocanpa - Cut back to clear telegraph pole T2 & T3 Sycamore - Raise crown to 5m over path, reduce back side by 4m over path and gardens Vauxhall Court Care Home Favourable Planning decision 24/10/2018
Boston Town Area Committee

B/18/0406	Stuart Thomsett	114, Spilsby Road, Boston, PE21 9NS	Application under s211 for works to trees in a conservation area to include: - Bay tree diseased, large portions fallen due to high wind, limbs removed and made safe - Conifers overgrown, needs crown raised to 5m	Vine	Favourable Planning decision	24/10/2018
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Application Number	Case Officer	Location	Development Description	Applicant Name	Decision	Decision Date
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Page 127

and removal of torn branches

Boston Town Area Committee

B/18/0064/NMA	Stuart Thomsett	Benington Farm Barn, Crowhall Lane, Benington, Boston, PE22 0DW	Application under s.96A for a non material amendment to approval B/18/0064	Jones	Approved Non-material Amendment	24/10/2018
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(Change of use of existing barn from agricultural to residential dwelling (Class C3), erection of detached garage, and construction of new vehicular access) to amend the roof tiles from Clay Pantiles to Sandtoft Clay Modular roof tiles

Benington Parish Council

B/18/0017	John Taylor	The Coach House, Hall Lane, Algarkirk, Boston, PE20 2HG	Front extension and alterations to roof at rear of garage building and Change of Use of former dairy room/creamery and other outbuildings along with associated land and existing paddock area to special needs school (Class D1)	Loizou	Favourable with conditions	25/10/2018
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Page 128

Application Number	Case Officer	Location	Development Description	Applicant Name	Decision	Decision Date
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Algarkirk Parish Council

B/18/0017	John Taylor	The Coach House, Hall Lane, Algarkirk, Boston, PE20 2HG	Front extension and alterations to roof at rear of garage building and	Loizou	Favourable with conditions	25/10/2018
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Change of Use of former dairy room/creamery and other outbuildings along with associated land and existing paddock area to special needs school (Class D1)

Sutterton Parish Council

B/18/0309	John Taylor	8 Church Lane, Boston, PE21 6ND	Listed Building Consent for the installation of internal secondary glazing behind existing windows	RJN Corporation Ltd	Favourable with conditions	26/10/2018
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Boston Town Area Committee

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