

Present:

Chairman: Councillor Tom Ashton
Vice-Chairman: Councillor Alison Austin

Councillors: Peter Bedford, David Brown, Katie Chalmers,
Jonathan Noble, Frank Pickett, Paul Skinner, Peter Watson
and Judy Welbourn

Officers: Legal Advisor, Legal Services Lincolnshire, Deputy
Development Manager, Senior Planner and Democratic
Services Officer

146 APOLOGIES

Apologies for absence were tabled for Councillor Paul Goodale and Councillor Yvonne Stevens.

147 MINUTES

With the agreement of the committee, the Chairman signed the minutes of the previous meeting held on 10 January 2023

148 DECLARATION OF INTERESTS

Standing declarations of interest are tabled for the following members of the planning committee in their current roles as members or representatives of the following:
Members of Lincolnshire County Council Councillors Tom Ashton, Alison Austin and Paul Skinner.

Members of the South East Lincolnshire Joint Strategic Planning Committee Councillors Tom Ashton, Peter Bedford and Paul Skinner

Representatives of the Internal Drainage Boards Councillors Tom Ashton, Peter Bedford, Frank Pickett and Judith Welbourn.

No additional declarations of interest were tabled.

149 PUBLIC QUESTIONS

No public questions were tabled.

150 PLANNING APPLICATION B 22 0248

Erection of 4 no. 1.5 storey dwellings and a detached garage and construction of a private access road

73 & 73A, Rosebery Avenue, Boston PE21 7QR

Rosebery Homes Ltd

The Senior Planner presented the report confirming there were no updates to the information therein. The report had been called-in by the ward Member for a variety of reasons including being contrary to Policy 30 in respect of impact of noise on residents, concerns in respect of the land quality and concerns at the narrowness of the access track and potential risk to pedestrians.

The site was within an existing residential site with two backland dwellings, 73 and 73a Rosebery Avenue, both of which are currently unoccupied. The site is within the settlement boundary for Boston, within Flood Zone 3 and within the Danger for All Flood Hazard Zone. The site would be accessed via a driveway between 67 and 79 Rosebery Avenue that sit on the roadside. The site widened at the rear of the properties to a broadly rectangular site that featured the two existing dwellings and large area to the rear that served as the gardens for those properties but was not currently maintained.

To the south of the site was a similar arrangement, with 65a and 65b Rosebery Avenue occupying a backland site. To the north of the site was The Boundary, a cul-de-sac development with several bungalows, 6 of which share a boundary with the site.

The application sought permission to demolish the two existing dwellings and erect four 1.5 storey dwellings. Plots 1, 2 and 4 would back on to the southern boundary of the site, with Plot 3 sitting perpendicular to these. An access road would run from the current driveway along the north of the site to serve all 4 properties. An additional plot was proposed in the north west of this but this has been removed by amendments with a landscaped area now proposed in that corner. Further amendments have been received that amend a window on Plot 2.

The application has been accompanied by a Preliminary Ecological Appraisal, Biodiversity Assessment and Flood Risk Assessment.

Representation was received by Mr Andrew Clover the agent for the applicant which included:

Members were asked to note that the site already had two existing dwellings which although unused, had been previously accommodated and as such the actual application was only for two additional dwellings plus the garage, as the two already on site would be replaced, leaving only two more to be built.

The Environment Agency had stated they considered the development would be safe for its lifetime. Lincolnshire County Highways had stated it did not wish to restrict the grant of the permission and had raised no objections to the application. Both the Highway and Lead Local Flood Authority had been mindful of the fact, that there was already an existing access which was suitable and would allow drivers intending to enter the highway at the access to have sufficient visibility of approaching traffic and pedestrians to enable them to judge if it was safe to make the manoeuvre.

The site lay within the settlement boundary for Boston and Policy 1 of the Local Plan supported development that supported the town's role as sub-regional centre. The majority of residential growth within the Borough was directed to the town, therefore four dwellings within such a location would be deemed acceptable.

Representation was received by the Ward Member which included:

Concerns were noted at the access and egress of the site which despite Lincolnshire County Highways raising no objections, was in an area close to a local school and which could be dangerous at certain times of the day with exiting of the site and narrowness of the track providing little clear sight for drivers which could result in putting pedestrians at risk.

The Ward Member noted further concerns in respect of the impact of noise on residents of Boundary, concerns that the site was unsuitable for residential development and concern in respect of access to the site during construction and also the impacts of the construction work. Further concern noted that the land quality of the site was unsuitable for residential development

It was moved by Councillor Tom Ashton and seconded by Councillor Frank Pickett that the application be granted in line with officer recommendation subject to the conditions and reasons therein:

Vote: 7 in Favour. 2 Against. 1 Abstention.

RESOLVED:

That the application be granted subject to the following conditions:

1.	<p>The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this permission.</p> <p>Reason: Required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004.</p>
2.	<p>The development hereby permitted shall only be undertaken in accordance with the following approved plans;</p> <ul style="list-style-type: none"> ▪ Drawing No. 18622-01 Location Plan ▪ Drawing No. 18622-103 Rev A Site Plan ▪ Drawing No. 18622-104 Plot 1 Floor and Roof Plan ▪ Drawing No. 18622-105 Plot 1 Elevations and Section ▪ Drawing No. 18622-106 Plot 2 Rev A Floor and Roof Plan ▪ Drawing No. 18622-107 Plot 2 Elevations and Section ▪ Drawing No. 18622-108 Plot 3 Floor and Roof Plan ▪ Drawing No. 18622-109 Plot 3 Elevations and Section ▪ Drawing No. 18622-110 Plot 4 Floor and Roof Plan ▪ Drawing No. 18622-111 Plot 4 Elevations and Section ▪ Drawing No. 18622-112 Plot 4 Garage ▪ Drawing No. 18622-113 Proposed Site Plan (west) ▪ Drawing No. 18622-114 Proposed Site Plan (east) <p>Reason: To ensure that the development is undertaken in accordance with the approved details, in the interests of residential amenity and to comply with Policies 2 and 3 of the South East Lincolnshire Local Plan (2019).</p>
3.	<p>Prior to commencement of the development hereby approved a detailed construction management plan shall be submitted to and approved in writing by the Local Planning Authority. The construction management plan shall include:</p> <ul style="list-style-type: none"> ▪ Method statement detailing how construction traffic, site personnel vehicles, materials deliveries and site accommodation will be

	<p>managed to safeguard highway safety and residential amenity.</p> <ul style="list-style-type: none"> ▪ Phasing of development to include access construction, parking and construction compounds ▪ Details of measures to minimise disturbance during the demolition and construction process through noise, dust, vibration and fumes ▪ A method statement detailing where pile foundations are to be used and measures to protect the amenity of neighbours during this process ▪ Proposed hours and days of working <p>The development shall thereafter be carried out in accordance with approved construction management plan.</p> <p>Reason: In the interests of the amenity of local residents in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan (2019).</p>
4	<p>No development shall be undertaken until bat activity surveys have been carried out in accordance with the recommendations of the Preliminary Ecological Appraisal. A report detailing the results of that survey along with details if any necessary mitigation shall be submitted to and approved in writing by the Local Planning Authority prior to any works being carried out. The development shall proceed in strict accordance with the recommendations of the approved report.</p> <p>Reason: In the interests of biodiversity and in accordance with Policy 28 of the South East Lincolnshire Local Plan (2019).</p>
5	<p>The development hereby approved shall not be commenced until details of a comprehensive contaminated land investigation has been submitted to and approved by the Local Planning Authority and until the approved scope of works have been implemented. The assessment shall include the following measures unless the LPA dispenses with any such requirement in writing:</p> <ul style="list-style-type: none"> ▪ A Phase 1 desk study carried out to identify and evaluate all potential sources of contamination and the impacts on land and/or controlled waters, relevant to the site. The desk study shall establish a 'conceptual model' of the site and identify all plausible pollutant linkages. Furthermore the assessment shall set objectives for the intrusive site investigation works/quantitative risk assessment. A copy of the desk study and non-technical summary shall be submitted to the Local Planning Authority. ▪ A site investigation shall be carried out to fully and effectively characterise the nature and extent of any land contamination and/or pollution of controlled waters. It shall specifically include a risk assessment that adopts the source-pathway-receptor principle and take into account the sites existing status and proposed new use. A copy of the site investigation and findings shall be submitted to the Local Planning Authority. <p>Reason: To ensure potential risk arising from previous site uses have been fully assessed and to accord with Policies 2 and 3 of the South East Lincolnshire Local Plan (2019).</p>

6	<p>Where the risk assessment identifies any unacceptable risk or risks, a detailed remediation strategy to deal with land contamination and/or pollution of controlled waters affecting the site shall be submitted to and approved in writing by the Local Planning Authority. No works, other than investigative works, shall be carried out on the site prior to receipt of written approval of the remediation strategy by the Local Planning Authority.</p> <p>Remediation shall be carried out in strict accordance with the approved remediation strategy.</p> <p>Reason: To ensure the proposed remediation plan is appropriate and to accord with Polices 2 and 3 of the South East Lincolnshire Local Plan (2019).</p>
7	<p>If during development contamination not previously considered is identified, then the Local Planning Authority shall be notified immediately and no further work shall be carried out until a method statement detailing a scheme for dealing with suspected contamination has been submitted to and approved in writing by the Local Planning Authority.</p> <p>Reason: To ensure all contamination within the site is dealt with and to accord with Policies 2 and 3 of the South East Lincolnshire Local Plan (2019).</p>
8	<p>Prior to development above ground level a schedule of external materials for buildings and hard surfaced areas and details of proposed boundary treatments shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the materials so approved.</p> <p>Reason: In the interests of the appearance and character of the development and the visual amenity of the area in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan (2019).</p>
9	<p>Prior to development above ground level, full details of the proposed means of foul and surface water disposal to separate systems shall be submitted to and approved in writing by the Local Planning Authority and the details so approved shall be implemented in full before there are any flows into the receiving systems.</p> <p>Reason: To ensure that the site is adequately drained, to avoid pollution, and to prevent increased risk of flooding in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan (2019) and national guidance contained in Section 14 of the National Planning Policy Framework (2021).</p>
10	<p>Notwithstanding the submitted details a scheme for the long-term management and monitoring of the proposed landscaping and biodiversity measures shown on Drawing No. 18622-113 and 18622-114 shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>Such a scheme shall cover a minimum period of 30 years and the</p>

	<p>development shall be occupied and managed in accordance with the agreed details.</p> <p>Reason: To ensure that biodiversity enhancement is achieved to mitigate the loss of existing habitats on site in accordance with Policy 28 of the South East Lincolnshire Local Plan (2019) and Section 15 of the National Planning Policy Framework (2021).</p>
11	<p>The scheme of landscaping, tree planting and biodiversity enhancements shown on Drawing No. 18622-113 and 18622-114 shall be carried out and completed in their entirety during the first planting season following practical completion of the development. All trees, shrubs and bushes shall be maintained in accordance with the details required by Condition 10 and during that period all losses shall be made good as and when necessary.</p> <p>Reason: To ensure that the development is adequately landscaped, in the interests of its visual amenity and character in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan (2019).</p>
12	<p>The development hereby permitted shall be undertaken in accordance with the Recommendations set out in Section 5.0 of the Preliminary Ecological Appraisal. Should any protected species be found during the development work shall cease immediately and details of protection measures shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>Reason: To ensure the protection of protected species during the development, in accordance with Policy 28 of the South East Lincolnshire Local Plan (2019).</p>
13	<p>The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) June 2022 by Andrew Clover Planning and Design Ltd. and the following mitigation measures detailed with in the FRA:</p> <ul style="list-style-type: none"> ▪ Finished floor levels to be set no lower than 2.7m above Ordnance Datum (AOD), equivalent to 1.0m above existing ground level. ▪ The development shall not include single storey dwellings ▪ Demountable defences/flood doors to be provided to a height of 600mm to cover all ground floor doors ▪ Flood resilience and resistance measures to be incorporated into the proposed development as stated <p>The mitigation measures shall be fully implemented prior to occupation and subsequently remain in place.</p> <p>Reason: In the interest of reducing flood risk in accordance with Policy 4 of the South East Lincolnshire Local Plan (2019).</p>
14	<p>The water consumption of any dwelling hereby permitted should not exceed the requirement of 110 litres per person per day (as set out in Part G of the</p>

<p>Building Regulations 2010 and the South East Lincolnshire Local Plan, 2019). The person carrying out the work must inform the Building Control Body that this duty applies. A notice confirming the requirement for the water consumption has been met shall be submitted to the Building Control Body and Local Planning Authority, no later than five days after the completion of each individual dwelling.</p> <p>Reason: To protect the quality and quantity of water resources available to the Borough, in accordance with Policy 31 of the South East Lincolnshire Local Plan (2019).</p>
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151 PLANNING APPEAL REPORT

The Deputy Development Manager presented the report for information to advise members of the receipt of appeal decisions received since the previous report and highlight any key decisions or themes arising.

There had been 4 Appeals since the last report to Members. Of those, none were allowed, 3 dismissed and 1 had been withdrawn. The Appeals related to a mix of application and development types, including changes of use, minor householder and an adult gaming centre.

The report was the first update since July 2022, and whilst there is a small number of appeals 3 out of the 4 are dismissed and 1 was withdrawn. There are also a mix of cases with different application types and policy issues, including enforcement involvement.

At one of the Appeals, the Council were represented externally, B/21/0461 by Counsel. In this case this represented value for money given the complexity of the case and the format as a hearing. No Costs Awards were made in connection with any of the Appeals.

In general terms, the Council has been able to demonstrate its position in respect of all Appeals, generally the Local Plan policy continues to perform well with all those appeals that were determined being dismissed by Inspectors. It was notable that Inspectors afforded weight to other material considerations including the general sustainability of locations and environmental, social and economic benefits of proposals when forming their planning balance. This is not uncharacteristic when considering wider decisions across the Partnership and the general trend nationally.

Overall, our Appeal performance remains good and is better than national target over the rolling 2 year period. This is a good indicator of the quality of decision taking. This is also considered to be reflective of the current position with the adopted local plan, which will have an effect in terms of guiding development and reducing the Councils exposure to speculative applications.

The Department of Levelling Up, Housing and Communities (DLUHC) monitors authorities in relation to the number of major and non-major applications overturned (i.e. allowed) at appeal. The threshold was 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 would be classed as 'poorly performing' and applications for major developments may be made by developers directly to the Planning Inspectorate.

DLUHC also monitored the threshold for quality of decisions for non-major applications, the threshold for which is 10%. Like the major threshold, it was the total number of non-major applications overturned at appeal compared to the total number of non-major decisions made.

The Council was therefore significantly within government's target and not at risk of being classed as poorly performing.

Members noted the report.

The Meeting ended at 10.50 am