


# Public Document Pack

	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: LH/KR/Planning

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

Monday, 4 February 2019

## **NOTICE OF MEETING OF THE PLANNING COMMITTEE**

Dear Councillor

You are invited to attend a meeting of the Planning Committee

**on Tuesday, 12 February 2019 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, Felicity Ransome, Brian Rush, Claire Rylott, Paul Skinner, Yvonne Stevens and Stephen Woodliffe

### ***Note(s) for Members of the Committee:***

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

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

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

**THIS MEETING WILL BE RECORDED (SOUND ONLY)**

# AGENDA

## PART I - PRELIMINARIES

### **A APOLOGIES**

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

### **B MINUTES**

1 - 12

To sign and confirm the minutes of the last meeting.

### **C DECLARATION OF INTERESTS**

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

### **D PUBLIC QUESTIONS**

To answer any written questions received from members of the public no later than 5 p.m. two clear working days prior to the meeting – for this meeting the deadline is 5 p.m. on Thursday 7<sup>th</sup> February 2019.

## PART II - AGENDA ITEMS

### **1 PLANNING APPLICATION B 17 0396**

13 - 36

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

### **2 PLANNING APPLICATION B 18 0502**

37 - 54

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

- 3 PLANNING APPLICATION B 18 0411** 55 - 62
- Two storey rear extension following demolition of conservatory and garage
- 38, Hessle Avenue, Boston, PE21 8DA
- Mr Alex Manning
- 4 PLANNING APPEAL REPORT** 63 - 70
- A report by the Growth Manager to advise members of the receipt of an appeal decision in respect of:
- 76 Spilsby Road, Boston, PE21 9NS
- 5 DELEGATED DECISION LIST** 71 - 80
- A report by the Growth Manager.

***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

15 JANUARY 2019

Present:

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

Councillors: Tom Ashton, Richard Austin, Peter Bedford, Michael Cooper, James Edwards, Jonathan Noble, Felicity Ransome, Brian Rush, Paul Skinner, Yvonne Stevens and Stephen Woodliffe

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

### 61 APOLOGIES

Apologies for absence were tabled for Councillor Alison Austin, Councillor Richard Austin substituting and for Councillor Claire Rylott with Councillor Tom Ashton substituting.

### 62 MINUTES

With the agreement of the committee the Chairman signed the minutes of the previous meeting held on the 11 December 2018.

### 63 DECLARATION OF INTERESTS

Standing declarations of interest are recorded for Councillors noted below in their respective roles:

*Members of Lincolnshire County Council:*

Councillors Tom Ashton and Paul Skinner.

*Members of South East Lincolnshire Joint Strategic Planning Committee:*

David Brown, Michael Cooper and Sue Ransome

*Representatives of Internal Drainage Boards:*

Peter Bedford and Michael Cooper.

A collective declaration of interest was recorded for all members of the planning committee in respect of planning application B 18 0503 in that the applicant was known to them as an officer of Boston Borough Council.

Councillor Stephen Woodliffe declared it was his intent to speak in his role as Ward Member for planning application B 18 0454 and as such he would absent from the meeting for that item.

Councillor Tom Ashton declared for transparency that he was one of the Ward Members for planning application B 18 0456 and whilst he had been in attendance at Old Leake Parish Council when the item had been raised, he had offered no opinion nor taken part in any discussion and as such, felt he could determine the application with an open mind.

**64 PUBLIC QUESTIONS**

No public questions were tabled.

**65 PLANNING APPLICATION B 18 0456**

**Outline application with all matters (layout, scale, appearance, access and landscaping) reserved for the construction of up to 5 dwellings**

**Blue Bungalow, Pode Lane, Old Leake, Boston, Lincolnshire, PE22 9NB**

**Mrs Margaret Dickings**

The Growth Manager presented the report confirming that the application was a re-submission of the original application which had been presented to committee in September 2018. The original application had been outline as was the current application. The original application had been for up to 6 dwellings against the new application being up to 5 dwellings.

For information members were advised the original application was currently under appeal. That application had been refused due to the potential number of dwellings; over development of the site and the cramped appearance which would arise. (paragraph 3.1 of the report noted the full reasons of the refusal)

Members were advised that officers were suggesting an additional condition be attached to the recommendation stating that no more than five dwellings in total, including the existing dwellings if retained, shall be provided on the site.

Representation was received from the applicant's agent Mr Stuart which included:

Mr Stuart stated that much of what he had to say was reiteration of the Officer's presentation and points. The previous application on the site had been refused at the September committee despite being recommended for approval by Mrs Hughes who also acted as the case officer in that instance. This application had also been recommended for approval by a different case officer on this occasion and committee members would confirm both were highly experienced planning officers who knew planning law and policy thoroughly and both recommendations had a sound basis. The applicant had already lodged an appeal against the previous refusal, without wishing to appear belligerent should committee refuse the current application, the applicant would appeal that one too and the paperwork had already been done so it was a no brainer for them and should that be the case, the applicant would seek costs. Referenceing the number of objections, Mr Stuart stated none were valid. The application was only before committee after being called in by Councillor Pierpoint due to concerns relating to parking and highways issues, both of which were not valid matters for committee's consideration. The application was in outline with all matters reserved therefore parking arrangements remained to be determined. Furthermore highways a relevant statutory consultee were satisfied with that aspect of the proposal. The previous application had not been refused on those grounds therefore to do so on this application would be inconsistent and insupportable at appeal. The previous application was refused on the single ground of over development of the site resulting in a cramped appearance.

The current application was essentially of the same nature but the maximum quantum of the development had been reduced by 20%. Statutory consultee responses remained the same and considered the proposal acceptable. To introduce any new or additional reasons for refusal would be unsupportable. The actual number of dwellings would be determined at reserved matters as would the form of the development. The indicative layout carried no weight in planning terms and simply allowed the officers to judge the development in easily recognisable terms. It was not inconceivable that the reserved matters application may come forward for a single self build property, nor that the application could come forward for a maisonette or flats both having a lower footprint than the indicative layout. The previous reason for refusal was also insupportable. The quantum of development was flexible, the cramped appearance was not known and was subject to reserved matters. Furthermore referencing the officer's comments and the query on the hedge line, Mr Stuart stated it was probably fair to say it was more than just likely that the hedge would be removed.

Representation was received from the Ward Member Councillor Barrie Pierpoint which included:

Confirming he was one of the Ward Members for Old Leake and Wrangle and that he knew the area very well Councillor Pierpoint confirmed that he lived round the corner from the site. He confirmed he was speaking on behalf of the residents and asked that committee consider the application very seriously. The application only had a slight variation from the original with 5 dwellings and not 6 and Councillor Pierpoint confirmed he had not only visited the site again, but he had spoken with all the residents once more investigating all their issues in respect of the problems the development would create to the close knit area. The new application showed 5 properties instead of 6 but residents all agreed it was still too cramped on a very small plot of land. 11 car parking spaces were proposed with 4 at one end of the corner which was sited very close to the edge of the road. It would create a problem for the residents at 5 Pode Lane who would be subject to having vehicles to use their driveway to for residents to reserve in to to access the site and equally reverse again into the driveway to exit the site. Neither option was acceptable nor safe. Should vehicles be approaching from the far end there was a 60mph traffic speed right up to the houses where it turned to 30mph: vehicles would still be travelling at a high speed and in the dark should a car be reversing out of one of the four parking spaces, it would be an accident waiting to happen. Vehicular access to the site would be seriously compromised including the safety of the road from the Pode Lane side which was the width of the Southfield Lane junction and only wide enough for a single vehicle such as a car. On one side there was an open dyke which could result in injury to both pedestrians and travellers due to the increase of vehicular access requirements in a very narrow road. Further accidents could arise should cars be parked along the road by visitors / delivery services to the development as there was no space for non residents parking within the development. When two cars met at a certain part on the road it would always be necessary for one of them to reverse to enable passing. The narrow road could not cope with increased traffic. In the evening there was no public lighting on Pode Lane after Southfield Junction, contrary to what has been stated in the application. Increasing traffic on such a narrow road and a non protected waterway would create accidents. The footpath in Pode Lane could become subject to being used by extra wide loads and accessibility to the site was a major problem which could not be resolved in a satisfactory manner, especially with the proposed number of dwellings on such a very small site. The application showed 11 car parking spaces with no opportunity for a turning point within the site, making it very difficult to manoeuvre. The site would create major issues for local residents in respect of safety; congestion; parking issues; flooding and a lot more including potential accidents.

Pode Lane was a flood risk area surrounded by dykes, some of which had already subsided. A dyke ran at the back of the proposed site and further development would increase the risk of further subsidence. The site was not in keeping with the surroundings, it was out of character and it was too small to accommodate the number of proposed dwellings and would create additional pressure within an area already suffering with issues beyond their control.

It was moved by Councillor Tom Ashton and seconded by Councillor Jonathan Noble:

That committee refuse the application, contrary to officer recommendation as the application contravened Policies G1, G2 and H3(2) of the Boston Borough Local Plan 1999 and paragraphs 122 and 127 of the NPPF 2018.

**Vote: In Favour 9. Against 3. Abstention 1**

**RESOLVED: That committee refused the application, contrary to officer recommendation for the following reasons:**

The proposed development would compromise, by virtue of the potential number of dwellings, an overdevelopment of the site, resulting in a cramped appearance incompatible with the spacious character of the locality. The development would result in an incongruous addition to the edge of village location. The proposal would be contrary to Policies G1, G2 and H3(2) (in relation to density) of the Boston Borough Local Plan 1999 and paragraphs 122 and 127 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.

## **66 PLANNING APPLICATION B 18 0503**

**Application for the approval of reserved matters (access, appearance, landscaping, layout and scale) following outline approval B/17/0093, for the erection of detached two storey dwelling**

**Land adjacent to 122 West End Road, Wyberton, Boston, PE21 7LP**

**Mr Steve Johnston**

The Growth Manager presented the report, confirming that the reason for the tabling was the applicant was a member of the planning staff and then provided updates to the report tabled.

1. Wyberton Parish Council had responded and had no objection to the application.
2. Lincolnshire County Council acting as the highway authority and lead local authority had raised no objections subject to two additional informatives:
  - One in respect of the new/amaneded vehicular access
  - One in that contact be made with Lincolnshire County Council Streetworks and Permitting Team in relation to statutory utility connections.

No representation was received in respect of this application.

It was moved by Councillor Michael Cooper and seconded by Councillor Tom Ashton:

That committee grant the application in line with officer recommendation, subject to the one condition therein and the two informatives requested by Lincolnshire County Council.

**Vote: In Favour 13. Against 0. Abstention 0**

**RESOLVED: That committee grant the application in line with officer recommendation subject to the following condition and two informatives:**

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:
  - Site Location Plan, Drwg no. 12-404-03
  - Block Plan, Elevations, First Floor Plan, Visuals Drwg no. 12-404-02
  - Elevations, Ground Floor Plan, Visuals Drwg no. 12-404-01 rev D

**Reason:** To ensure the development is undertaken in accordance with the approved details and to accord with Policy G1 of the Boston Borough Local Plan 1999.

Informatives:

1. The permitted development requires the formation of a new/amended vehicular access. Applicants should note the provisions of Section 184 of the Highways Act 1980. The works should be constructed to the satisfaction of the Highway Authority in accordance with the Authority's specification that is current at the time of construction. For further information, please telephone 01522 782070.
2. Please contact the Lincolnshire County Council Streetworks and Permitting Team. 01522 782070 to discuss any proposed statutory utility connections and any other works which will be required within the public highway in association with the development permitted under this Consent. This will enable Lincolnshire County Council to assist in the coordination and timings of these works.

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

## **67 PLANNING APPLICATION B 18 0394**

**Resubmission of B/18/0192 for the erection of single storey building to form veterinary practice (Class D1), car park area and associated works.**

**Plot 6, Endeavour Park, Boardsides, Boston, PE21 7TR**

**Mr D Feldmar**

The Growth Manager presented the report confirming that the application was presented as a departure from both the Adopted and Emerging Local Plans.

Sustantiating evidence had been provided that the site had been marketed for policy compliant development between July 2015 and May 2018 with no intrest having been shown.

The Growth Manager advised committee it may wish to add a further condition to only permit the use of the development as a D1 Veterinary Surgery and for no other uses within that use class.

Representation was received from the applicant's agent Mr Hey which included:

Stating he could add little to the statements within the report which he felt to be very fair, Mr Hey advised the reason he had attended was because he felt it discourteous to have the report presented at committee without actually being in attendance. He reiterated just how hard the marketing agents had tried to find somebody to try to buy or rent the site: the current proposal was the only one to emerge after the high number of information packs being sent out. All the agents had tried very hard and in line with the outcome, Mr Hey stated he hoped that the minor departure was acceptable as it would add to the locality.

It was moved by Councillor James Edwards and seconded by Councillor Jonathan Noble:

That committee grant the application in line with officer recommendation, subject to the conditions, reasons and informatives therein and subject to the additional condition to prevent the change of use.

**Vote: In Favour 13. Against 0. Abstention 0**

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

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 14-Sep-2018 and in accordance with the associated plans referenced:

- 1/2 Site Location Plan
- 0139/18/01 – Floor Plans and Elevations

**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 Boston Borough Local Plan 1999.

3. The development permitted by this planning permission shall be carried out in accordance with the Flood Risk Assessment dated May 2018, incorporating the following mitigation measures:

- Finished floor levels to be set no lower than 2.2mAOD
- All electrical sockets to be a minimum of 450mm above the finished floor level.

The mitigation measures shall be fully implemented prior to occupation and be maintained for the lifetime of the development.

**Reason:** To reduce the risk of flooding to the proposed development and future occupants in accordance with the National Planning Policy Framework 2018.

4. The development hereby permitted shall be open to the public Monday to Friday between the hours of 08:30 and 18:00 only and at no other time.

**Reason:** To protect the amenities of the occupants of neighbouring residential properties and in accordance with Saved Policy G1 of Boston Borough Local Plan 1999.

5. Notwithstanding the provisions of Article 3 of the Town and Country Planning Use Classes Order 1987 and Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any orders revoking or re-enacting these Orders) this permission shall only permit the use of the development as a D1 Veterinary Surgery and for no other uses within that use class or as permitted within the above legislation

**Reason:** To enable the Local Planning Authority to fully consider the effects of development normally permitted by these Orders in the interest of protecting the residential amenity of adjoining occupiers in accordance with 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.

#### Informatives

1. The permitted development requires the formation of a new/amended vehicular access. Applicants should note the provisions of Section 184 of the Highways Act 1980. The works should be constructed to the satisfaction of the Highway Authority in accordance with the Authority's specification that is current at the time of construction. For further information, please telephone 01522 782070.
2. Please contact the Lincolnshire County Council Streetworks and Permitting Team on 01522 782070 to discuss any proposed statutory utility connections and any other works which will be required within the public highway in association with the development permitted under this Consent. This will enable Lincolnshire County Council to assist in the coordination and timings of these works.
3. Your attention is drawn to the contents of the letter from Black Sluice Internal Drainage Board dated 19 October 2018 and enclosed with this decision letter.

It is recorded that Councillor Stephen Woodliffe absented from the meeting table at this point in the proceedings and moved into the public gallery.

## **68 PLANNING APPLICATION B 18 0454**

**Erection of 3 no. 8m high lighting columns with 300w LED floodlight**

**Peter Paine Performance Centre, Rosebery Avenue, Boston, PE21 7QR**

**Mr Shawn Thomas, Boston College**

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

Presentation was received from Ward Member Councillor Stephen Woodliffe which included:

Stressing that he was very supportive of the college and agreeing that the facilities of Peter Paine needed to be used positively, he stated that whilst the application did not affect residents on Rosebery Avenue, the lights would affect Harrow Place which was not mentioned on the map. A very significant development called Rosebery North was being developed close to the drain and when Peter Paine had been taken over by Boston College and the fields around were undeveloped, had the lights been put in at that time there would have been no complaints. However, there was now a very large development along the drain, approximately 120 houses being built. The residents of Harrow Place would be facing the lights. Councillor Woodliffe then confirmed he had called the application in on grounds on G1 Amenity with possible effects by G10 clauses 3 and 4. The difficulty was the nearby residents might not appreciate the impact of such bright lights, prior them being installed. Once in place it would be difficult to do anything about them. Environmental Health had stated they had reservations in respect of light spillage beyond the site, in particular relation to Harrow Place. Having spoken with those residents Councillor Woodliffe confirmed that they had voiced concerns about the impact the lights could have facing their homes. Residents had noted that the existing floodlights already caused a noise disturbance with people playing sport and felt the same impact would be created by installation of the proposed lighting.

Members were advised that Councillor Woodliffe's principal concern was the power of the lights. He referenced an experiment in America the Chesapeake Bay Waterman's Study which analysed fishermen exposed to bright lights reflecting off water daily: the blue light exposure had been found to increase the risk of age related muscular regeneration. It had however been difficult to quantify light exposure in everyday life. In experimental mice bright light had caused permanent retinol damage. If the light had the intensity of sunlight, short exposure times could cause damage. If the light was not so bright chronic exposure over days to weeks could cause permanent damage known as photo-oxalated damage. It also suggested people with blue eyes had a much greater risk. Addressing the lights in the application, members were advised that they operated at a rating of 6000 degress carbon which reflected the brightness of the sun where the surface was 6000 degrees centigrade. The lights as such operated at a light colour value of 6000 centigrade and produced around 27,000 luman. A standard car headlight was 1000 luman so as such the total light produced could be similar to 81,000 luman over the three lights. It was recognised that the lights were pointed downwards over the pitch but some would be reflected off, most of which would be in the bluer end of the spectrum. Children in the bedrooms of the properties on Harrow Place could be in direct line of sight of the lights which would be run in the middle of winter whilst the evenings were dark. There was also a gap within the trees which was where the lights would be. Councillor Woodliffe stated he was reluctant to oppose the best use for the site but stressed he was concerned that the health impacts had not been properly evaluated by the officer's and he reminded members that they needed to be very alert to the impact of the lights on young eyes.

It is recorded that Councillor Woodliffe absented from the meeting completely at this part in the proceedings.

During committee deliberation the Legal Officer advised that LED lights were a lot more focussed than older lighting with the spread being a lot less and planing permission did not mitigate any nuisance: if something was granted planning permission and then it was deemed to be a nuisance to a certain segment of society, the planning permission would not prevent action being taken.

Councillor Ashton asked it be recorded that he appreciated the extent and research and diligence of Councillor Woodliffe in his presentation to the committee and he stated he wished more public speakers carried out such a level of research and provided such a level of detail when addressing committee.

It was moved by Councillor Jonathan Noble and seconded by Councillor Michael Cooper:

That committee grant the application in line with officer recommendation, subject to the conditions and reasons therein.

**Vote: In Favour 12. Against 0. Abstention 0**

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

- 1 The works must be begun not later than the expiration of three years beginning with 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 plans and details:
  - Site Location Plan – drwg no. 001/051118
  - Site Plan – drwg no. 002/051118**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. The 3 no. 300w lights hereby approved shall not be illuminated except between the hours of 16.00 and 19.30 Monday to Friday and at no other time. The lights shall not be illuminated when the training pitch is not in use during these times.  
**Reason:** In the interests of the amenities of adjoining residential properties and to accord with Boston 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.

It is recorded that Councillor Stephen Woodliffe returned to the meeting at this point in the proceedings.

## **69 PLANNING APPLICATION VALIDATION CHECK LIST.**

The Growth Manager presented the report acknowledging that most members would recognise it, having agreed that it be taken out for consultation on the 16 October 2019.

Consultation took place between the 22<sup>nd</sup> October and 30<sup>th</sup> November and 9 responses' had been received and were detailed within the report. Within the responses was commentary as to whether or not the check list would be updated as a result of the comments and the Council's thoughts on those comments.

A number of responses had been anonymous which officer's felt were from members of the public and not from consultees, although a number of consultees had responded as well.

A number of amendments were included between pages 105 – 153 of the report and highlighted in red for assistance for members' reference.

Members were advised it was also recommended that following the printing of the report, further changes be to the householder check list to remove the landscaping scheme requirement and also to modify the parking and access arrangements so that the requirements were commensurate with the types of development brought forward.

It was proposed that the landscaping scheme on page 150 be removed in its entirety and the parking and access arrangements it was proposed that it related more relevantly to householders as within it included servicing provision which for a householder would not apply.

Subject to committee's agreement it was hoped the check list could be adopted which would assist planning officers in dealing with planning applications and once in place it was expected that the time period from receipt of the application to its determination would be quicker. Furthermore for committee member's it would allow them to have all the information required to make an informed decision on whether or not to call an application in.

Committee comments followed which included:

There was general agreement that both check lists would be of great benefit moving forward for both officer's and for the committee members. It was agreed that parking and access arrangements would assist immensely and include electric charging points and bear relevance when indicative plans were submitted whereby parking was not aside the residence but on another part of the site.

*The Growth Manager stated that as a point of clarification on the householder check list, which would include hard standings and out buildings and similar, it would be removed but would remain on the full and other applications, such as new and commercial applications.*

Referencing appendix 2 the householder applications paged 141 – 153 a member noted that a householder wishing to extend their property would usually require any agent to draw up the plans and asked what were the new requirements listed for household applications that did not exist previously, or were there none.

*The Growth Manager responded by advising that in the long term there were none other than them having to number their drawings. The difference would be that the information would be submitted at the outset rather than an officer having to source it down further on.*

The Legal Officer suggested that an amendment be made to the affordable housing statement. She suggested a more generic phrase be used as the trigger point to allow flexibility. At the current time the NPPF said 10 was the trigger point but the Inspector had said it should be 11 or more when the Local Plan was submitted. He recommended committee consider inserting the phrase 'to require all developments to be determined in line with the Local Plan or the NPPF'.

It was moved by Councillor Paul Skinner and seconded by Councillor Michael Cooper that committee approve adoption of the two check lists as per the officer recommendation, subject to the amendments identified in red within the report, subject to the removal of the further changes be to the householder check list to remove the landscaping scheme requirement and also to modify the parking and access arrangements and subject to the additional phrase within the affordable housing statement as suggested by the Legal Officer.

Vote: In Favour 13. Against: 0 Abstentions: 0

**RESOLVED:** That committee agree adoption of the check lists subject to the following:

Planning and Other Applications:

1. Amend Affordable Housing Requirement to read:  
Required for all developments in accordance with the National Planning Policy Framework 2018 or the South East Lincolnshire Local Plan 2018.
2. Landscaping Scheme to be removed.
3. Parking and Access arrangements to be amended as follows:  
Parking for the appropriate size and number of cars should be provided on a detailed plan. Where parking provision would both comply with the Council's care parking standards, any mitigation measures and impact to on-street parking should be assessed. Details of secure cycle parking should be included within the submitted plans.

## **70 DELEGATED DECISION LIST**

Committee noted the report.

The Meeting ended at 11.50 am

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## **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

Applicant:  
Mrs Sarah Beardsley



**BOSTON BOROUGH COUNCIL**

**Planning Committee – 12 February 2019**

Reference No: B/17/0396

Expiry Date: 10-Jan-2018

Application Type: Full Planning Permission

Proposal: Construction of 18 dwellings (including 3 affordable dwellings) garages, public open space, estate road and new vehicular access following demolition of existing dwelling

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

Applicant: Mrs Sarah Beardsley

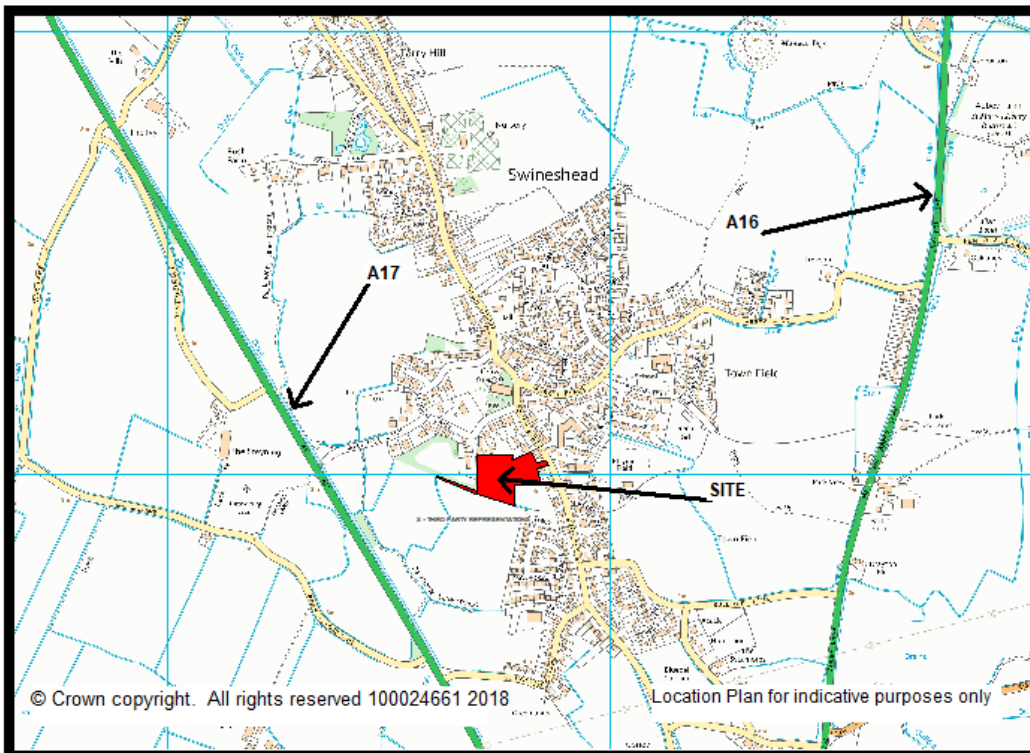
Ward: Swineshead and Holland Fen

Parish: Swineshead Parish Council

Case Officer: Trevor Thompson

Third Party Reps: 14

**Recommendation: MINDED TO GRANT**



## **1.0 Background**

- 1.1 This application was presented to the Planning Committee on the 24<sup>th</sup> July 2018 where it was resolved to grant planning permission subject to amendments to recommended conditions 8 and 18 and the completion of a section 106 planning obligation with the Council requiring the provision of three affordable housing units and a contribution of £50,974 towards education.
- 1.2 After nearly 6 months, the section 106 agreement has still not been completed and therefore no formal decision has been made on the application. However it is understood that the agreement is nearing completion.
- 1.3 Since the meeting in July there have been changes in planning policy at both a national and local level. At a national level, the National Planning Policy Framework 2018 came into effect on 24<sup>th</sup> July (i.e. on the same date that the application was discussed by the Planning Committee). At a local level, the South East Lincolnshire Local Plan 2011-2036 (SELLP) has been subject to public consultation in relation to Main Modifications.
- 1.4 Therefore this item is being presented to the Planning Committee for further discussion. As Members may recall applications ref B/17/0513 and B/18/0012 were presented to this Committee for similar reasons in December last year.
- 1.5 It is anticipated the South East Lincolnshire Local Plan 2011-2036 (SELLP) will likely be adopted in the near future. 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 main part of the site is not included within the Swineshead village boundary as identified within the South East Lincolnshire Local Plan (SELLP).
- 1.6 In this case, legal advice has been sought due to the change in policy since the resolution was made at Planning Committee on 24<sup>th</sup> July 2018. The advice is that when there has been a material consideration that comes to light between the Committee resolution and the issuing of the permission then it is for the Local Planning Authority to consider this and as to how it could affect the decision.
- 1.7 In this instance, the revised NPPF and SELLP which now has weight allocated to it, meets the criteria of being a material consideration. The application should therefore be returned to committee to reconsider
- 1.8 This report is essentially the same as presently previously with the exception of the relevant sections and paragraphs to take into account the revised National Planning Policy Framework (2018), the additional weight to be attributed to the relevant policies contained within the SELLP and the 'planning balance'.

## **2.0 Reason for report**

- 2.1 This application was originally presented to the Planning Committee because objections had been raised by neighbouring residents and because the site is within countryside and edge of village settlement location. The application therefore raises issues relating to the interpretation of planning policy.

### **3.0 Application site and proposal**

- 3.1 The majority of the application site is agricultural land and is located to the side and rear of existing residential properties which front onto South Street, Swineshead. The site covers approximately 1.25 hectares and includes one single detached house which is to be demolished to facilitate a new vehicular access and estate road which forms part of this development. There are existing residential properties to the north and west of the site and on the opposite side of the road to the east. There are other residential properties fronting South Street either side of the proposed access, including Westminster Terrace plus a single storey outbuilding which is used by the local brass band for practice purposes.
- 3.2 To the south lies open agricultural land with open ditches. There is a public right of way which links Church Lane to the north and runs along the site's western boundary. The amended layout of this proposed housing scheme now shows a pedestrian link to this public right of way.
- 3.3 This application seeks full permission for the erection of 18 dwellings on this site plus a new vehicular access, estate road, public open space and associated infrastructure. The application also includes the demolition of a property known as Harwin House which fronts onto South Street. The application also includes the delivery of 3 affordable houses. Each of the proposed 18 dwellings will have 2 car spaces.
- 3.4 The application has been amended a number of times since it was originally submitted in order to address concerns expressed by the County Highway Authority, Local Lead Flood Authority and neighbouring residents.

### **4.0 Planning history**

- 4.1 There are no relevant previous applications on this site though Members may recall that planning permission was granted last year for 74 dwellings at land to the north and west of Cole's Lane Swineshead. This decision was subject to a section 106 agreement relating to the delivery of affordable housing units and contributions towards education and health. (Ref B/17/0404).
- 4.2 Both the application site at Coles Lane and the current application site off South Street are both at edge of settlement locations. The current application site is about 800m south east of the application site at Coles Lane.

### **5.0 Relevant policy**

#### **Boston Borough Adopted Local Plan**

- 5.1 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.
- 5.2 The majority of the site is identified as 'countryside' within the Local Plan though a small part of the site near South Street lies within settlement limits.

5.3 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 H2- Windfall Housing sites
- Policy H3 – Quality of housing development
- Policy H4- Open space in housing estates
- Policy T2 – Roads and Footpaths in New Developments

#### **South East Lincolnshire Local Plan 2011- 2036**

5.4 As indicated above, it is anticipated the South East Lincolnshire Local Plan 2011-2036 (SELLP) will likely be adopted in the near future. 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 majority of site is not included within the village boundary within the South East Lincolnshire Local Plan (SELLP) though a small part of the site near South Street lies within the village limits. 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.”

5.5 Other Policies within the emerging South East Lincolnshire Local Plan of relevance to this application are as follows:

#### **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 6: Developer Contributions**

This policy requires sites proposing residential development of 11 or more dwellings or 1000m<sup>2</sup> or more floor area to contribute towards local and strategic infrastructure.

#### **Policy 18 Affordable Housing**

The policy requires the provision of about 20% affordable housing on sites of 11 dwellings or more, or residential development of 1000m<sup>2</sup> internal floor area or more.

#### 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.

### **National Planning Policy Framework (2018)**

- 5.6 At the heart of the 2018 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. 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.
- 5.7 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.
- 5.8 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.
- 5.9 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.'

- 5.10 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...'

## **6.0 Representations**

- 6.1 14 letters of representation have been received from the occupiers of the following properties with regard to the scheme as originally submitted and as subsequently amended:

- Kyrenia, Church Lane Swineshead (x2)
- The Retreat, South Street Swineshead
- The Anchorage, South Street Swineshead
- 5 Cope Court, Swineshead
- 4 Cope Court, Swineshead (x4)
- Good Acres House, South Street Swineshead (x2)
- Burleen, South Street Swineshead (x2)
- Adjacent converted barn (i.e. Swineshead Silver Band)

- 6.2 The neighbours have raised objections or concerns on the following grounds:

### Impact on residential amenity

- Overlooking, and loss of privacy, impact on standard of living
- Loss of open aspect of neighbourhood and impact on visual amenity
- Development will be over bearing
- Need for additional tree planting to minimise impact
- Distance between the proposed dwellings and the neighbouring properties
- Loss of sunlight and daylight
- Development will add to sense of enclosure, will appear dominant, overbearing and create a feeling of being 'hemmed in'
- Use of pile foundations may cause damage to neighbouring properties and will cause noise disturbance during the construction period
- Development will cause over-shadowing
- Development will contravene human rights

- Need for a high fence along the side of the estate road and side boundary serving 'Burleen' to provide privacy and along western boundary of this property.

#### Impact on local heritage

- Harwin House is one of the oldest buildings in the village and may date to around 1783. It is of historical interest and would be a great loss to the heritage and character of the village.

#### Impact on highway safety

- Concerns over parked cars along South Street near the new estate road access onto South Street which may affect access visibility especially when cars are parked in front of Westminster Terrace. Also, at various times the road becomes congested with parked vehicles associated with the band practice building, the chip shop and during football matches are being held at the local recreation ground within the locality of the site.
- Site's access will be on a blind bend- road is at its narrowest point and the development is inappropriate. Motorists exiting the site will not be able to see on coming vehicles.
- Increased levels of traffic generation, road is already congested at times which will be exacerbated by proposed development.

#### Impact on character of area

- Development is outside development/settlement boundary
- Site is designated as countryside
- Site should remain as farm land- development will destroy farm land which contributes the main income for Lincolnshire
- Development will have a negative impact on local character , visual enjoyment especially since the land is low lying and visually open
- Development is on grade 1 farmland
- Increased light pollution of new street lighting

#### Need for the development

- No reason to develop on this site
- Only a small number of houses have been sold at the housing site at North End- numerous other houses are for sale in the village.

#### Impact on local infrastructure

- Impact on local schools and doctors surgeries.

#### Flood risk

- Site collects large amounts of water during heavy downpours and takes time for it to drain away.
- Concerns about third party flooding given proposed use of block paving.

#### Incorrect information

- Converted barn next to site access is owned by Swineshead Silver Band and not the applicants as stated in the submitted particulars.

## **7.0 Consultations**

- 7.1 Swineshead Parish Council has 'no comments regarding the dwellings, however it was resolved that the Highways should look into the entrance to the site, due to the narrowing of the highways, and the volume of parked cars in that area due to residents and the chip shop'. No further comments have been received from the Parish Council with regard to the amended plans.
- 7.2 County Highways Authority has no objections subject to five conditions.
- 7.3 Environment Agency has no objections subject to one condition.
- 7.4 Black Sluice Internal Drainage Board (BSIDB) considers that the proposed surface water system is acceptable in principle.
- 7.5 Local Housing Authority supports this application ( see below)
- 7.6 Lincolnshire County Council Strategic Development Officer (Education) considers that this development will impact on local schools and has requested a contribution of £50,974 to mitigate this impact.
- 7.7 Lincolnshire Police has no objections.
- 7.8 LCC Director of Development (Footpaths Officer) has no objections but suggests conditions regarding surfacing of the proposed footpath link to the public right of way and future maintenance.
- 7.9 NHS England has written to say it will not be submitting a request for a contribution towards health.
- 7.10 Anglian Water Services has raised no objections.

## **8.0 Planning Issues and Discussions**

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

- Principle of the development
- Impact upon residential amenities
- Landscape and visual impact
- Impact on highway safety
- Developer contributions and the impact on local schools
- Density
- Design and layout of development
- Affordable housing
- Surface water disposal and flood risk
- Loss of Harwin House
- Sustainability

## Principle of development

- 8.2 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.
- 8.3 The majority of the site, apart from the site's access and Harwin House, is identified as being within countryside as defined within the adopted Development Plan, where saved Local Plan Policy CO1 primarily seeks to resist development unless supported by other Local Plan policies. The objective of this policy is essentially to conserve the character of the countryside.
- 8.4 The Borough does not have a five year housing land supply and therefore the presumption within the Framework replaces the housing supply policies in the Plan. Assessment against the development plan as a whole is the starting point but the Framework's 'presumption' in favour of sustainable development and that in principle the proposed development at the present time would make a moderate contribution towards meeting a five year supply is a material consideration of substantial weight.
- 8.5 Thus 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 assessed more generally in relation to the objectives of Local Plan policy G1 which resists development which will cause substantial harm to the amenity and character of an area.
- 8.6 Thus, as with the previous recommendation, it may be argued that the principle of residential development on this site is still acceptable subject to the objectives of Local Plan policies and the NPPF being met. However the site is mainly outside the settlement boundary of Swineshead as identified within the SELLP which now has increasing weight. Thus, it may be argued that the application is therefore contrary to policy 1 of the SELLP . This policy states in part;
- '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.'
- 8.7 The offer of three of the 18 dwellings to be affordable homes should also be considered positively when assessing the 'tilted balance' for this proposal. The delivery of three affordable dwellings equates to a contribution of 16.6% which accorded with this Council's previous affordable housing requirement. However, Policy 18 of the SELLP requires the provision of **20%** affordable housing on

eligible sites. This would equate to 3.6 dwellings. This development therefore does not comply with policy 18 of the SELLP. This matter is discussed below.

8.8 In addition paragraph 78 of the revised NPPF states:

‘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’.

### **Impact on residential amenities**

8.9 There are residential properties within the immediate vicinity of the site and the occupiers of some of the neighbouring properties have raised objections on the grounds of impact on residential amenity as detailed above. In particular this development will have an impact on the amenities of the properties at 4, 5 and 6 Cope Court to the north of the site and ‘Burleen’, and Good Acres House, South Street, Swineshead.

8.10 Following the submission of objections from neighbours relating to the scheme as originally submitted, the applicant has submitted revised scheme(s) which shows alterations to the dwelling types on plot 1 ( to the rear of a bungalow known as ‘Burleen’, South Street and next to the site access) and plot 14 ( next to 4 and 5 Cope Court). It is now proposed to erect a chalet bungalow on plot 14 instead of a house and the dwelling type on plot 1 and its distance from the neighbouring property has also been substantially changed. However some neighbours remain concerned about the impact this development will have on residential amenity. The views expressed by the neighbours are understandable given that this site is currently open farmland.

8.11 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.

8.12 The proposed chalet bungalow on plot 14 will be about 5.5m (as amended) from the boundaries shared with the dwellings at 4 and 5 Cope Court and will be about 12m away from the rear elevations of these properties. This would normally not comply with these commonly applied ‘yardsticks’. However the proposed chalet bungalow will be sited at an angle to both of the neighbouring properties at 4 and 5 Cope Court and therefore the likelihood of direct overlooking is substantially reduced. The rear elevation (north–west elevation) of the proposed chalet bungalow on plot 14 includes a dormer window in the rear roof-slope which will serve a bathroom. The proposed side elevation of the chalet bungalow (ie north-eastern elevation facing 5 Cope Court) does not include any first floor windows, only ground floor windows. The layout now proposed and the spatial relationships between properties are not dissimilar to other similar locations within urban environments and it is not considered that the amenity of the neighbouring residents at Cope Court will be substantially harmed by this development.

- 8.13 The side elevation of the proposed dwelling on plot 1 next to 'Burleen', South Street will be about 7m from the shared boundary and about 10m from the rear elevation of the neighbours' property. It is not intended to insert any first floor windows on the side elevation of this property which will face the neighbours rear garden area or rear elevation. It is intended to erect a detached garage within plot 1 next to the shared boundary at the rear of the plot and a 1.8m high fence along part of the site's boundaries shared with 'Burleen' and 'Good Acres House' to maintain residential amenity. Although the distance between the side elevation of the proposed dwelling on plot 1 and the rear elevation of 'Burleen' does not meet the 'yardsticks' as indicated above, it is considered that this revised scheme is significantly better than the original planned dwelling on this plot and the proposed dwelling will not substantially harm the amenity of the occupiers of the neighbouring properties to warrant refusal of the application.

#### **Landscape and visual impact**

- 8.14 The site is located at an edge of village location and is mainly used for agricultural purposes though part of the site is used for residential purposes. It is characterized by flat open landscape with agricultural fields further to the south. The main part of the site is not previously developed land but neither is it of high environmental value given it is not specifically nationally or locally designated as a protected site of having any landscape value. The site may provide some visual amenity to the occupiers of neighbouring residents and for those people using the public right of way which runs along the western boundary.
- 8.15 The settlement boundary for Swineshead as identified on inset map 22 of the Local Plan follows the northern and partly the eastern boundaries of the site. The application site will encroach significantly beyond the boundary limits of the settlement but, given the shape of the site and its relationships with surrounding properties, it would not present an awkward encroachment into countryside or undermine the existing landscape character or value of the area. It may therefore be argued that the development satisfactorily links the western and eastern urban parts of the village closely together, consolidating the form and pattern of development within this part of the village.

#### **Impact on highway safety.**

- 8.16 It is proposed to construct a new estate road approximately 130m in length from the junction with South Street with a turning feature at its western end. The road design incorporates surface water disposal via swales to be located on the north side of the access road.
- 8.17 Swineshead Parish Council and a number of neighbouring residents have made comments or raised concerns about the impact on highway safety and visibility problems that may be experienced by motorists exiting the site especially at times when vehicles are parked either side of this junction. Both neighbours and the Parish Council point out that at various times the road becomes congested with parked vehicles associated with the band practice building, the chip shop and when football matches are being held at the local recreation ground. Neighbours

also say that visibility at the new junction may also be affected given that the band practice building is constructed abutting the footpath and may affect sight lines.

- 8.18 The applicant indicates that the land behind the band practice building is owned/controlled by the applicant and it is intended to construct a vehicular access off the new estate road to provide car parking to the rear of the building to ease some of the on street parking problems raised by some neighbours.
- 8.19 Paragraph 109 of the NPPF indicates 'development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. In addition Local Plan Policy G6 seeks to resist development that would harm highway safety.
- 8.20 In addition 'Manual for Streets 2' (which is a document published by the Chartered Institute of Highways and Transportation and provides national highway design guidance and design) indicates that on street parking within visibility spays of a road junction in built up areas is common yet does not appear to create significant problems in practice. It adds that in some circumstances where speeds are low some encroachment may be acceptable. The County Highways consider that given the widespread acceptance of this guidance and the circumstances of this application, it would be difficult to defend a reason for refusal at appeal on grounds relating to the impact of the existing on-street parking along South Street upon the use of the proposed access.
- 8.21 The County Highways Authority has no objections subject to five conditions.

#### **Developer contributions and the impact on local schools**

- 8.22 Where a relevant determination is made which results in planning permission being granted for development, a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:
- (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.

In this instance the Lincolnshire County Council Strategic Development Officer (Education) considers that this development will impact on local schools and has requested a contribution of £50,974 to mitigate this impact. This contribution may be secured through a section 106 agreement. The applicant has agreed to this request.

- 8.23 NHS England has written to say it will not be submitting a request for a contribution towards health.

#### **Density**

- 8.24 The application site covers about 1.25 hectares and it is proposed to erect 18 dwellings on this site. The proposed density will therefore be around 14 dwellings per hectare (dph). The density of the estate to the south of the site (off Packhorse Gardens) is around 20 dwellings per hectare and the density of the residential

development to the north and west of the site ranges between 41dph ( at Cope Court) and 17 dph overall. It is considered that the proposed density of this development is acceptable.

### **Design and layout of development.**

- 8.25 The proposed layout is designed as a cul – de sac with dwellings sited either side of the spine road and around a turning area and public open space at the western end of the site. As indicated above, it is now proposed to provide a pedestrian link to the public right of way along the site's western boundary which provides pedestrian access to the village centre. The proposed development consists of both detached and semi –detached properties, both chalet bungalows and dwelling houses. The proposed public open space equates to around 8% of the site area which accords with Local Plan policy H4. This policy requires, on eligible sites, 7.5% of a site to be devoted to the provision of public open space and children's' play areas.
- 8.26 It is considered that the proposed layout of the site, its relatively low density at the edge of village location and the appearance of the proposed dwellings represents a good quality housing scheme that assimilates well within its surroundings. However it is acknowledged that an estate development is at odds with the flat open countryside to the south of residential properties to the north and west and general frontage development to the east.

### **Affordable housing**

- 8.27 As indicated above, the application includes the delivery of 3 affordable houses. Originally, it was intended to provide 2 x 2 bed houses as affordable rent and 1 x 3 bed house as shared equity. The provision of three affordable dwellings accorded with this Council's former stance on affordable housing (i.e. a minimum of 15%).
- 8.28 However Policy 18 of the SELLP now requires the provision of 20% affordable housing on eligible sites. This would equate to 3.6 dwellings. It may therefore be argued that an additional dwelling as part of the affordable housing contribution is therefore necessary to meet the requirements of Policy 18 of the SELLP.
- 8.29 Following discussions with the Local Housing Authority, the applicant has now agreed to deliver all three affordable houses as affordable rent with no provision for shared equity within the site. It is not intended to increase the number of affordable houses to accord with Policy 18. The Local Housing Authority supports this proposal and considers that there is a high demand for rented accommodation in the district and this application will help to meet this demand, notwithstanding this number is less than is required by Policy. The delivery of the affordable housing will be secured through a s106 agreement.

### **Surface Water Disposal and Flood Risk**

- 8.30 The proposed disposal of surface water from this development has been subject to extensive discussions between the applicant, the Local Lead Flood Authority and the Internal Drainage Board (IDB). The submitted Flood Risk Assessment indicates that it is proposed to raise the floor levels of the proposed dwellings 300mm above existing ground levels. Each dwelling will incorporate safe haven at first floor levels. Surface water from the proposed houses and the estate road will be dispersed via swales before entering a riparian watercourse to the west which

in turn will eventually discharge to an IDB drain to the south west of the site. It is intended to upgrade the riparian watercourse to IDB requirements. The part of the ditch to be improved, (some 95m) lies within the site boundary.

8.31 The applicant indicates that most of the site will have floor levels 150mm above existing ground level. Plots 5 – 11 lie in the lowest part of the site and will have floor levels set at a minimum of 3.7m ODN (i.e. 300mm above existing ground level) Thus it is not proposed to significantly raise existing ground levels other than the provision of footpaths surrounding each dwelling.

8.32 The County Highway Authority ( acting also as Lead Local Flood Authority) has no objections to the revised surface water scheme subject to conditions. The BSIDB considers that the proposed surface water system is acceptable in principle.

### **Loss of Harwin House**

8.33 It is proposed to demolish a detached dwelling known as 'Harwin House' which fronts onto South Street to accommodate the proposed new access and estate road. Concerns have been expressed by some neighbours about the loss of this building which they consider to be of historical significance. Some neighbours have suggested that this dwelling may date to around 1783.

8.34 This building is not a listed building, nor is it located within the Swineshead Conservation Area.

8.35 Paragraph 197 of the revised NPPF indicates that 'the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset'.

8.36 Paragraph 198 adds that local planning authorities should not permit the loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred.

8.37 Harwin House is an example of a 'half house' and few of these buildings are listed. They were built in the late 18<sup>th</sup> early 19<sup>th</sup> century and were typical fen cottages. The objectors could apply to Historic England to ascertain if Harwin House could be considered for listing and the loss of this building as a result of this development is a material consideration. The loss of this building must be balanced, amongst other issues, against the need to provide housing, including affordable housing in the Borough.

### **Sustainability**

8.38 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. The Framework explains that these three roles should not be undertaken in isolation because they are mutually dependent.

- 8.39 The application site is at an edge of a main settlement and is within easy walking or cycling distance to the many facilities and amenities in this main village including shops, a church, public houses, play areas and a primary school.
- 8.40 In social terms the provision of 18 new dwellings would make a moderate contribution towards the supply of housing in the area which accords the Framework and will provide some social benefit. The provision of 3 affordable houses will also add to the social thread of sustainable development.
- 8.41 In economic terms, the proposal would provide employment at construction stage and may support local businesses and the local economy both during construction and when the dwellings are occupied. On this basis, although the contributions this development may have on the local economy may be modest, the development would meet the economic dimension of sustainable development.
- 8.42 The environmental dimension of the NPPF aims to protect and enhance the natural, built and historic environment and biodiversity. In environmental terms, the development will have an impact on the local environment given it is currently open farmland and provides some visual amenity of the neighbours adjacent to this land. Furthermore, the development will represent a significant change to the residents' current outlook.
- 8.43 It is considered that although this development will extend into countryside, it may be viewed as a natural expansion of the village settlement boundary and follows the overall form, shape and character of the village. Consequently the resultant development will not result in an awkward or incongruous encroachment into the countryside and will not cause substantial harm to the surrounding environment. It is considered that this development meets the environmental thread of sustainable development.

## **9.0 Conclusion**

- 9.1 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 14 of the Framework 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.
- 9.2 The application site is located at the edge of a main settlement, close to existing facilities and amenities within the village and is within a sustainable location. It is also mainly located within countryside as identified within the adopted Local Plan and the SELLP. This factor weighs against this application. The proposed development will represent an encroachment within countryside and will have an impact on the surrounding environment and the amenity of the occupiers of the surrounding properties, especially to the north, east and west as detailed above. The main issue therefore is whether the adverse impacts detailed above outweighs the benefits.

- 9.3 The contribution that this proposal would make to housing provision, including the number and tenure of affordable housing, the design quality of the scheme, and the economic benefits in relation to supporting local services coupled with the contributions towards education weigh in favour of this development.

It may also be argued that the impact on the surrounding countryside will be only local and will not represent a significant change to the character of the village or the surrounding environment in the wider context. Indeed, it may also be argued that the development follows the shape and pattern of development and will not represent an incongruous or alien enlargement of the village. The proposed relationships between the proposed new dwellings and the neighbouring properties are an important consideration and whilst the concerns expressed by neighbours are understandable, the distances between properties would not be dissimilar to other estates within an urban environment. On this basis, it is considered that such impact on amenity or the character of the area would not be viewed as significant.

- 9.4 Policy 1 of the SELLP indicates that in the Countryside development will be permitted where it 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. If this application were to be submitted today, it would be recommended for refusal because it does not comply with Policy 1 of the SELLP and this fact weighs significantly against the application. However, there are factors which weigh in favour of this application as identified above. Notwithstanding the planning background as identified above and the economic and social benefits, this development would also provide three affordable houses as affordable rent instead of shared equity units. Furthermore, the applicant is confident that the development will be delivered early and will commence within two years from decision date. The 'standard' time limit condition requires development to commence within three years. Condition 1 below has therefore been amended to two years to ensure early delivery of this development.

- 9.5 Should Members consider that this application should be refused on the grounds that it now does not comply with Policy 1 of the SELLP, it is likely that the applicant will appeal against this decision and may apply for costs on the grounds that this Council has acted unreasonably. Awards against the Local Planning Authority may be either procedural relating to the appeal process or substantive relating to the planning merits of the appeal. In this case, the section 106 agreement has taken a long time to reach completion which may partly have been outside of the applicants' control. On the other hand, legal advice is that when a material consideration that comes to light between a Committee resolution and the issuing of the permission then it is for the Local Planning Authority to consider this and how it could affect the decision. In this case, the SELLP and the revised NPPF are now both material considerations. Given the circumstances, it is considered that this Council has not acted unreasonably by taking this matter back to Committee for further consideration. However the planning circumstances of this specific case, including the change to the tenure of the affordable units, needs to form part of the planning balance.

9.6 Bringing these matters together as part of the planning balance, it is considered that the factors which weigh in favour of this application would just 'tip the balance' to enable this application to be supported. The limited adverse environmental impacts would not significantly or demonstrably outweigh the social and economical benefits. It is considered that the proposal constitutes sustainable development and complies with the objectives of Local Plan policies, the SELLP and the NPPF.

9.7 It therefore follows that this application should, on balance, be supported.

## 10.0 **RECOMMENDATION**

10.1 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.

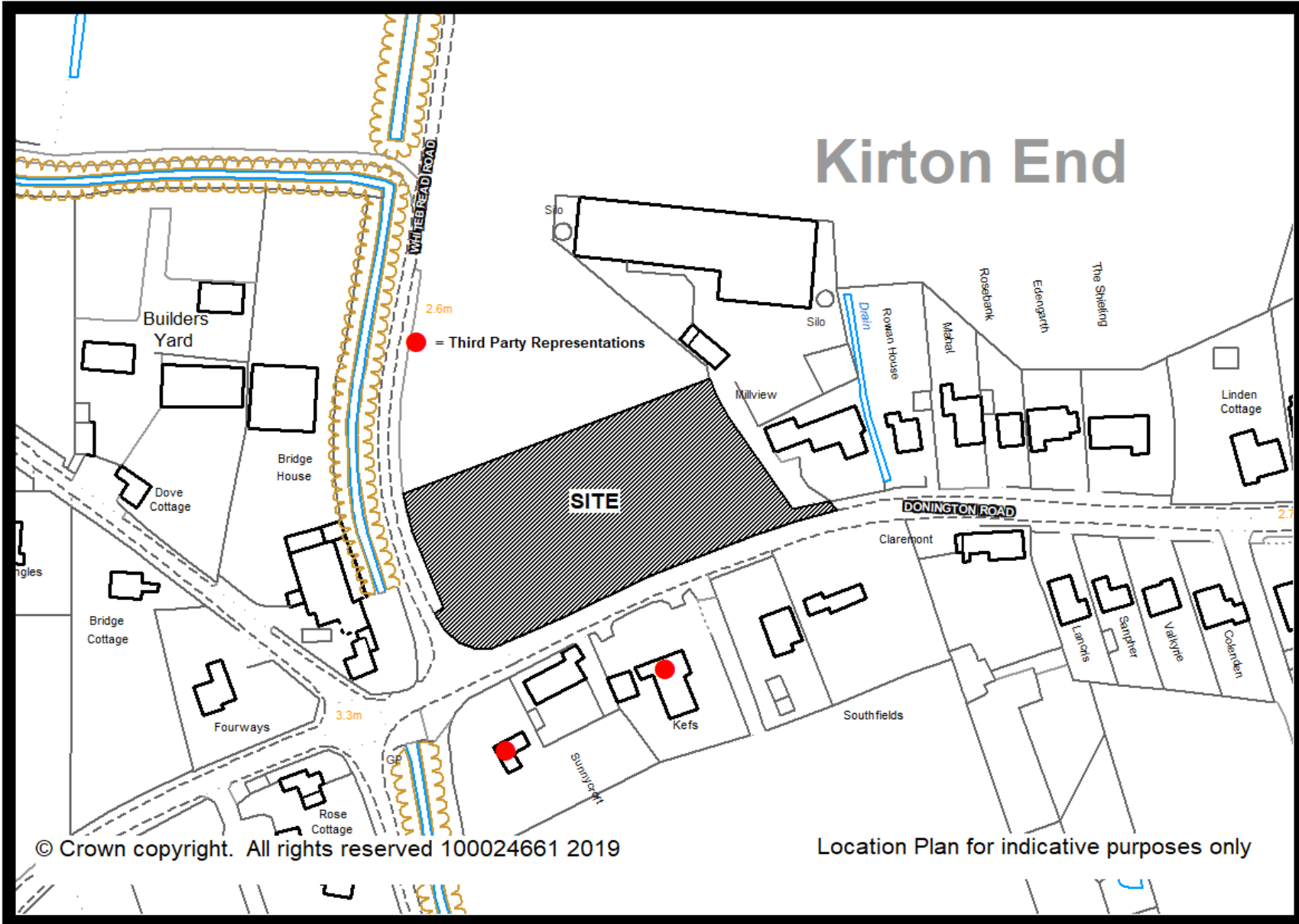
**Lisa Hughes**  
**Growth Manager**

## **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

Applicant:  
Mr Carl Bates



**BOSTON BOROUGH COUNCIL**

**Planning Committee - 12 February 2019**

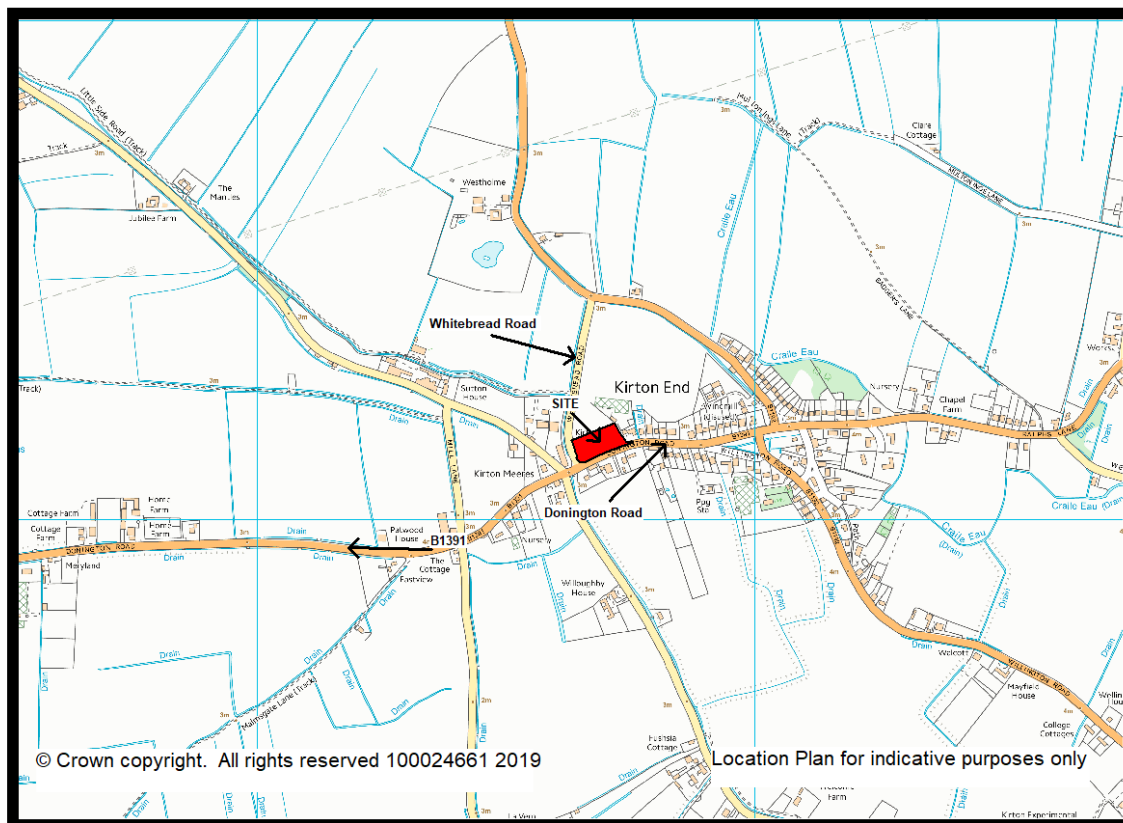
Reference No: B/18/0502  
Expiry Date: 31-Jan-2019  
Extension of Time: 13 February 2019  
Application Type: Outline Planning Permission  
Proposal: Outline application for residential development (up to 4 dwellings) with all matters reserved for later approval.  
Site: Land west of Millview, Donington 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: Five

Link to Planning Application: [B/18/0502](#)

**Recommendation: REFUSE**



## **1.0 Reason for Report**

- 1.1 This application has been presented to the Planning Committee given the planning history relating to the site and the sensitivity of the proposed development. An application for a similar scheme on part of the site was determined by the Planning Committee in November 2018.

## **2.0 Application Site and Proposal**

- 2.1 The application site occupies about 0.48 hectares of agricultural land. The majority of the site is located within countryside as defined in the Boston Borough Local Plan and mainly 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. The site forms part of a larger agricultural field and the northern boundary of the site does not follow any physical feature. Further to the north, there is a large glasshouse that 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' that 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, to the east and west.
- 2.4 The application seeks outline planning permission for residential development of up to four dwellings with all matters reserved for later approval.
- 2.5 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 proposed to raise the ground floor levels of the proposed dwellings 0.5m above average ground levels.

## **3.0 Relevant History**

- 3.1 The submission of this application follows the refusal of a previous outline application for the erection of up to eight dwellings with all matters reserved for later approval on part of the current application site (ref B/18/0346). The previous application related to a site occupying 0.96 hectares that includes all the land subject to the current application and land to the north of this site. The application was refused by Committee at the meeting held on the 13<sup>th</sup> November 2018 for the following reason:

*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 Boston Borough Local Plan 1999 policies C01, G1 and G2 and Policy 1 of the emerging South East Lincolnshire Local Plan 2011-2036 and the environmental dimension of sustainable development as contained within the National Planning Policy Framework (2018).*

- 3.2 The applicant has now appealed against this decision. No decision has yet been made on this appeal.
- 3.3 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 Relevant Policy**

##### **Boston Borough Adopted Local Plan**

- 4.3 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.
- 4.4 The land is in agricultural use and is mainly outside the village envelope of Kirton End as identified in the Boston Borough Local Plan. The majority of the land is therefore designated as countryside in the Local Plan. A very small part of the site is within the settlement boundary where it is proposed to link the proposed footpath serving the proposed development to the existing footpath along Donington Road.
- 4.5 The saved Policies within Boston Borough Local Plan 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

##### **South East Lincolnshire Local Plan (2011-2036) (SELLP)**

- 4.6 As with the Boston Borough Local Plan, the majority of the site is outside the Kirton End village envelope as identified in the South East Lincolnshire Local Plan though a small part of the site is within the settlement limits where it is proposed to link the proposed footpath to the existing.

4.7 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 in the near future. 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. Thus, the fact that the majority of the site lies outside the village envelope of Kirton End as identified in the SELLP attracts significant weight.

4.8 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.”

4.9 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).

### **National Planning Policy Framework**

4.10 At the heart of the 2018 National Planning Policy Framework (NPPF) 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. 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.

4.11 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’.

4.12 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.

4.13 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 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.

4.14 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'.

4.15 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.'

## 5.0 **Representations**

5.1 As a result of publicity five representations have been received including one from a local objection group known as KEROTD (i.e. Kirton End Residents Opposed to Development).

5.2 As Members may recall, KETROD submitted objections relating to the previous application. At that time, the letter was submitted by the occupier of 'The Bridge', Donington Road and represented the occupiers of 'Bridge House', 'The Bridge', 'Sunnycroft' and 'Kefs', Donington Road. Although the current letter from KEROTD is from 'residents represented by KEROTD' it is not known whether KEROTD still represents the same residents.

An email dated 22<sup>nd</sup> January 2019 was sent to KEROTD requesting this information but no such information has been submitted. It is for Members to decide on the appropriate weight to be applied to the contents on the representations received from KEROTD in the determination of this application.

5.3 The four other individual letters of representation are from the occupiers of the following properties:

- 261 Willington Road, Kirton End
- 255 Willington Road, Kirton End
- Kefs Donington Road, Kirton End
- The Bridge, Donington Road, Kirton End

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

- Loss of grade 1 premium agricultural land
- Impact on the character of the countryside and rural life
- Infrastructure will not cope with extra inhabitants
- Reason for refusal of previous application still applies
- No need to build more dwellings in this settlement
- Concerns about impact on infrastructure, transport and agricultural land
- No suitable land for expansion of Kirton End
- Development will set a precedent to allow extensive building on green field sites with no supporting infrastructure
- There are no facilities or public transport in Kirton End which make it suitable for expansion
- Concerns regarding road safety- proposed access is adjacent to four others.
- Track into the field between 'Kefs' and 'Jackwyn' used mainly by contractors
- Traffic from east to west on Donington Road is frequently significantly in excess of 40mph speed limit
- High percentage of traffic is larger vehicles, agricultural and haulage often requiring more than half of the road
- Parking along Donington Road is virtually impossible
- Site is outside the village envelope
- SELLP unlikely to support this development

The objection from KEROTD states;

*'1 Prior objections to & refusals of planning applications B/03/0525 & B/18/0346. The residents regard B/18/0502 as a hybrid of B/03/0525 & B/18/0346, and therefore it pertains the legacies, errors and issues of both.*

*2. B/18/0502 represents the first stage to the later realisation of B/18/0346 – through successive application, at a later stage: a) The residents cite the lack of communication from LCC Highways as confirmation that B/18/0502 is indeed regarded as a preliminary step to B/18/0346; b) The residents cite Para 4.5, page 9 of the Transport Statement "The initial cul-de-sac to serve 4 properties". If the intention for a cul-de-sac is to serve 4 properties, why would it be described as "initial", unless it was intended at the outset to lead to further development? c) Is there an intention to suggest that the remainder of the B/18/0346 plot would be unprofitable to farm, if B/18/0502 is approved?*

3. Kirton Parish Council refusal of B/18/0502 – “same objections apply as per B/18/0346 in that it is outside the village envelope, on prime agricultural land, not sustainable”.

4. The loss of grade 1 agricultural land, agricultural output and food supply.

5. The proposal plot is outside the Kirton End settlement boundary, in an area of countryside. Inclusion of footpath access within the Kirton End settlement boundary cannot circumvent this.

6. The proposal represents consolidation of the existing urban environment and erodes the open countryside, rural landscape and historical detachment of Kirtonend Bridge from the remainder of the Kirton End settlement.

7. The proposal will result in a uniform and alien build, representing gentrification and an awkward encroachment on the existing housing stock diversity.

8. The elevated height of the proposed dwellings severely threatens existing resident’s right to privacy, and will become a prominent, raised & alien feature on a flat, rural landscape.

9. The proposal provides no guarantees of provision for sustainable development’ in the area.

## **6.0 Consultations**

6.1 Kirton Parish Council state that ‘same objections apply as per B/18/0346 in that it is outside the village envelope, on prime agricultural land, not sustainable’.

6.2 County Highways Authority (also acting as Lead Local Flood Authority) has no objections.

6.3 Environment Agency say that the application should be assessed, in flood risk terms, with regard to the local flood risk standing advice. The Environment Agency has no objections to the previous application. This matter is discussed below.

## **7.0 Planning Issues and Discussion**

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
- 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 Sedgefield 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 majority of the site is outside of the settlement boundary as defined in the Boston Borough Local Plan. Local Plan Policy C01 primarily seeks to resist development in the countryside unless supported by other Local Plan policies. A very small part of the site however lies within the settlement boundary as defined in both the Boston Borough Local Plan and the SELLP.
- 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 most of 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. However, as indicated above, the application site is mostly 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 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

- 7.8 The application site covers over 0.48 hectares of agricultural land and concerns have been expressed by neighbours with regard to loss of agricultural land. Paragraph 170 of the NPPF 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.

- 7.9 There are no saved Local Plan policies to do with the protection of agricultural land.
- 7.10 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 in 2017 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’.
- 7.11 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. The previous application to develop 0.9 hectares of agricultural land was not refused on the grounds of loss of agricultural land.

#### Density

- 7.12 The application site occupies 0.48 hectares and it is proposed to construct up to 4 dwellings on the site. This would equate to around 8 dwellings per hectare (dph). The density within the immediate proximity of the site is also very low at about the same density.
- 7.13 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).

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

#### Impact on highway safety

- 7.15 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. The submitted information indicates that '*..the site will be connected to the wider footway network by an existing footpath which leads along the northern side of Donington Road*'
- 7.16 The indicative plan shows the construction of a new estate road that runs parallel with Donington Road and will serve all of the proposed four dwellings. It is not intended to construct individual access points onto Donington Road to serve each plot.
- 7.17 Concerns have been expressed by some neighbouring residents about the impact this development may have on highway safety. The previous application for the erection of up to eight dwellings on a larger site was not refused on highway related grounds. The County Highway Authority has raised no objections to this scheme.
- 7.18 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.
- 7.19 Paragraph 109 of the NPPF (2018) states that Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.' It is considered that the residual cumulative impacts on the road network would not be severe sufficient to warrant refusal of this application on highway grounds.

#### Impact on residential amenity

- 7.20 Policy H3 of the Boston Borough Local Plan resists new housing which does not provide pleasant, secure environments for residents; is incompatible with the existing character of the area; is 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 that 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 neighbouring residents 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 up to four dwellings 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 shows frontage development along Donington Road and 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. 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.

#### Impact on the character and appearance of the countryside

- 7.26 The site occupies 0.48 hectares and consists of flat, open agricultural land located at the western edge of the village and forms part of a larger field that includes land to the north. The site may be described as rural, bounded by roads to the south and west, an open drain on the south and devoid of any 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 that cross the site so public views of the site will be largely from Donington Road and Whitebread Road. The site is therefore of low recreation value but may provide some local value. It may also 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 The effect of the proposed development on visual amenity and the character of the area is clearly a subjective issue. As indicated above, the previous application for a housing scheme of up to eight houses on a much larger site was considered by this Committee to represent '*an awkward and alien encroachment within this flat, rural landscape*'. It may therefore be argued that given this is for a much smaller housing scheme than the refused scheme, the impact on the character of the countryside will consequently be much less.

Whilst this may be the case, it does not necessarily follow that this scheme accords with the relevant policies detailed above and on this basis should be supported.

- 7.28 The development of the site will encroach significantly beyond the settlement limits of Kirton End by about 100m or so. On this basis, 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 housing 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. On this basis, it may therefore be argued, as with the previous application that this 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.
- 7.29 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 given this development is likely to consist of frontage development, it will reflect the 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 four dwellings would make a limited 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 the overall objectives of 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 significantly extend beyond the built up part of the village and will represent an awkward and alien encroachment within countryside. The proposed development would also not constitute 'rounding off' of this part of the village envelope or acceptable 'infill' development. The buildings and other domestic paraphernalia associated with such development 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 submitted Flood Risk Assessment recommends that finished floor levels should be raised 0.5m above the average level of the site which accords with the local flood risk standing advice supplied by the Environment Agency.

#### The planning balance

- 7.36 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).
- 7.37 The application site is essentially 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.

However as indicated above, a very small part of the site lies within the settlement limits which is required to link the proposed footpath to the existing network. Although this forms part of the planning balance and weighs partly in favour of the application, it would only attract minimum weight given that the area of land within the village limits represents less than 1% of the site.

- 7.38 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 and the degree of environmental harm weighs significantly against the application. The application is 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. 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.
- 7.39 Alternatively, this scheme will provide some benefits. The proposed development will provide up to four new homes thereby contributing, to a limited extent, 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 very small in scale.
- 7.40 It may also be argued that the proposed development fronting Donington Road conforms with the pattern of development in the area and will positively consolidate the western part of the village to the existing group of buildings at Kirton End Bridge. On this basis, it may be the case that subject to good quality housing designs coupled with a structured comprehensive landscaping scheme, the environmental impact of this development would be more positive rather than negative. In addition, it may 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.

## **8.0 Summary and Conclusion**

- 8.1 It is considered that this development will not represent a natural infill or an acceptable expansion to the 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 and the character of the countryside. 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. The benefits associated with this development do not outweigh these adverse impacts on the environment sufficient for this application to be supported.

## **9.0 Recommendation**

- 9.1 It is recommended that Committee **REFUSE** the application on the following grounds:

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.

**Lisa Hughes**  
**Growth Manager**

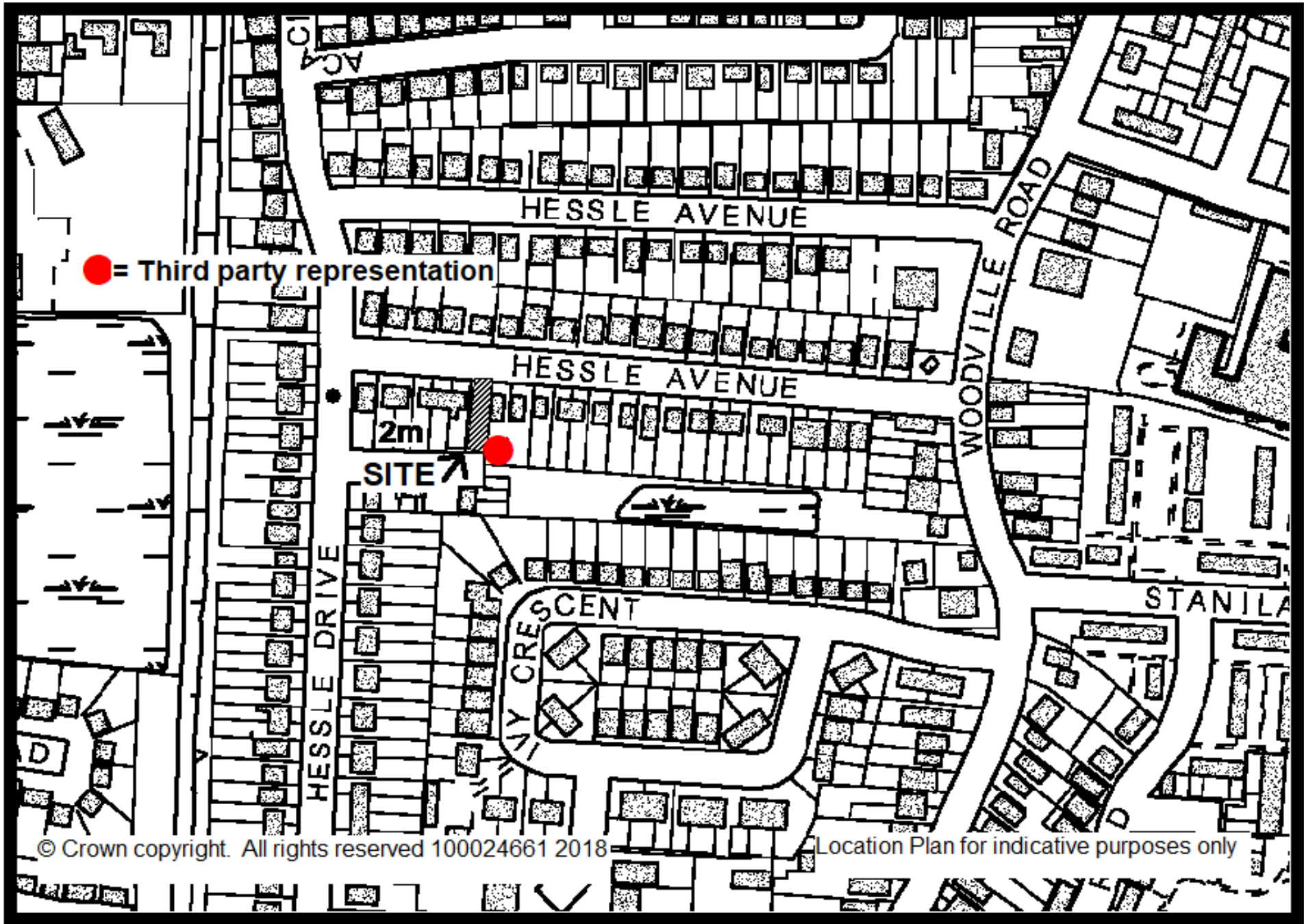
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## **PLANNING APPLICATION B/18/0411**

Two storey rear extension following demolition  
of conservatory and garage

38, Hessle Avenue, Boston, PE21 8DA

Applicant:  
Mr Alex Manning



**BOSTON BOROUGH COUNCIL**

**Planning Committee – 12 February 2019**

Reference No: B/18/0411

Expiry Date: 11-Dec-2018

Extension of Time: 20-Jan-2019

Application Type: Full Planning Permission

Proposal: Two storey rear extension following demolition of conservatory and garage

Site: 38, Hesse Avenue, Boston, PE21 8DA

Applicant: Mr Alex Manning

Agent: Mr David Bradley

Ward: Staniland

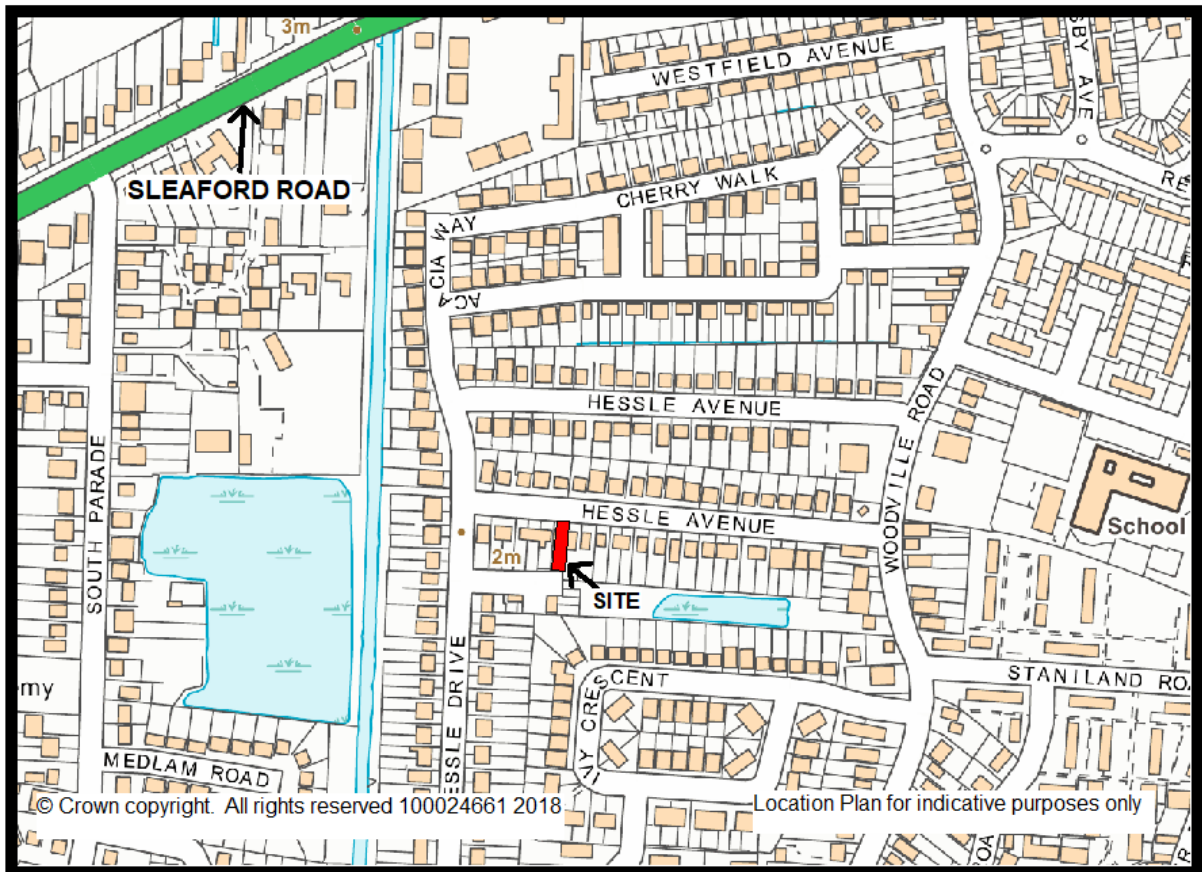
Parish: Boston Town Area Committee

Case Officer: Stuart Thomsett

Third Party Reps: One

Link to Planning Record: [B/18/0411](#)

**Recommendation: GRANT**



## **1.0 Reason for Report**

- 1.1 This application is presented to Planning Committee due to Councillor Brown calling it in to determine '*possible harm to neighbour's amenity*'.

## **2.0 Application Site and Proposal**

- 2.1 Modern detached house situated on Hessle Avenue within the Boston Development Boundary. Residential area, traditional streetscape comprising dwellings of all types, sizes, styles and designs.
- 2.2 This application seeks full planning permission to construct a two storey rear extension following the demolition of conservatory and garage. Following discussions with the Council, the applicant has reduced the footprint and scale of the design to further reduce any likely impact upon the residential amenities of neighbouring properties.

## **3.0 Relevant History**

- 3.1 None.

## **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 This site is within the Boston development boundary.
- 4.3 The saved Local Plan Policies of relevance to this application are as follows:
- G1 (Amenity)
  - H10 (Household extensions)

### **National Planning Policy Framework (NPPF) (2018)**

- 4.4 At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development. For decision taking, this means approving development proposals that accord with the development plan without delay.

Chapter 9 Well-designed places is of relevance and in particular Para 130 which states: -

*'Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development. Local planning authorities should also seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used).'*

## **South East Lincolnshire Local Plan 2011-2036**

4.5 The site is included within the Boston development boundary within the South East Lincolnshire Local Plan (SELLP).

4.6 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).

4.7 It is anticipated that the South East Lincolnshire Local Plan will likely be adopted at the beginning of 2019. Therefore the policies contained within this document are attracting increasing weight. Objections have not been received in relation to the relevant draft policies and therefore weight can be attributed to Policy 2 (Development Management) as set out within the Main Modifications.

## **5.0 Representations**

5.1 As a result of publicity one letter of representation has been received from 36 Hesse Avenue:

*'We are writing to yourselves to strongly object to the above planning application. After reviewing the plans and speaking to Mr & Mrs Manning myself and my wife feel that the size of the proposed extension is too large for the size of the plot. As a result it would block not only daylight from our plot but would also restrict views, overshadowing both our property and garden.*

*As the proposed extension will only be 900mm from our border we feel that this will be too close to our property and will also come out to far.*

*Although both ourselves and other properties in the area have had extensions previously nothing has been ever built on this scale and we therefore feel it would have an enormous negative visual impact on the surrounding area.'*

## **6.0 Consultations**

6.1 None.

## **7.0 Planning Issues and Discussions**

7.1 The house has already been subject to a construction of a rear conservatory. This application proposes its demolition as well as the detached garage in the event that permission is granted in order to accommodate the proposed extension.

- 7.2 In terms of overall design and impact upon the overall character and appearance of the house and area, the proposed extension will not be highly visible from Hesse Avenue save for the (approx. 1.5m) of the proposed extension built to the east of the existing gable. The properties on Hesse Court will not be greatly affected as they are orientated in order that the gable end of the nearest house faces the rear elevations of the application property and includes no windows.
- 7.3 Therefore, the sole issue that is of concern is the likely impact that the proposed development will have upon the amenities of adjoining properties No. 40 Hesse Avenue and No. 36 Hesse Avenue.
- 7.4 Boston Borough Council's adopted Local Plan Policy G1 states that:  
*'Planning permission will only be granted for development which will not **substantially harm** (my emphasis) the amenities of other nearby land users or residents, or the general character of the area because of its nature, scale, density, layout, appearance or level of traffic generation.'*
- 7.5 The letter of objection from the adjoining property, No. 36 Hesse Avenue raises the impact that the proposed development will have upon amenity as a reason to object to this application. This is in respect of overlooking, overbearing, being oppressive and overshadowing. In order for the Local Planning Authority to consider refusing an application for domestic extensions, the degree to which the proposed development would cause harm to the amenity of neighbouring properties must be substantial.
- 7.6 Overlooking – the proposed roof lights and windows contained in the rear elevation will result in no significant decrease in privacy levels in adjacent dwellings and gardens when compared to the existing fenestration.
- 7.7 Overbearing / oppressive – the proposed rear extension and side extension will increase the footprint of the house by 4.3m to the rear and 1.5m to the side. It must be accepted that due to the demolition of the existing garage, which is nearer to the neighbouring property than the extension will be, this plot has sufficient area to extend into without causing substantial harm to the amenities of neighbouring properties. Whilst any increase is unlikely to be welcomed by the occupants of neighbouring properties as it will result in a slight degree of overbearing, this in no way would constitute a degree that would cause substantial harm that would warrant a refusal of this application. Moreover, it must also be accepted that the neighbour at No. 36 Hesse Avenue constructed a single storey extension in very close proximity to the shared boundary. Referring to the block plan and photographs, it can be appreciated that the proposed two storey extension will be the same distance from the rear elevation as the adjacent extension and as a result only affect the first floor rooms and windows of the neighbouring property (No. 36). Finally, the applicant and architect has considered the likely impact of the development upon the neighbouring property and consequently reduced the height of the eastern gable to 4.2m to further reduce the degree of impact to No. 36.
- 7.8 The existing 4m deep conservatory close to the shared boundary with No. 40 will be demolished. The resulting development would have an increased footprint compared to the conservatory of 300mm. This overall depth has been reduced following discussions between the officer and applicant. In addition, the ridge

height has been further lowered by 500mm and the eaves by 1m to further reduce any impact upon the neighbouring property.

- 7.9 Overshadowing – the rear elevation of the properties on the southern side of Hesse Avenue benefit from this aspect and enjoy the sun for the majority of daylight hours. Whilst the proposed extensions will reduce the amount of sunlight currently enjoyed by No. 40 during the early morning and No. 36 in the very late evening, this in no way would constitute ‘substantial’ harm that would warrant a refusal of this application
- 7.10 The development as proposed will not be significantly detrimental to neighbouring amenity as no significant levels of overlooking, overbearing or overshadowing will occur to the adjacent properties. Highway safety will not be significantly affected. The character of the area will not be adversely affected by the proposed extension which therefore accords with Local Plan Policies H10 and G1.

## **8.0 Summary and Conclusion**

- 8.1 The proposed development will not have a detrimental impact upon the character of Hesse Avenue and will not pose as an alien or incongruous feature in this urban location. The proposed extension will not have a substantially detrimental impact upon the amenity of neighbouring residential properties and will not have a significantly detrimental impact upon the overall design of the house and will therefore fully comply with Adopted Local Plan Policies G1 and H10 in addition to guidance contained in the NPPF.

## **9.0 RECOMMENDATION –**

- 9.1 It is recommended that Committee **GRANT** the application 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 strict accordance with the application received 16<sup>th</sup> October 2018 and 17<sup>th</sup> 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.

**Lisa Hughes**  
**Growth Manager**



REPORT TO:	Planning Committee
DATE:	12 February 2019
SUBJECT:	Receipt of Appeal Decisions
PORTFOLIO HOLDER:	Councillor Michael Cooper
REPORT AUTHOR:	Growth Manager
EXEMPT REPORT?	No

### SUMMARY

The purpose of this report is to advise members of the receipt of appeal decision in respect of:

- **Location:** 76 Spilsby Road, Boston, PE21 9NS

**Proposal:** Erection of a balcony and first floor door entrance

**Planning Decision:** Delegated

**Reason(s) for Refusal:**

1. The retrospective balcony/raised platform, external staircase and screens by reason of their siting, design, general appearance and proximity to adjacent dwelling houses would result in substantial demonstrable harm and would adversely affect the amenities of nearby residential occupiers by reason of loss of privacy through overlooking, result in loss of outlook and natural light and the artificial screens detract from visual amenity and as such conflict with saved Policy G1 of the adopted Boston Local Plan and the aims and objectives of the National Planning Policy Framework.

**Appeal Decision:** Dismissed

A copy of the Inspector's decision is attached to this report.

### RECOMMENDATION

The Committee are asked to note this report.

### REASONS FOR RECOMMENDATION

To address the Service Plan 2018/19.

## 1.0 INTRODUCTION

- 1.1 It is established practice that all appeal decisions are reported to Planning Committee as part of performance monitoring and to consider if any particular decisions raise issues which might influence practice or future decision making.
- 1.2 All applicants have a right of appeal against the decision of the planning authority, over a refusal, an approval with conditions (if the conditions are unacceptable to the applicant) and in cases of 'non-determination' where the authority has not issued a decision within the prescribed 8 or 13-week period without an agreed 'extension of time'. This right of appeal applies to all categories and types of applications – including Enforcement and other Notices where there are defined categories or grounds of appeal which any appellant has to follow.

## 2.0 APPEAL DECISIONS

### 76 Spisby Road, Boston, PE21 9NS

- 2.1 The Inspector considered that there were two issues:
- the effect of the development on the living conditions of the occupiers of neighbouring properties with particular reference to privacy, natural light and outlook; and,
  - the effect of the scheme on the special interest and significance of the listed building, and the wider conservation area.
- 2.2 Living Condition of Occupiers of Neighbouring Properties - The Inspector noted the property is an end of terrace 2 storey dwelling with a rear balcony which adjoins the neighbouring property at first floor. The balcony is largely screened on 3 sides and has a staircase extending from first to ground floor at its western side, furthest from where it is attached to the dwelling. There is a 'decorative screen' in front of the neighbour's (number 74) first floor shower room window. This window is also obscured glazed, but the Inspector considered that these measures are sufficient to conceal views of the shower cubicle.
- 2.3 In addition, due to the depth of the balcony, approximately 1.4 metres is in close proximity to number 74's side kitchen/diner window. The Inspector considers regular use of the balcony would have a harmful effect on occupiers of number 74's living conditions. Overall the Inspector did not consider there would be harm in terms of outlook or natural light but would in terms of living conditions.
- 2.4 Effect on the special interest and significance of the listed building, and the wider conservation area - The Inspector considered the special interest and significance of the group listing lies primarily in the attractive front elevations. The balcony was considered to be well-designed free-standing structure. As such, there was minimal disruption to the historic fabric and the development preserves the special interest and heritage significance of the Grade II listed building.

2.5 On this basis, the Inspector dismissed the appeal, refusing planning permission.

## 2.0 CONCLUSION

- 3.1 For the year to date, of the 7 appeal decisions, 1 was withdrawn by the appellant, 2 allowed and 4 dismissed. Therefore, the Planning Inspectorate determined 6 appeals and the Council has been successful in 67% of the cases, i.e. against the Council 33%. This compares unfavourably to the local Performance Indicator which tolerates 1 out of 5 going against the Council (20%).
- 3.2 The Ministry of Housing, Communities and Local Government (MHCLG) monitors authorities in relation to the number of major and non-major applications overturned (i.e. allowed) at appeal. The threshold is for fewer than 20% of all major applications determined overturned at appeal over a rolling two-year period (i.e. the total number of major decisions divided by the total number overturned). For authorities who exceed this target, they will be classed as 'poorly performing' and applications for major developments may be made by developers directly to the Planning Inspectorate. MHCLG are no longer publishing these statistics with the last set of figures dating back to the end of June 2018. However, of the 78 decisions made, only 1 major application had been overturned. This represents 1.3%. The Council is therefore well within the statutory target.
- 3.3 The Government is also monitoring the threshold for quality of decisions for non-major applications, the threshold for which is 10%. Like the major threshold this is the total number of non-major applications overturned at appeal compared to the total number of non-major decisions made. The statistics collated by MHCLG also only go up to the end of June 2018, show a total of 610 applications having been determined of which 5 were allowed. The percentage is therefore 0.8%. No further non-major appeals have been allowed in the intervening period. The Council is therefore significantly within government's target and not at risk of being classed as poorly performing.

### FINANCIAL IMPLICATIONS

None

### LEGAL IMPLICATIONS

None

### ANY OTHER IMPLICATIONS

None

**CONSULTATION** Portfolio Holder: Councillor Michael Cooper

### APPENDICES

- Appendix 1: Appeal decision 76 Spisby Road, Boston, PE21 9NS

### BACKGROUND PAPERS

Background papers used in the production of this report are listed below: -

<b>Document title</b>	<b>Where the document can be viewed</b>
Appeal file and application file. <ul style="list-style-type: none"><li data-bbox="188 235 667 309">▪ 76 Spisby Road, Boston, PE21 9NS – B/17/0422</li></ul>	Development Management



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## Appeal Decision

Site visit made on 6 December 2018

**by AJ Mageean BA (Hons) BPI PhD MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 10<sup>th</sup> January 2019**

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**Appeal Ref: APP/Z2505/D/18/3201027**

**76 Spilsby Road, Boston PE21 9NS**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr J Duffy against the decision of Boston Borough Council.
  - The application Ref B/17/0422, dated 17 October 2017, was refused by notice dated 20 April 2018.
  - The development proposed is balcony, door, screening & decoration.
- 

### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. At the time the planning application was made the development had already been carried out.
3. I am aware that prior to the refusal of the scheme which is the subject of this appeal, planning permission was granted for another scheme involving the erection of a balcony. I understand that this was subject to further details relating to decorative screening being submitted. Details of this scheme are not before me, though I understand that it was for a smaller balcony area. I have therefore determined this case on its own merits.

### Background and Main Issues

4. The appeal property is a Grade II listed building. A listed building consent application for this scheme was also refused, though this was subsequently allowed at appeal<sup>1</sup>. However, under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development which affects a listed building or its setting, special regard must be had to the desirability of preserving the building or its setting or any feature of special architectural or historic interest it possesses. I am also aware that the site is located within the Spilsby Road Conservation Area, and as such Section 72(1) also applies. I must therefore give consideration to the effect of the development on these heritage assets as part of my decision.
5. The main issues are:

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<sup>1</sup> APP/Z2505/Y/17/3168118

- the effect of the development on the living conditions of the occupiers of neighbouring properties with particular reference to privacy, natural light and outlook; and,
- the effect of the scheme on the special interest and significance of the listed building, and the wider conservation area.

## **Reasons**

### *Living conditions*

6. The appeal property is an end terrace which is located closely adjacent to the next group of properties directly to the west. In common with other properties in this grouping it has a rear two storey outrigger.
7. The rear balcony has been inserted to adjoin the property at first floor level, accessed by a doorway in the return elevation of the outrigger. The balcony is to a large degree enclosed by built form on three sides: the outrigger and main wall to the host property, and the return elevation of the outrigger to No 78 Spilsby Road. It extends beyond the furthest extent of the outriggers, with a stairway extending from its western side into the garden beyond.
8. The 'decorative screening' positioned in front of the small side window to the bathroom of No 78 has sought to address concerns about loss of privacy. I was able to see on my site visit that this window provides light directly into the shower cubicle. As such this is a highly sensitive area. Whilst the window is obscure glazed, when backlit during the hours of darkness there would remain a degree of transparency which would enable some visibility of showering activity. The 'decorative screening' to a height of 1.8m positioned at an angle to the window comprises black painted perforated metal. Whilst this does to some extent reduce the degree of visibility of the window from the balcony, the window itself remains clearly visible through the screen. As such it does not appear that it would fully conceal views of the shower cubicle from balcony users when backlit.
9. Therefore, notwithstanding the uncertainty around when this bathroom window was inserted, it is apparent that the use of the balcony undermines the privacy of the occupiers of No 78 to a substantial and unacceptable degree.
10. Additionally, a solid metal screen has been added at the furthest extent of the balcony on the shared boundary of these properties to prevent overlooking of the further bathroom window on the rear elevation of No 78. As this main window is not obscure glazed this screen would assist in providing privacy. Whilst the Council refers to loss of light to and outlook from this window, my view is that this aspect of the scheme would not be significantly harmful as this is a non-habitable room.
11. The projection of the balcony by some 1.4m beyond the rear outrigger also means that it is positioned around 6m from the side elevation of No 74 Spilsby Road. Whilst most of the platform area is screened by the outrigger, the furthest 1.4m is in close proximity to the side kitchen/diner window of No 74. The regular use of the balcony would therefore have a harmful effect on the privacy of the occupiers of this dwelling.
12. I am aware that other nearby properties have balconies. However, there is no evidence before me to suggest that they give rise to issues of residential

amenity for the occupiers of adjacent properties of the nature identified in this case.

13. I appreciate that the appellant has sought to gain a view over his garden from this balcony, and that he has sought to appease his neighbours by adapting the development. Whilst the Council also refers to effects on natural light and outlook, I have not found significant harm in these regards. However, I have found that this development has a harmful effect on the living conditions of the occupiers of neighbouring properties with particular reference to loss of privacy. As such there is conflict with the Boston Borough Local Plan (1999) saved Policy G1, which requires that development should not substantially harm the amenities of nearby residents because of its nature, scale or layout.

*Listed building and conservation area*

14. No 76 Spilsby Road is listed as part of the terrace with No's 78-82 which dates from the 1830's. This terrace is closely associated in design terms with the adjacent pair, No's 74 and 72. The special interest and significance of this grouping lies largely in their attractively detailed front elevations, with their balanced and symmetrical pattern of windows, stone steps up to panel doors with pilastered surrounds, brick plinths and overhanging eaves. This element of the buildings also makes a strong contribution to the setting of this key route into the town centre, and in this sense the character and appearance of the Conservation Area.
15. The balcony is a well-designed free standing structure located at the rear of the property, and there is a new door in the rear outrigger at first floor level. As such my view is that this development involves minimal disruption to historic fabric and preserves the special interest and heritage significance of the Grade II listed building and its setting. For the same reason the scheme also preserves the character and appearance of the Spilsby Road Conservation Area.

**Conclusion**

16. Whilst I have found that this development does not cause harm to designated heritage assets, the harm I have found to the privacy of the occupiers of adjacent properties is unacceptable and is therefore decisive in this case. I therefore find that this scheme conflicts with the development plan taken as a whole and there are no other considerations to outweigh this finding. Therefore the appeal is dismissed.

*AJ Mageean*

INSPECTOR

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

**DELEGATED DECISION LIST**

*Full details of Planning Applications and Decisions can be viewed online at [www.boston.gov.uk/pa](http://www.boston.gov.uk/pa)*

Application Number	Case Officer	Location	Development Description	Applicant Name	Decision	Decision Date
<a href="#">B/18/0450</a>	Trevor Thompson	33, Ivy Crescent, Boston, PE21 8BP	Single storey rear extension and replacement of flat roof over existing front porch and side wing with a pitched roof	Kenny	Favourable with conditions	24/12/2018
<i>Boston Town Area Committee</i>						
<a href="#">B/18/0369</a>	Trevor Thompson	Rear of 11 Tytton Lane East, Wyberton, Boston, PE21 7HW	Outline application for the erection of detached two storey residential dwelling, including access and layout, with all other matters reserved for later approval	Mavin	Unfavourable decision	02/01/2019
<i>Wyberton Parish Council</i>						
<a href="#">B/18/0440</a>	Stuart Thomsett	110 Robin Hoods Walk, Boston, PE21 9LQ		Happy Rainbow	Favourable with conditions	02/01/2019

Application Number	Case Officer	Location	Development Description	Applicant Name	Decision	Decision Date
				Homes Ltd.		
		<i>Boston Town Area Committee</i>	Erection of 4 no. detached two storey dwellings, following demolition of existing dwelling and construction of new access			
<a href="#">B/18/0398</a>	John Taylor	Land off London Road, Kirton, Boston	Approval of reserved matters (scale, layout, landscaping and appearance) following outline approval B/15/0391 (Outline planning permission for residential development (105 dwellings) including layout and access with all other matters reserved for later approval)	Ashwood Homes	Favourable with conditions	03/01/2019
		<i>Kirton Parish Council</i>				
<a href="#">B/18/0261/CD1</a>	Trevor Thompson	Former garage and other associated buildings, Brand End Road, Butterwick, Boston, PE22 0JD	Application to have details approved relating to conditions 3 (Land Investigation), 10 (Materials) & 11 (Landscaping Works) of planning permission	Walden	Condition Discharge	04/01/2019

Application Number	Case Officer	Location	Development Description	Applicant Name	Decision	Decision Date
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B/18/0261 (Erection of 2 detached two storey residential dwellings and partial change of use of agricultural land to form gardens, following demolition of existing outbuildings)

*Freiston Parish Council*

B/18/0485	Trevor Thompson	The Mill Farm, Wigtoft Road, Sutterton, Boston PE20 2EL	Prior Notification for a proposed open sided extension to existing potato store	F Craven & Sons Limited	Prior Approval Given	04/01/2019
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*Sutterton Parish Council*

B/18/0453	Stuart Thomsett	100 Tattershall Road, Boston, PE21 9LP	Application for a Lawful Development Certificate to confirm the proposed mobile home used in an ancillary manner within the curtilage of a C3 dwelling would not constitute operational development or a material change of use	Moody	Unfavourable decision	07/01/2019
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*Boston Town Area Committee*

B/18/0484				Purchen	Prior Approval	07/01/2019
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Application Number	Case Officer	Location	Development Description	Applicant Name	Decision	Decision Date
	Emma Turvey	20, Carlton Road, Boston, PE21 8NS	Prior approval for a proposed rear extension 8m (L) x 3.9 (H) with an eaves height of 2.7m		Refused	
		<i>Boston Town Area Committee</i>				
<a href="#">B/17/0317/NMA</a>	Trevor Thompson	Land off Wyberton Low Road, Boston, PE21 7SF	Application under s96a for a non-material amendment to approval B/17/0317. Amendments relate to minor changes to design and appearance of various house types	Chestnut Homes Ltd	Approved Non-material Amendment	09/01/2019
		<i>Boston Town Area Committee</i>				
<a href="#">B/17/0317/NMA</a>	Trevor Thompson	Land off Wyberton Low Road, Boston, PE21 7SF	Application under s96a for a non-material amendment to approval B/17/0317. Amendments relate to minor changes to design and appearance of various house types	Chestnut Homes Ltd	Approved Non-material Amendment	09/01/2019
		<i>Wyberton Parish Council</i>				
<a href="#">B/18/0492</a>	Stuart Thomsett	97 Spilsby Road, Boston, PE21 9NY		Parkinson	Favourable Planning	09/01/2019

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

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

T1 (Leilani) - Fell  
T2 (Magnolia) - Crown reduction by 2.8 metres

*Boston Town Area Committee*

B/18/0437	Trevor Thompson	Chalkys Car Park, South Square, Boston, PE21 6JU	Application for the continued use of site as temporary public car park and retention of hard surfacing as approved under application B/13/0337	Cheung	Favourable with conditions	10/01/2019
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*Boston Town Area Committee*

B/18/0471	Stuart Thomsett	Land adjacent to Lanresse Lodge, Fen Houses, Swineshead, Boston, PE20 3HF	Change of use of haulage yard (Sui Generis) to commercial/light industrial (Class B1)	Andrew	Favourable with conditions	14/01/2019
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*Swineshead Parish Council*

B/18/0477			Proposed two storey	Nundy		14/01/2019
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Application Number	Case Officer	Location	Development Description	Applicant Name	Decision	Decision Date
	Stuart Thomsett	Windy Ridge, Hubberts Bridge Road, Kirton, Boston, PE20 1TW  <i>Frampton Parish Council</i>	extension to existing garage		Favourable with conditions	
<a href="#">B/18/0477</a>	Stuart Thomsett	Windy Ridge, Hubberts Bridge Road, Kirton, Boston, PE20 1TW  <i>Kirton Parish Council</i>	Proposed two storey extension to existing garage	Nundy	Favourable with conditions	14/01/2019
<a href="#">B/17/0346/NMA</a>	Stuart Thomsett	Glebe Farm, Spicers Lane, Benington, Boston, PE22 0DG  <i>Benington Parish Council</i>	Application under s96A for a non material amendment to approval B/17/0346 (Demolition of existing dwelling and erection of replacement residential dwelling) to substitute proposed facing bricks, and removal of one chimney stack	Limb	Approved Non-material Amendment	14/01/2019
<a href="#">17/0093/NMA1</a>	Stuart Thomsett	Land adjacent to 122, West End Road, Wyberton, Boston, PE21 7LP	Application under s96A for a non material amendment to approval B/17/0093 (Outline application with all matters reserved)	Johnston	Approved Non-material Amendment	14/01/2019

Application Number	Case Officer	Location	Development Description	Applicant Name	Decision	Decision Date
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(appearance, landscaping, access, layout and scale) reserved for the erection of residential development (one plot) to reduce floor raise by 500mm

*Wyberton Parish Council*

B/18/0380	John Taylor	The former Boston Railwaymans Social Club, Sleaford Road, Boston, PE21 8EH	Change of use from former Railway Social Club (Sui Generis) to Mix Use Restaurant / Bar (A3/A4 Class use), with the installation of extraction flue system and side extension with retractable canopy to create covered beer garden	Fancy Lounge Ltd.	Favourable with conditions	15/01/2019
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*Boston Town Area Committee*

B/18/0442	Stuart Thomsett	Wigtoft Marsh Farm, Wigtoft Bank, Wigtoft, Boston, PE20 2QD	Erection of single storey side extension to form link to annexe accommodation in converted barn granted under approval B/17/0230. The design of the barn conversion will be amended	Kelly	Favourable with conditions	15/01/2019
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*Wigtoft Parish Council*

Application Number	Case Officer	Location	Development Description	Applicant Name	Decision	Decision Date
<a href="#">B/18/0510</a>	Stuart Thomsett	Manor House, Church End, Frampton, Boston, PE20 1AH	<p>Application under s211 for works to trees in a conservation area to include:</p> <ul style="list-style-type: none"> <li>- Fell 3 no.conifers to front of property;</li> <li>- Reduce privet hedge to rear of drive to 4 feet and cut back sides by 1 foot;</li> <li>- Reduce field maple hedge to rear of house to 2 feet;</li> <li>- Remove large yew bush at rear of property and replant with ornamental trees</li> </ul>	Curtis	Favourable Planning decision	15/01/2019
<i>Frampton Parish Council</i>						
<a href="#">B/18/0490</a>	Trevor Thompson	48, Station Road, Kirton, Boston, PE20 1LD	Single storey rear extension and new pitched roof over existing rear wing	Ambrose	Favourable with conditions	16/01/2019
<i>Kirton Parish Council</i>						
<a href="#">B/18/0500</a>	Stuart Thomsett	12 Connell House, Meeres Lane, Kirton, Boston, PE20 1PS	Erection of a 1.5 storey workshop and storage area in garden to rear of dwelling	Regimental Statuette Manufacturers Ltd	Withdrawn by applicant/agent	17/01/2019
<i>Kirton Parish Council</i>						
<a href="#">B/18/0427</a>				Fletcher	Favourable with	18/01/2019

Application Number	Case Officer	Location	Development Description	Applicant Name	Decision	Decision Date
	Stuart Thomsett	Rose Cottage, Lade Bank, Old Leake, Boston, PE22 9RJ	Existing rear projection built up to form additional first floor accommodation, a rear extension and a new external chimney stack		conditions	
		<i>Old Leake Parish Council</i>				

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