

Present:

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

Councillors: Alison Austin, Peter Bedford, Michael Cooper,
James Edwards, Jonathan Noble, Felicity Ransome,
Brian Rush, Paul Skinner and Stephen Woodliffe

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

71 APOLOGIES

Apologies were tabled from Councillor Claire Rylott and Councillor Yvonne Stevens. No substitute members in attendance.

72 MINUTES

With the agreement of the Committee the Chairman signed the minutes of the last Planning Committee meeting held on the 15 January 2019

73 DECLARATION OF INTERESTS

Standing declarations of interest are recorded for committee members who are also members or representatives of the following organisations:

Members of Lincolnshire County Council Councillors Alison Austin and Paul Skinner.

Members of the South East Lincolnshire Local Plan Councillors David Brown, Michael Cooper and Sue Ransome.

Representatives of the Internal Drainage Boards Councillors Peter Bedford and Michael Cooper.

It is recorded at this point in the proceedings that Councillor Rush voiced concerns. He stated he had issues to raise in respect of two items on the agenda in relation to procedures in respect of call-in and stated he questioned the Chairman's role therein.

The Legal Officer advised that questioning of a procedural nature had no relevance whatsoever within the meeting itself. He advised that any such concerns were matters to be discussed with officers, in advance of a meeting, to ensure members were clear in their understanding of the subject.

Councillor Rush continued commenting asking why the Chairman and not the Ward Member had called an application in.

The Chairman provided a point of clarity. He advised that it was his policy to respond last when such planning applications were circulated for consideration. He further stated he made no comment nor indeed any decision, relating to any possible call-in, until all relevant parties including Ward Members and Parish Councillors had been given the opportunity to respond to the application, and the Ward Members the chance to call-in the application.

To further reassure Councillor Rush, at this point in the discussion the Growth Manager intervened. She stressed that the procedure followed in respect of the application referenced, had been followed correctly and in line with the full protocol for call-in. She

suggested that should Councillor Rush require any further information on procedures he meet with the planning officers outside the meeting.

The Chairman sought any further declarations of interest but none were noted.

74 PUBLIC QUESTIONS

No public questions were tabled.

75 PLANNING APPLICATION B 17 0396

Construction of 18 dwellings (including 3 affordable dwellings) garages, public open space, estate road and new vehicular access.

Land to the rear of Westminster Terrace, South Street, Swineshead Boston

Mrs Sarah Beardsley

The Senior Planning Officer presented the report to the committee and provided one update to the report tabled, advising members that an additional letter in objection had been received from the resident of no. 4 Cope Court Swineshead.

He further advised that Condition 1 within the report had been amended and now required the development to commence within 2 years as opposed to the 3 years from the date of the permission to ensure early delivery of the scheme.

Prior to moving into full presentation committee were advised that whilst the application had been considered and determined by committee in July 2018, the Section 106. that had been part of the recommendation to grant, had not yet been completed. Furthermore during the period between granting the application and to date, changes in legislation had taken place and, as with a previous two similar applications, this application was being tabled again to allow further discussions in respect of the changes in legislation both at a local and national level.

Representation was received in objection to this application by Mr Proctor which included:

Mr Proctor confirmed he lived at no. 5 Cope Court and that he had moved to the property for a more peaceful and quiet life in retirement. He voiced concerns that the land on the site was Grade 1 Agricultural and that there were other areas for building on which were on less quality land. He asked that if granted, plot no. 14 should be removed. Mr Proctor stated that whilst the plan did look good on paper, the actual proximity of plot no. 14 would cause over-looking and loss of natural light to numbers 4 and 5 Cope Court and that piece of land should instead be landscaped to allow an open green space which would complement the development. Members were asked to recognise the impact the development would have on the local roads with the increase in vehicles to and from the site and to bear in mind the blind corner situated on exiting the site. Referencing the section.106 contribution for £50,974 for education Mr Proctor questioned if it would be split between Swineshead and Donington. He requested that the full amount be provided for Swineshead school and also that limited parking be introduced around the school entrance.

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

Referencing the previous application and the time scale which had followed in respect of issuing the section.106, Mr Wicks questioned the need to re-submit the application to committee, bearing in mind it had been granted in July 2018 and nothing had changed in respect of the application submitted and agreed at that time. He advised that as far as he was aware the section 106. had been signed off

The Legal Advisor to the committee interjected and advised he had not been made aware of the completion of the section 106. at that time. He further stated that until such time as the section 106. was signed off, he felt it was for the committee to re-consider the report bearing in mind the ongoing changes in respect of legislation since the initial determination in July 2018.

It was moved by Councillor Paul Skinner and seconded by Councillor Stephen Woodliffe that committee grant the application in line with officer recommendation subject to the proviso's, conditions and reasons therein:

In Favour: 9. Against: 2. Abstentions: 0.

Resolved: That the Planning Committee resolve that they are Minded to Approve this application subject to conditions and:

- Any permission is not released until the applicants have entered into a section 106 planning obligation with the Council requiring the provision of 3 affordable housing units and a contribution of £50,974 towards education.
 - Authority is delegated to the Growth Manager to approve this application upon satisfactory completion of the planning obligation.
1. The development hereby permitted shall be begun before the expiration of two 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 site layout ref 16-2316-P-02 rev N (2H/27)
 - Location plan ref 16-2316-P-03 rev E (3D /27)
 - Plans and elevations- plot 1 ref 16-2316-P-04 rev A (4a/27)
 - Plans and elevations – plot 2 ref 16-2316-P-05 (5/27)
 - Plots 3 and 4 ref 16-2316-P-06 (6/27)
 - Plots 5, 6, 9 and 10 ref 16-2316-P-07 (7/27)
 - Plans and elevations plot 7 ref 16-2316-P-08 (8/27)
 - Plans and elevations plot 8 ref 16-2316-P-09 (9/27)
 - Plans and elevations plot 11 ref 16-2316-P-10 (10/27)
 - Plans and elevations plot 12 ref 16-2316-P-11 (11/27)
 - Plans and elevations plot 13 ref 16-2316-P-12 (12/27)
 - Plans and elevations plot 15 ref 16-2316-P-14 (14/27)

- Plans and elevations plots 14 and 16 ref 16-2316-P-15 rev A (15a/27)
- Plans and elevations – plot 17 ref 16-2316-P-16 (16/27)
- Plans and elevations – plot 18 ref 16-2316-P-17 (17/27)
- Garage details plots 2 and 13 ref 16-2316-P-18 (18/27)
- Garage details plot 7 ref 16-2316-P-21 (21/27)
- Garage details plots 8,11 and 17 ref 16-2316-P-22 rev A (22a/27)
- Garage details plots 1, 12 and 15 ref 16-2316-P-23 rev A (23a/27)
- Garage details plots 14 and 16 ref 16-2316-P-24 rev A (24a/27)
- Garage details plot 18 ref 16-2316-P-25 (25/27)
- Garage details plots 4,9 and 10 ref 16-2316-P-20 rev A (26A/27)

Reason: To ensure the development is undertaken in accordance with the approved details and to accord with Boston Borough Local Plan 1999, 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. 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 Boston Borough Local Plan 1999, Policies G1 and H3.

4. All landscape works, including the approved fencing scheme, shall be carried out in accordance with the approved details and in accordance with timescales that shall be submitted to and agreed in writing by the Local Planning Authority before any development takes place 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 Boston Borough Local Plan 1999, Policies G1 and H3.

5. 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 buildings are in keeping with the character of the area and to accord with Boston Borough Local Plan 1999, Policy G1.

6. The development hereby approved shall be carried out in accordance with the approved Flood Risk Assessment (FRA) dated October 2017 Version 1 by RM Associates including the following mitigation measures detailed within the FRA:
- The finished floor level of the dwellings shall be no lower than 3.7m AOD
 - Flood resistant and resilient construction techniques shall be utilised as described.

Reason: To reduce the risk of flooding to the proposed development and future occupiers and to accord with the objectives of Boston Borough Local Plan 1999, Policy G1.

7. The proposed area of public open space as shown on plan Proposed site layout ref 16-2316-P-02 rev N (2H/27) shall be laid out in a manner to be submitted to and agreed in writing by the Local Planning Authority before any development takes place above slab level. The public open space shall be made available for use in accordance with timescales to be submitted to and approved in writing by the Local Planning Authority.

Reason: To provide a satisfactory level of publicly available amenity open space within the development and to accord with Boston Borough Local Plan 1999, Policy H4.

8. A landscape management plan including future management responsibilities and maintenance schedules of the public open space 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 Boston Borough Local Plan 1999, Policy H4.

9. The first floor bathroom windows in the rear elevations of the chalet bungalows on plots 14, 15 and 16 as shown on approved layout plan ref 16-2316-P-02 rev N (2H/27) shall be permanently fixed and fitted with obscure glazing before occupation and retained in that form thereafter.

Reason: in the interests of residential amenity of the neighbouring occupants and to accord with the objectives of Boston Borough Local Plan 1999, Policy G1.

10. The Swineshead Public Footpath 11 which is located to the west of the site shall not be obstructed whilst works are being carried out on the site.

Reason: To maintain public right of way and public safety and to accord with the objectives of the National Planning Policy Framework.

11. In the event that pile foundations are to be used in the construction of this development, details of the pile foundations and a method statement which identifies the measures to be taken to ensure that the amenity of neighbours are not adversely affected by noise and disturbance during the insertion of the pile foundations shall be submitted to and approved in writing by the Local Planning

Authority before any dwelling is commenced on site. The works shall be carried out in accordance with the approved statement.

Reason: In order to protect the amenity of the neighbours should pile foundations be used. This condition accords with the objectives of Boston Borough Local Plan 1999, Policy G1.

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

Reason: To ensure safe access to the site and each dwelling in the interests of residential amenity, convenience and safety and to accord with the objectives of Boston Borough Local Plan 1999, Policy G6.

- 13 No dwellings shall be commenced before the first 60 metres of estate road from its junction with the public highway, including visibility splays, as shown on drawing number 16-2316-P-02 Rev. N dated 22-6-18 has been completed.

Reason: In the interests of safety of the users of the public highway and the safety of the users of the site and to enable calling vehicles to wait clear of the carriageway of South Street. This Condition accords with the objectives of Boston Borough Local Plan 1999, Policy G6.

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

Reason: In the interests of safety of the users of the public highway and the safety of the users of the site, and to accord with the objectives of Boston Borough Local Plan 1999, Policy G6.

- 15 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, unless agreed otherwise with the surface water receiving body, shall be restricted to 1.4 litres per second per hectare;

c) Provide details of the timetable for and any phasing of implementation for the drainage scheme; and

d) Provide details of how the scheme shall be maintained and managed over the lifetime of the development, including any arrangements for adoption by any public body or Statutory Undertaker and any other arrangements required to secure the operation of the drainage system throughout its lifetime.

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

Reason: To ensure the permitted development is adequately drained without increasing flood risk to adjacent land and properties. This condition accords with the objectives of Boston Borough Local Plan 1999, Policy G3.

- 16 Prior to the commencement of any part of the development hereby permitted, a Construction and Traffic Management Plan, detailing: a) where construction vehicles and the vehicles of site personnel will be parked within the site, b) where material delivery vehicles will be parked, unloaded and manoeuvred within the site and c) where site accommodation and welfare facilities will be located within the site, shall be submitted to the Local Planning Authority. The development shall thereafter be completed in accordance with the permitted Construction and Traffic Management Plan.

Reason: In the interests of the safety and free passage of the public and to accord with the objectives of Boston Borough Local Plan 1999, 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.

- 17 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that order with or without modification) no first floor windows shall be inserted in the side (east) elevation of the dwelling house on plot 1.

Reason: In the interests of residential amenity and to accord with the objectives of Boston Borough Local Plan 1999, Policy G1.

- 18 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that order with or without modification), no additional windows shall be inserted in the rear roof-slopes of the chalet bungalows hereby approved on plots 14, 15 and 16.

Reason: In the interests of residential amenity and to accord with the objectives of Boston Borough Local Plan 1999, 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.

76 PLANNING APPLICATION B 18 0502

Outline application for residential development (up to 4 dwellings) with all matters reserved for later approval.

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

Mr Carl Bates

The Senior Planning Officer presented the report and confirmed one update to the report tabled. The Black Sluice Drainage Board had responded confirming they had no objection to the application subject to the addition of a condition for the disposal of surface water.

Representation was received for Mr Dwan the agent, on behalf of the applicant which included:

The applicant had looked at and taken into account the comments of the committee when it had refused the initial application in November 2018. The new application had reduced the development to only 4 dwellings with good separation distances which was not over development of that site. The development would complement the existing ribbon development already established along Kirton End and create a harmonious continuation of the street scene. Members were asked to recognise the small number of objections and to also consider the objections from the KEROTD group, and that within that representation there was no identification of the number of members of the group: it could be a single objector or numerous. Committee were also asked to note the new NPPF and the shift in policy in respect of statutory. Mr Dwan confirmed that should the application tabled be granted, the appeal already in place for the previous refusal would be withdrawn.

It was moved by Councillor Brian Rush and seconded by Councillor Paul Skinner that committee grant the application contrary to officer recommendation due to the Borough's lack of a five year housing supply.

In Favour: 4. Against: 6. Abstentions: 1.

Resolved: The motion fell.

It was moved by Councillor Jonathan Noble and seconded by Councillor Stephen Woodliffe that committee refuse the application in line with officer recommendation subject to the reasons detailed therein:

In Favour: 6. Against: 4. Abstentions: 1.

Resolved: That committee refuse the application for the following reasons:

1. The application site is essentially located outside of the settlement boundary of Kirton End as defined in the Boston Borough Local Plan (1999) and the South East Lincolnshire Local Plan (2011-2036) 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 C
- Indicative block plan ref 18.079 S03.02 Rev B
- Indicative proposed elevations ref 18.079 S03.01 Rev B

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.

77 PLANNING APPLICATION B 18 0411

Two storey rear extension following demolition of conservatory and garage.

38 Hessel Avenue Boston PE21 8DA

Mr Alex Manning

The Growth Manager presented the report to the committee and advised there were no updates to the report tabled.

No representation was received in respect of this item.

It was moved by Councillor Michael Cooper and seconded by Councillor Stephen Woodliffe that committee grant the application in line with officer recommendation subject to the conditions and reasons therein:

In Favour: 10. Against: 1. Abstentions: 0.

Resolved: That committee grant the application in line with officer recommendation subject to the following reasons and 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 strict accordance with the application received 16th October 2018 and 17th January 2019 and in accordance with the associated plans referenced:

- Site Location (1:1250), block plan (1:500), proposed floor plans and elevations drwg no. 1850/1D.

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 Boston Borough Local Plan 1999.

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.

78 PLANNING APPEAL REPORT

The Growth Manager presented referring members to point 2.2 of the report and confirmed that the final paragraph should read'but the Inspector considered that these measures are **not** sufficient to conceal views of the shower cubicle'.

Confirming that in the year to date there had been 7 appeal decisions with 1 being withdrawn, out of the 6 remaining 2 had been allowed and 4 dismissed: as such the Council had been successful in 67% of cases which compared unfavourably to the local performance indicators which tolerated 1 out of 5 going against the Council. However, Boston was well within the statutory target in respect of major appeals being overturned with only 1 major decision having been overturned out of 78 decisions made representing 1.3%.

Committee noted the report

79 DELEGATED DECISION LIST

Committee noted the decision list.