

Present:

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

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

Officers: Growth Manager, Legal Officer Planning, Senior Planning Officer, Democratic Services Officer, Head of Place and Space and Planning Officer

1 APOLOGIES

Prior to the clerk tabling apologies for absence Councillor Brain Rush addressed the committee meeting and the following is a verbatim minute of what Councillor Rush said the response made by the Chairman:

Councillor Rush:

'I do apologise for interjecting you have just this moment made the point I have to say very kindly, about the recording system in this particular forum if you like. It is very important the planning meeting is recorded and it is recorded accurately. I have to be honest and say that if it is anything like the BTAC meeting the other day and I want you to assure me today that everything will be recorded, that the recording for BTAC was a disgrace on this particular plug. I have asked the Council for a copy and I tell you now it is not an accurate copy. Mr Chairman I wish that you would now advocate that the thing is done properly; looked into and recorded so that the public do have a proper and complete record of the proceedings of this meeting.

Chairman:

Thank you Councillor Rush obviously a BTAC meeting is different to a Planning Meeting.....

Councillor Rush:

I am referring to the process and not the context just the process.

Chairman:

Very well but the meetings have always been recorded and

Councillor Rush:

Not very well

Chairman:

Well I have no evidence of that and I assure you that the meeting is sound recorded and up to date this has not been a problem.

Councillor Rush:

I rest my case.

Chairman:

If you have identified a problem in the past then please come and see me or go and see the Chief Executive. Thank you.

END

Apologies for absence were tabled by Councillor James Edwards with Councillor Felicity Ransome substituting and by Councillor Claire Rylott with Councillor Tom Ashton substituting. Apologies were also tabled by Councillor Yvonne Stevens with no substitute member.

2 MINUTES

The Development Manager addressed the committee prior to the Chairman signing the minutes with an update to an item contained within the said minutes:

Members were referenced to page 15 of the minutes and advised that it was not a correction as such but that it related to the Middlegate Road application where members had voted in favour of the application with a number of additional conditions requested. Following the meeting liaison had taken place with the agent in respect of the proposed conditions, particularly the ones which related to flood risk and the wording of the conditions that would be attached to the reserved matters application. Committee were reminded that a condition could not be attached to a reserved matters application that was contrary to one amended or attached at outline. As such the agent advised they would be looking to submit a non-material amendment or a variation of condition application, to amend the outline to allow the Council to be able to seek what members had required under the reserved matters application in terms of conditions. That would be dealt with as part of the outline application and that decision would be issued, subject to being acceptable of course, and going through the necessary consultation. The decision on the reserved matters could then be issued. It was a process that needed to be undertaken to allow the reserved matters application to be issued.

With the permission of the committee the Chairman proceeded to sign the minutes of the previous meeting.

3 DECLARATION OF INTERESTS

Standing declarations of interests are tabled in respect of:

Councillors Alison Austin; Paul Skinner and Tom Ashton as Members of Lincolnshire County Council.

Councillors David Brown, Michael Cooper and Sue Ransome as Members of the South East Lincolnshire Local Plan and Councillor Alison Austin as a County Council Member of that Committee.

Councillors Peter Bedford and Michael Cooper as the Council's representatives on the internal drainage boards.

Councillor Stephen Woodliffe declared he had a clear conflict of interest in respect of planning application B 18 0092, due to his significant history in a variety of roles associated with Boston Grammar School which was subject to a potential Section 106 contribution within that application. He advised he would absent from the meeting.

Councillor Sue Ransome declared that whilst she had been in attendance at Kirton Parish Council when planning application B 18 0226 had been discussed on two separate occasions she had not taken part in any discussion at either time and as such felt able to determine the application at committee.

Councillor Tom Ashton declared that it was his intent to speak as Ward Member on planning application B 18 0296 and as such he would absent from the committee for that item. He further declared that whilst he was one of two Ward Members for planning application B 17 0533 he had held no discussions in respect of the application with any other party and as such felt able to sit and determine the application.

Councillor Michael Cooper declared that he was the Ward Member for planning application B 18 0092 he had not been party to any discussions in respect of the application and was

able to determine the application. Councillor Cooper then further declared that he would absent from planning application B 18 0296 as he had been involved in considerable discussions with third parties in respect of the application.

Councillor Brian Rush declared that he had been lobbied in respect of planning application B 18 0226 but had not responded nor commented and able to determine the application. Councillor Rush further declared that Mr Giles Crust in attendance to make representation to committee was known to him.

Councillor David Brown declared he was conflicted in respect of planning application B 18 0092 in that the application site was adjacent to his own property and confirmed he would absent from the meeting.

4 PUBLIC QUESTIONS

No public questions were tabled.

It is recorded that Councillors David Brown and Stephen Woodliffe absented from the meeting at this part in the proceedings.

With the Chairman absent the following item was chaired by the Vice Chairman Councillor Sue Ransome.

5 PLANNING APPLICATION B 18 0092

Outline application with some matters reserved (layout, scale, appearance and landscaping reserved for later approval) for the erection of up to 96 no. dwellings, public open space, attenuation pond, and associated infrastructure (access only to be considered)

Land to the north of Wigtoft Road, Sutterton, Boston, PE20 2EQ

Lincolnshire County Council

The Senior Planning Officer presented the report and confirmed that a written submission of representation had been received by Mr Robinson of 9 Blows Lane which had been circulated to committee ahead of the meeting and confirmed that resulted in 17 letters of representation being received in total. Members were reminded that the additional representation was a material consideration in determination of the application.

A further update to the report was noted and members were referred to page 33 of the report – point 8.20. The affordable housing figure should read 11 and not 22 as noted.

Representation was received in objection to the application by Mr Robinson which included:

Stating that his detailed objection was already made public Mr Robinson stated that he maintained they were still relevant against the revisions submitted by the agenda and applicant that indicated no in-depth resolution of the problems affecting the site and local area including issues in respect of drainage. Referencing the proposal for 96 homes Mr Robinson stated members needed to consider it with the 23 new homes already agreed along the western edge which would result in 119 homes in all. Concern was noted that the proposal relied on argument seeking to bypass existing policies, adopted measure and strategies which although out-of-date offered a democratic framework which was the civilised way of proceeding. Noting the danger of urban sprawl and the adverse affect the development would have should it be granted, members were asked to note that the

application failed to address scale and ignored severe drainage problems. There was no demonstrated local employment need for the development which would overwhelm a fragile village infrastructure. Concern was further noted that the development would set a precedent for a pattern of unsustainable development outside the village boundary which would prove difficult to refuse further such applications by local land owners. Referring to the applicant Mr Robinson stated that they could not lay claim to consideration not otherwise available to other applicants and needed to adhere to the same rules as everyone else. In conclusion members were advised Mr Robinson felt the application to have no integrity and to be opportunist; undemocratic and unprecedented.

Representation was received by the agent Ms. Swinburne which included:

Thanking the committee for the opportunity to make representation and the officer's for their assistance in producing the scheme, Ms. Swinburne noted that as with many Council's, Lincolnshire County Council owned land which had previously been rented out for farming or used by the council itself, which it was now considering selling off to produce income and in some cases to encourage residential development to help meet the need for housing. The application site had been chosen because of its location on the edge of Sutterton which had been identified as a mains service centre where the principle of growth was generally supported. A site that included part of the application site was included within the emerging local plan as a reserved site for housing which helped to demonstrate that growth in that part of the village was an acceptable principle. It was however recognised that the larger site in the ownership of the County Council presented an opportunity to make significant contributions through the local area. Members were advised contributions requested included provision for housing for sale on the open market but 15 affordable homes as well. Financial contributions of £42k were required for the surgery in Sutterton along with more than £575k proposed to go towards education to included a new classroom at Sutterton Academy, a science laboratory at the Thomas Middlecote School and a new sports hall at Boston Grammar School. The needs had been identified by needs assessments by Boston Council, The education authority and the NHS. Contributions of such scale were only possible due to the amount of housing submitted in the application: smaller sites simply would not attract the same level of funding. The illustrated layout confirmed that the site was large enough to accommodate a significant amount of open space along with children's play area and equipment: as such the proposed development represented a sustainable option to growth contributing 96 new homes, 15 of which would be affordable.

Representation was received by Parish Councillor John Fitchett which included:

Members were advised that Sutterton Parish Council unanimously objected to the application and believed it was undeliverable in a village already stretched with ongoing developments. Anglian Water had stated there was too much sewerage in the area and they could not cope with it. The area was susceptible to flooding issues; the entrance to the proposed site was on a dangerous corner of a road which was already subject to speeding problems and the site if built would generate a significant increase in vehicles. Furthermore the site was grade A arable land and as such should not be built on.

Following deliberation the Legal Officer provided members with the following points of information:

Referencing concern in setting a precedent members' were reminded that each application was determined on its own merits and in line with the SELLP that would assist in built-up area boundaries going forward. Referencing comments in respect of Anglian Water the officer state he recognised that drainage issues were significant and did need to be dealt with correctly, however it was a statutory requirement on the statutory undertakers such as Severn Trent Water to provide a solution to construction. Should members grant the

application there was already a condition which required any developer to go to the statutory undertaker tabling their proposal and asking how they would deal with it satisfactorily.

It was moved by Councillor Michael Cooper and seconded by Councillor Jonathan Noble that the application be refused contrary to officer recommendation because it was contrary to the objectives of Boston Borough Local Plan 1999 Policies C01, G1, G2 and H3, the environmental and social dimensions of sustainable development as contained within the National Planning Policy Framework (2018).

Vote: In favour: 10. Against: 0 Abstention: 0

RESOLVED: That the Planning Committee refuse the planning application contrary to officer recommendation for the following reasons:

1. The application site is located along the western edge of the settlement boundary, outside the village envelope of Sutterton as defined in the Local Plan and within an area defined as 'countryside'. This development will extend the built up area of the village to the west and into open countryside with the loss of high quality grade 1 agricultural land, creating an awkward and alien encroachment within this flat, rural landscape. The development would also consolidate the urban environment and the resultant effect would substantially erode the character and appearance of the area. The development will also substantially erode the amenity of neighbouring residents. This scheme will therefore promote an unsustainable pattern of development in this area and any benefits the development may provide 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, G2 and H3, the environmental and social dimensions of sustainable development as contained within the National Planning Policy Framework (2018) and the vision as set out in the South East Lincolnshire Local Plan 2011-2036 within 'Our Vision'.

Refused Drawing Numbers:

- Location plan ref LNBU 370338-01B (1/2)
- Proposed illustrative site plan ref LNBU 370338-03G (2/2)

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

It is recorded that Councillors David Brown and Stephen Woodliffe rejoined the meeting at this part in the proceedings with Councillor David Brown resuming his role as Chairman for the remainder of the meeting.

6 PLANNING APPLICATION B 18 0300

Outline planning application for the construction of two houses with all matters reserved

Land adjacent to Excessive, Homers Lane, Freiston, Boston, PE22 0PA

Mr W Dowse

The Senior Planning Officer presented the report and confirmed that there were updates to the report tabled.

1. Referencing page 54 of the report members were advised that under the heading consultations it should read Freiston Parish Council that had raised no objections and not Butterwick as noted.
2. Referencing page 61 of the report members were advised that following updates with the Environment Agency condition 6 which related to flood risk. Following discussion with the environment agency a slab level of 1m above ground level had now been agreed instead of the no habitable accommodation at ground level restriction, as defined in that condition. It had been agreed that the recommended condition was unreasonable and impractical.

Representation was received from the agent Mr Crust which included:

Committee were referenced to the officer's comment in that the crux of the matter was planning application B 18 0056 identified in the appeal notice attached. Mr Crust confirmed he felt officer had taken the correct view to recommend the application in line with the appeal. Referencing paragraph 8.4 it stated that application concurred with policies G1 and H3 of the local plan whilst also meeting the objectives of the SELLP and NPPF. No material objections had been raised only remarks at the design all of which would be dealt with at a later stage. Neighbour concerns about the height of the property had been addressed in the change of the slab level. Point 1.18 of the report stated the type of development accorded with the SELLP para. 78. Members were further asked to agree that it would be a more efficient use of the land to have residential use as against the existing car park usage. Referencing application B 17 0056, Mr Crust reminded members that the application had been turned down by committee but granted at appeal. Officer's appeared to be suggesting that should the application be turned down the outcome would probably be the same.

It was moved by Councillor Alison Austin and seconded by Councillor Paul Skinner that the application be granted in line with officers recommendation; subject to the conditions and reasons therein and subject to the amendment to condition 6.

VOTE: In Favour: 12. Against: 0. Abstentions: 0

RESOLVED: That the application be granted in line with officer recommendation and subject to the following conditions and reasons:

1. No development shall commence until details of the layout, access, appearance, landscaping and scale of the development (hereafter referred to as the 'reserved matters') have been submitted to and approved by the local planning authority.
Reason: This is an outline application only and such details must be approved before development commences in order to comply with the objectives of Local Plan policies G1 and H3 and required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004.
2. Application for approval of reserved matters shall be made to the Local Planning Authority not later than the expiration of three years from the date of this permission.
Reason: Required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004.

3. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.
Reason: Required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004.
4. No development shall commence above slab level until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the approved foul water strategy.
Reason: In the interests of satisfactory drainage and to accord with the objectives of Local Plan policies G3.
5. No development shall commence above slab level until a surface water strategy has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the approved surface water strategy.
Reason: In the interests of satisfactory drainage and to accord with the objectives of Local Plan policies G3.
6. The development hereby approved shall incorporate the following flood risk mitigation measures:
- The development shall be a minimum of two storey.
 - Finished first floor levels shall be set a minimum of 1m above existing ground level.
 - Flood resilient construction shall be a height of 3000mm above the predicted flood depth.
 - Demountable flood barriers to a height of 600mm above finished floor levels shall be fitted on all external doorways.
- Reason:** To reduce the risk of flooding to the proposed development and future occupants and accord with the objectives of Local Plan policies G1 and H3 and the National Planning Policy Framework (2018).

7 PLANNING APPLICATION B 18 0226

Outline planning application to erect single dwelling house and paddock with details of access, with all other matters relating to appearance, landscaping, layout and scale reserved

Leyland, 322A Willington Road, Kirton End, Boston, PE20 1NR

Mr and Mrs C Fountain

The Senior Planning Officer presented the report and confirmed that a written submission with two letters had been submitted following issue of the agenda which had been circulated to all committee members ahead of the meeting. Both letters were to be considered as material consideration in the determination of the application.

Representation was received in support of the application from Mrs Pitts which included:

Members were advised that Mrs Pitts had resided in the area very close to the application site for 38 years during which time she had witnessed the application site in commercial use which had been totally incompatible with the area. The site had become very noisy and

untidy commercial site with unsuitable large lorries which did cause great concern visiting the site on a very regular basis via a very poor access for such vehicles. Local residents had to contend with bonfires; vermin; neglect and the whole site ended up being an eyesore. Mrs Pitts confirmed that she had not known Mr and Mrs Fountain when they purchased the site and stressed that the reason for her attendance and representation was that they had made such a tremendous difference to the lives of both herself and other neighbours. The site was now a green and attractive outlook and the transformation was amazing. Many residents shared the opinion that the development of one house on the site would only benefit the area and the community with another young family instead of another unsuitable commercial activity in the middle of a residential area.

Representation was received from the agent Mr Crust which included:

Having heard from the neighbours all supporting the application to improve their amenity, members were asked to agree that the site was not in open countryside and was a near mirror image of the previous application and appeal on the application B 17 0056. The site was brownfield, previously developed land that still had permission for agricultural usage: it was however in totally the wrong place for such use. The applicant was local and wanted to build one family home: the applicant was not a speculative builder. Mr Crust asked that members agree four points for granting the application. The first being that the site was surrounded by residential development; secondly due to the shortfall in the Council's housing allocation – thirdly in line with the appeal granted in the previous application and finally although not planning policy, it was natural justice.

It was moved by Councillor Paul Skinner and seconded by Councillor Tom Ashton that the application be granted contrary to officer recommendation as the application accords with paragraph 38 of the National Planning Policy Framework (2018) and due to the Council's lack of 5-year housing land supply, the support for the development by local residents would support services in nearby villages.

VOTE: In Favour: 10. Against: 2. Abstentions: 0

RESOLVED: That the application be granted contrary to officer recommendation for the following reasons:

1. No development shall commence until details of the layout, appearance, landscaping and scale of the development (hereafter referred to as the 'reserved matters') have been submitted to and approved by the Local Planning Authority.
Reason: This is an outline application only and such details must be approved before development commences in order to comply with the objectives of Boston Borough Local Plan 1999 policies G1 and H3 and required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004.
2. Application for approval of reserved matters shall be made to the Local Planning Authority not later than the expiration of three years from the date of this permission.
Reason: Required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004.
3. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

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

4. With regard to the access to the site only, the development shall be carried out in accordance with the following approved plans;
- Site location plan and existing block plan ref J1628-PL-01 rev A01 (1/2)
 - Proposed site plan ref j1628-pl-02 rev A02

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

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

Reason: In the interests of satisfactory drainage and to accord with the objectives of Boston Borough Local Plan 1999 Policy G3.

6. The development shall be carried out in accordance with the submitted Flood Risk Assessment (FRA) dated June 2017 prepared by AF Architecture including the following mitigation measures detailed within the FRA:
- Raised finished floor level at least 500mm above ground level
 - Demountable flood barriers to a height of 600mm above finished floor levels to be fitted on all external doorways
 - Flood resilient construction techniques shall be incorporated to a minimum height of 300mm above predicted flood depths

The mitigation measures shall be implemented prior to occupation and subsequently maintained.

Reason: To reduce the risk of flooding to the proposed development and future occupants and to accord with the objectives of Boston Borough Local Plan 1999 Policies G1 and H3 and the National Planning Policy Framework (2018)

7. No more than one dwelling shall be constructed on the application site.

Reason: To define this permission, in the interests of the amenity of The area 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) and considers that due to the Council's lack of 5-year housing land supply, the support for the development by local residents and whilst Kirton End is a smaller settlement, the additional dwelling will support services in nearby villages.

It is recorded that Councillor Tom Ashton absented from the committee at this point in the proceedings.

Erection of side extension to existing stables, detached timber hay barn, access road, and retention of static caravan for non-residential use.

Seven Acres, Skipmarsh Lane, Old Leake, Boston, PE22 9LR

Mr B E Nuttgens

The Senior Planning Officer presented the report noting the following updates:

1. Referencing the representation received under paragraph 5 on page 94 members were advised that two letters in support of the application had been received from the occupier of no.1 Skidmarsh Lane and also from the operators of Midgate East Stables. Both which were material consideration in determination of the application.
2. Members were advised that amended plans had been received showing an additional internal track leading to the proposed stables and a landscaping scheme had also been submitted advising density, tree planting and hedge planting on the periphery of the site. The landscaping details were acceptable and as such condition 7 would be removed from the report.

Representation was received on behalf of the applicants from Mrs Nuttgens which included:

Committee were advised the current provision of accommodation was insufficient for the number of horses on the site, both in their number and also in their size. Storage was currently provided in two containers generally full of hay with straw in the middle, resulting in no available storage for machinery. The wash stables were required all year round both when the horses were hot in the summer months and then when dirty in the winter months. The tack room would accommodate significant varieties of tack as each horse had a number of saddles and blankets for the varying seasons. The utility room was for the family to use with four generations of the family using the facility. around which would be taken away if the new facility were to be granted, Hay Barn produce own hay.

Representation was received from the Ward Member Councillor Tom Ashton which included:

Members were advised that Councillor Ashton had called the application into committee due to the complex history of the site and previous applications there on it. He confirmed that at a recent Old Leake Parish Council meeting, whilst having not formerly commented on the application to the officers, it had supported the previous application and indicated it would support this one. The site was an existing equestrian facility with the application looking to improve the facility. It was reasonable to have proper good dry storage for hay and straw and also the horses. He confirmed the reasons for calling in the application being were principally to look at the impact on the local area and the impact on the open countryside and stated that the officer judgement was correct in that it was of no great scale and caused no harm. The removal of the caravan and the containers would be an improvement on the landscape with well designed and aesthetically pleasing buildings. Finally the application importantly had the support of local people.

It was moved by Councillor Jonathan Noble and seconded by Councillor Brian Rush that the application be granted in line with officers recommendation; subject to the conditions and reasons therein, and subject to the removal of condition 7 and the addition of the landscaping plan into condition 8.

VOTE: In Favour: 11. Against: 0. Abstentions: 0 CHECK*

RESOLVED: That the application be granted in line with officer recommendation subject to the following conditions and reasons.

- 1 Notwithstanding the existing static caravan and the existing access road which forms part of this application, the development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: Required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Location plan (1/9)
 - Proposed site plan rev C (4/9)
 - Proposed stable plan –rev B (5/9)
 - Proposed stable elevations –rev A (6/9)
 - Proposed stable sections (7/9)
 - Proposed hay barn floor plan and section –rev A (8/9)
 - Proposed hay barn elevations**Reason:** To ensure the development is undertaken in accordance with the approved details and to accord with Adopted Local Plan Policy G1.
- 3 The stables and extensions to it hereby approved shall not be used for commercial purposes.
Reason: In order to enable to control the impact of any commercial use may have upon the character of the countryside, the amenity of neighbouring residents or road safety. This condition accords with Local Plan Policies G1 and C01.
- 4 The stables and extensions to it hereby approved shall only be used for the accommodation of horses and shall not be used for living accommodation.
Reason: The site is located within a remote area in the countryside where new residential development is strictly controlled. This condition accords with the objectives of Local Plan Policy C01 and the NPPF (2018).
- 5 The existing static caravan shall be removed from the site within 2 years from the date of this permission or when the stable extension is completed or first brought into use whichever is the sooner.
Reason: In accordance with the applicants stated intentions and in the interests of the amenity and character of the area. This condition accords with the objectives of Local Plan Policy C01 and the NPPF (2018).
- 6 The existing shipping containers shall be removed from the site within 2 years from the date of this permission or when the hay barn is completed or first brought into use whichever is the sooner.
Reason: In accordance with the applicants stated intentions and in the interests of the amenity and character of the area. This condition accords with the objectives of Local Plan Policy C01 and the NPPF (2018).
- 7 All landscape works shall be carried out in accordance with the approved details (ref 'Proposed site plan rev D (4A/9) and planting schedule received on the 12th September 2018 within 6 months of the date of the

first occupation of any building or completion of development whichever is the sooner. Any trees, plants, grassed areas which within a period of 5 years from the date of planting die, are removed or become seriously damaged or diseased shall be replaced in the first available planting season with others of similar size species or quality, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of visual amenity and in accordance with Section 197 of the 1990 Act which requires Local Planning Authorities to ensure, where appropriate, adequate provision is made for the preservation or planting of trees, and to ensure that the approved scheme is implemented satisfactorily. The condition accords with Adopted Local Plan Policy G1.

On conclusion of the above planning applications committee received the Appeal Report and the NPPF report ahead of adjournment. Minutes for these two items are noted below in their issued position within this agenda.

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

Councillor Tom Ashton rejoined the meeting at this point in the proceedings.

It is recorded that Councillor Brian Rush tabled apologies and took no part in the meeting following reconvention.

9 PLANNING APPLICATION B 17 0533

Outline application with all matters (layout, scale, appearance, access and landscaping) reserved for the demolition of outbuildings and the construction of up to 6no. dwellings

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

Mrs Margaret Dickings

The Development Manager presented the report to the committee noting updates to the report tabled:

Referencing page 105 members were advised that at the time of the report being issued Old Leake Parish Council had not commented on the application. An objection had now been received from the Parish Council stating they felt it to be an overdevelopment of the site, a drain on local services and infrastructure. The site was not suitable for six dwellings and there was concern with the corner of the development and the impact on the road regarding visibility. Further concern noted that the village was already struggling and could not cope with further development.

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

Councillor Pierpoint stated that it was not always easy to understand local issues by looking at pictures, especially when considering a planning application. He confirmed that as a previous member of the planning committee he too had experienced the same problem. Members were asked to recognise that the application was not as straightforward as maybe initially perceived. Having visited the site recently and spoken to all the residents and spent time in the area identifying all the issues the development would create to that part of the

village, Councillor Pierpoint stated that vehicular access to the site would be seriously compromised: the safety of the local road from Pode Lane side was after the Southfield Lane junction, only wide enough for one single vehicle. On one side there was an open dyke which could be dangerous and when two cars met on that particular part of the road, one always had to reverse to a safe spot. The narrow road could not cope with anymore traffic. There was no public lighting in the evening along Pode Lane after the Southfield Lane junction, contrary to what was stated in the application. The proposed footpath would remove the width of the road even further: currently tractors and trailers with wide loads had to use the grass verge which would be lost if permission was granted resulting in further problems. Accessibility to the proposed site was a massive issue and traffic would be even more critical should visitors to the new dwellings decide to park on the proposed footpath making the road even more difficult to pass.

The site would create major issues for local residents in terms of safety, congestion, parking issues, flooding, and increased noise and pollution. Pode Lane was situated in a flood risk area surrounded by dykes, some of which were already subsiding. The dyke at the back of the site would be suspect to further subsidence. The land was too small to adequately accommodate the number of properties creating additional pressure on an area already suffering with issues beyond its control. The development was out of character with the surrounding properties. Reference to the NPPF was also made in respect of promotion of sustainable development in rural areas in that housing needed to be located where it would enhance the vitality of the rural community: members asked to agree that the application would not. The development would not bring growth but bring further burden to an overgrown village, impacting on local schools, doctors, poor roads systems and increased traffic.

It was moved by Councillor Tom Ashton and seconded by Councillor Paul Skinner that the application be refused contrary to officer recommendation as it contravened policies G1, G2 and H3(2) of the Boston Borough Local Plan 1999 and paragraphs 122 and 127 of the National Planning Policy Framework 2018.

VOTE: In Favour: 10. Against: 1.

RESOLVED: That the application be refused contrary to officer recommendation for the following reasons:

1. The proposed development would comprise, by virtue of the potential number of dwellings, an overdevelopment of the site, resulting in a cramped appearance incompatible with the spacious and 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.

Refused Drawing numbers:
Site Location Plan, 17044-001-01 (1/7)
Indicative Layout 17044-001-02 (2/7)

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.

Change of use from agricultural land to residential curtilage

Dovecote Farm, Sutterton Drove, Amber Hill, Boston, PE20 3RF

Mr Johnson

The Development Manager presented the report to the committee tabling no updates to the report issued.

Representation was received from Mr Giles Crust speaking in objection which included: Confirming he was speaking as an independant consultant, Mrs Crust advised that he had had two barns turned down by the Council under Class Q because they required new floors which were structural. He confirmed he had been appointed to look at the bulding for an agricultural engineer to have one main bulding as a house and the rear udling has a workshop: a structrual survey had been done and one also done under Class Q which showed severe cracks in the walls which required underpinning for foundations and as such it precluded it from Class Q develoment. Members were advised that also excluded from Class Q development were extensions prior to the bulding being completed and that there had been a previous application at the site to extend the bulding which had been withdrawn on the advice of officers because an extension could not be built until the building had been built. Domestic curtilage was permitted the same size as the building and extension of the curtilage was not permitted until the house was built. Mr Crust referred members to a case called the 'Hibbert Case' which noted that such a dwelling had to be converted and not re-built. If the barn could not be re-built under building regulations because of the cracking and need for under pinning then that area of land in the countryside would be granted residential curtilage with no house to it. The subsequent application would be for a house on residential curtilage which was not what Class Q was for. The application was premature and members were asked to refuse it for being so and then policy Class Q followed to the letter.

Representation was received from the agent Ms McIntee which included:

The barn conversion would be converted into two. The applicant would reside there with his wife; daughter, son-in-law, grandchild and mother so four generations would be housed on the site. The issue of the site being structurally sound or not was irrelevant. A structural report had been produced. The neighbours had a vendetta against the applicant with a number a barriers being presented all the way through the application and they had now sent their consultant to continue objecting this time. All the applicant wants to do is to live there and get on with their lives. They had had a nightmare with the application when all they were seeking was a little more domestic garden than allowed under the Class Q which only permitted the footprint of the building. Nobody else was affected, it was set to the back of the site and Ms McIntee questioned why the application had been taken through the committee as it was a common practice. There was no reason to refuse the application.

It was moved by Councillor Jonathan Noble and seconded by Councillor Stephen Raven that the application be granted in line with officers recommendation, subject to the conditions and reasons therein and the additional condition restricting implementation of the permission subject to completion of B 16 0211 and B 18 0112.

VOTE: In Favour: 10. Against: 0 Abstention: 1

RESOLVED: That the application be granted in line with officer recommendation subject to the following conditions and reasons

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: Required to be imposed pursuant to Section 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 17th July 2018 and in accordance with the associated plans referenced: -
 - 1/2 Site Location Plan (1:1250) drwg no. 401
 - 2/2 Site Block Plan (1:200) drwg no. 402**Reason:** For the avoidance of doubt, in the interests of proper planning and to accord with the objectives of Local Plan Policy G1.
3. Notwithstanding the submitted site plan, no development to implement this change of use hereby approved shall take place until full details of landscaping works have been submitted to and approved in writing by the Local Planning Authority. These details shall comprise a detailed specification of planting, hedging and Lincolnshire post and rail fencing. The specification shall include details of species of plants, plant size/age, density of planting, method of planting including details of ground preparation.
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 and accords with the aims and objectives of saved adopted Local Plan Policy CO1 and G1.
4. All landscape works shall be carried out in accordance with the approved details during the next available planting season following the implementation of the use or completion of development whichever is the sooner, unless agreed in writing with the Local Planning Authority. Any trees or plants which within a period of 5 years from the date of planting die, are removed or become seriously damaged or diseased shall be replaced in the first available planting season with others of similar size species or quality, unless the local planning authority gives written consent to any variation.
Reason: In the interests of visual amenity and in accordance with Section 197 of the 1990 Act which requires Local Planning Authorities to ensure, where appropriate, adequate provision is made for the preservation or planting of trees, and to ensure that the approved scheme is implemented satisfactorily. The condition accords with aims and objectives of saved adopted Local Plan Policy CO1 and G1.
5. 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 buildings whether permanent or temporary shall be constructed, or other structures shall be erected or hard surface provided on the application site.
Reason: To ensure that this land is only utilised for garden and private open space in association with the converted barn ('Dovecote Farm') in accordance with the aims and objectives of Policy CO1 of the Boston Borough Local Plan.

6. The permission hereby approved shall only be implemented if the development approved under application B/16/0211 or B/18/0112 are completed.

Reason: In the interests of the amenity and character of the area and to ensure a residential curtilage is not created without an associated residential dwelling in accordance with Policy G1 and G2 of the Boston Borough Local Plan 1999.

11 PLANNING APPLICATION B 18 0194

Erection of cladding on an existing agricultural building to house agricultural vehicles and to store animal feed.

Dovecote Farm, Sutterton Drove, Amber Hill, Boston, PE20 3RF

Mr Johnson

The Development Manager presented the report with no updates to the report issued.

Representation was received in objection to this application from Mr Crust which included:

Mr Crust pointed out that he was representing himself and nobody else because of the other applications he had submitted which he felt had not been treated the same. Committee were advised that should they pass the application without adding a further condition as the barn was not put in through Class Q because it was not structurally sound and could not be converted under Class Q. The application was to re clad an agricultural barn and if the barn was maintained and re clad, it had been in agricultural use on the 20th March 2013, there would be an application on Class Q to turn it into another house.

The Chairman interjected at this point and stated there was no definition of such an application at the current time.

Mr Crust continued by saying that if the barn was made structurally sound without a condition being added that it be kept in agricultural use, it would revert back to a possibility of a Class Q conversion which would at that point be structurally sound.

The Chairman stopped the timing clock and the Legal Officer made the following comment: 'The application before committee was for cladding on an agricultural barn and that was all that was before the committee for determination'.

Mr Crust continued by saying if you clad a barn to a structurally sound condition with a condition that it remain in agricultural and not be converted under Class Q he would have no issue with the application. He concluded stating he did not wish to see the Class Q policy misused.

Representation was received from the agent Ms McIntee which included:

The family did not intend to convert the barn into a dwelling because it would be used as storage facility for their animal feed and other machinery as the site was a small holding. It appeared obvious that there appeared to be some personal vendetta against the applicant with so many objections be tabled throughout the process.

The meeting adjourned for a two minute recess at this point to allow the Legal Officer and the Development Manager to liaise.

The Development Manager advised committee that referring to para.55 of the NPPF it stated that planning conditions should be kept to a minimum and only imposed when necessary and relevant to planning and the development to be permitted. As the Legal Officer has stated the application was only for the cladding of the building: what may or may not happen to the building thereafter was not relevant to the permission and as such it would not accord with the NPPF to attach such a condition.

It was moved by Councillor Jonathan Noble and seconded by Councillor Paul Skinner that the application be granted in line with officers recommendation, subject to the conditions and reasons therein:

RESOLVED: That the application be granted in line with officer recommendation subject to the following conditions and reasons

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

Reason: Required to be imposed pursuant to Section 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 11th May 2018 and in accordance with the associated plans referenced: -

- 1/4 Site Location Plan (1:1250) drwg no. 301
- 2/4 Site Block Plan (1:200) drwg no. 302
- 4/4 Floor Plan and Elevation drwg no. 304

Reason: For the avoidance of doubt, in the interests of proper planning and to accord with the objectives of Local Plan Policy G1.

12 APPEAL REPORT 67 SLEAFORD ROAD BOSTON

The Development Manager presented the report to the committee providing a brief overview of the outcome of the appeal.

The Inspector felt there were three issues of consideration: the character and appearance of the area; the living conditions of existing and neighbouring properties and the car parking provision for no. 67. Sleaford Road. In respect of character; appearance and living conditions the Inspector had agreed the committee decision in terms of it being poor accommodation and that it should not be granted. However, in respect of parking provision the Inspector considered there would be no result of on street parking as the site was within walking distance of facilities and within an urban environment: as such the appeal was not upheld in that part but it was within the other two and as such the appeal was dismissed.

It was agreed that future appeal reporting would include the reason(s) for refusal as well.

13 NPPF UPDATE REPORT

The Development Manager presented the report confirming she had condensed the report to a few pages for ease of reference for members. The tabling of the report was to seek any comment or questioning by members but she recognised that most issues had been addressed during the earlier training session.

The Legal Advisor then addressed the meeting stating that he felt it may be helpful to officer advice in respect of the NPPF and affordable housing. One aspect starting to arise with developers was that of starter homes and members were advised that the statutory requirement in terms of the secondary legislation, which set out the rules and regulations of how it would work, had not to date been adopted. Whilst there was reference to it the detail was not known in full.

The second element within the affordable housing aspect was the 'build to rent' sector within which it appeared they were trying to encourage the private sector in possibly doing something. It appeared that Central Government thinking was how it could satisfy the housing need. Whilst it was predicted that although it talked about 100% being rented, it could form part of a larger application and as such an application could be received for 200 homes - but within it there would be a 'build to rent' area. Further discussions were ongoing.

RESOLVED: That committee received and noted the update report.

14 PRE-APPLICATION PROTOCOL

The Development Manager presented the report to the committee confirming that in July 2015, that Planning Committee had reviewed the practice of charging for Pre-application Advice following its introduction in July 2011. The Pre-application Advice Protocol included a scale of charges for the service which were last updated in November 2014 following approval by Cabinet.

Referencing page 171 of the agenda, the Development Manager advised that the final column on line 7 read "...., or £xxx for each 0.1ha." Members were advised it should read £100 for each 0.1ha.

The report satisfied the ongoing commitment to monitor and review the Protocol and was accompanied by a number of appendices including a short summary showing the level of income and nature of Pre-application enquiries received. The monitoring and review had assessed the Protocol and made recommendations for it to be updated in light of budgetary constraints as well as suggesting amended pre-application fees.

RESOLVED: That the Committee resolves to recommend to Cabinet that the Council:

- Continues the current practice of charging for pre-application advice
- Increase fees for pre-application advice
- No longer providing informal responses to 'Do I need planning permission...' enquiries and requiring the submission of Lawful Development Certificates
- Provide a fee schedule of charges for larger schemes (typically over 51+ dwellings) and for those applications where the applicant specifically requests an enhanced service.
- Updates the Pre-application Protocol.

15 HERITAGE STRATEGY

The Head of Place and Space presented the report to the committee stating that Boston was blessed with a rich, diverse and unique heritage and, in particular, recognised at a national level for its significant medieval and Georgian historic environment. Over the last five years the recognition, appreciation and understanding had grown as the value of both the built and natural environment had been realised. Recent external investment in this irreplaceable

asset has demonstrated the benefits which can be derived from this rich resource. As a result, there was now an increased need to put in place a strategy which set out clear aims and objectives to understand, restore, protect and share this heritage.

The Strategy recognised that Boston's rich and unique heritage was an irreplaceable asset for current and future generations and needed to be sensitively and proactively managed to maximise benefit for the people, economy and environment of the town and surrounding borough.

Its aim was to realise the full potential of Boston's heritage by developing understanding and appreciation of its significance, utilising its strengths and safeguarding its future.

It was moved by Councillor David Brown and seconded by Councillor Paul Skinner that the committee agree and endorse the updated strategy.

RESOLVED: That the committee resolved to recommend to Cabinet that the Council agree and endorse the updated strategy.

16 CONSERVATION AREA PLAN 2018

The Head of Place and Space presented the report to the committee advising that Boston Town Centre was first designated as a Conservation Area in 1969, one of the earlier designations as the first Conservation Area designated in the country had been Stamford in 1967.

Boston Town Centre Conservation Area covered the medieval core of the town and fifteen defined Character Areas, all of which demonstrated historic character of special significance.

In particular, Boston's importance as an internationally commercially successful trading town in the medieval period could be demonstrated by the survival not only of many of the original street layouts and several Listed Buildings dating from that period, but also of the two large market places which still held weekly markets. Its prominence as a wealthy Georgian and Victorian town was also evident from a large number of surviving buildings from this period.

It was moved by Councillor David Brown and seconded by Councillor Michael Cooper that the committee agree and endorse the updated strategy.

RESOLVED: That the committee resolved to recommend to Cabinet that the Council agree and endorse the updated strategy.

17 DELEGATED DECISION LIST

Committee noted the delegated decision list.

The Meeting ended at 4.30 pm