

Present:

Chairman: Councillor David Middleton

Vice-Chairman: Councillor David Scoot

Councillors: Alison Austin, Peter Bedford, David Brown, Anne Dorrian,
Claire Rylott, Lina Savickiene, Sarah Sharpe and
Suzanne Welberry

Officers: Assistant Director – Planning & Strategic Infrastructure,
Senior Planning Lawyer, Deputy Development Manager,
Senior Planning Officer, and Democratic Services Officer

1 APOLOGIES FOR ABSENCE

Apologies for absence were tabled by Councillor Dale Broughton with Councillor Helen Staples substituting. Further apologies were tabled for Councillors Barrie Pierpoint and Stephen Woodliffe with no substitute members.

2 MINUTES OF THE LAST MEETING

With the agreement of the Committee the Chairman signed the minutes of the previous meeting.

3 DECLARATIONS OF INTEREST

Standing declarations of interest are tabled in these minutes for all members of the Council who are also members of

Lincolnshire County Council:

Councillor Alison Austin

The South East Lincolnshire Joint Strategic Planning Committee:

Peter Bedford and David Middleton.

The Internal Drainage Boards:

Councillors Peter Bedford, David Middleton, Chris Mountain, Claire Rylott, David Scoot, and Suzanne Welberry

No additional declarations of interest were tabled.

4 PUBLIC QUESTIONS

No public questions were tabled.

5 PLANNING APPLICATION B 24 0279

Full Planning Permission

Two storey side and single storey rear extension with internal alterations to form small ancillary (annex) accommodation at ground floor level and additional bedroom with en-suite at first floor level

11 Windsor Crescent, Boston PE21 0HZ

Mr A Adewuyi

The Senior Planning Office presented the report and confirmed that the application had been called-in by the ward member Councillor Paul Gleeson who had sited his reasons for the call-in as the size, scale and design of the proposal would result in an overbearing impact on the locality and neighbouring properties and it would also request in an inappropriate and un-neighbourly form of extension.

The site consisted of a two-storey, semi detached dwelling located on the western side of Windsor Crescent and was in a residential location in the settlement of Boston. The triangular corner plot was of a generous size with space for several vehicles to park on the site. The proposal sought permission to erect a two-storey rear extension with internal alterations to create a small annexe at ground level and an additional bedroom with en-suite at the first-floor level.

The site had been subject to two previous applications, the first being for a proposed single storey flat roofed extension where prior approval had not been required. The second application had been for a two-storey side and single storey rear extension with internal alterations to form ancillary (annex) accommodation at ground floor level and additional bedrooms at first floor level. That application had been refused and the current application sought to address the reasons for that refusal.

A number of objections from neighbouring residents had been tabled including concerns in respect of parking issues, potential unlawful future use, noise disturbance and a loss of natural light to a neighbouring property and a loss of existing trees.

On having assessed the proposed development and site and having taken into consideration the amended design following the previous refusal of B/24/0037, it was considered that the proposed development had addressed the previous reasons for refusal and would not have any adverse impacts upon the character and appearance of the surrounding area, the amenity of the neighbouring dwellings, highway safety and flood risk and drainage and Biodiversity Net Gain.

Representation was received from the Ward Member which included:

Members were advised that the property subject to the planning application was a 1950s brick and tiled semi-detached house built by the local authority as part of the Woad Farm development. The property was in a block of houses that curved around the crescent which meant that the frontages were narrower than you would normally find on Woad Farm and as such reduced the amount of on road parking, making parking very difficult. Whilst the application was proposing two off-street car parking places the access to those would remove on street parking which would not help the situation.

The property had been subject to three recent planning applications, the first having been to build a second house on the site which had been withdrawn by the applicant. The second application had been for a large rear and side extension that would have created a dwelling house with 10 rooms and 4 bathrooms and a kitchen.

That application had been refused on delegated powers. The current application had reduced the footprint of the extension but was still forming a dwelling house with eight rooms, four-bathroom shower rooms and a kitchen. The ward members acknowledged that the revised plan had addressed the issue of the view of the stump from the road, however disagreed with the officers in that it remained too large an extension for the type of house the location and would impact badly on the neighbouring properties enjoyment of their property. In conclusion the ward member advised that when they had called in the application, they had received an email from the planning department providing further details and asking if they would withdraw the call-in. In response to that request the ward member noted their response had been to questions whether the occupation of the annex would be conditioned. No reply had been received to that question and as such they remained unclear whether the occupation of the proposed annex would be restricted to the immediate family of the occupiers of the main house.

Member questions of the ward member followed which included:

Referencing the large driveway a member questioned the concerns of the ward member in respect of parking. The ward member advised that with the potential number of inhabitants the driveway would not accommodate all the potential vehicles and with the road being very narrow at the part, parking issues on the road could arise.

A member further queried the boundary between the boundary between the two properties with another member questioning if no. 13 was an extended house and also suggesting a fence be installed along the boundary to separate the two houses. The ward member noted he could not offer any comment to the questions tabled.

At this point in the proceedings the ward member left the meeting.

Confirmation on questions tabled by members to the ward member was provided by the Senior Planning Officer. Member were advised that the boundary was along the hedge line between the two properties aligned to the pillar between the two gates. No. 13 had not been subject to an extension it was an end of terrace property.

Committee deliberation followed which included:

There was little deliberation with a review of a slide being provided for one members' reference. A further member stated they felt that the applicant had returned with a sensible plan and whilst there could be possible encroachment with vehicles, members needed to remember that many properties nowadays had multiple cars resulting in them having to park on the road.

RESOLVED:

That the committee approve the application in line with the 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	<p>The development hereby permitted shall not be carried out except in complete accordance with the following details shown on the submitted plan(s):</p> <ul style="list-style-type: none"> ▪ LPC-329-01 Site Location Plan, Existing Floor Plans & Elevations ▪ LPC-329-02 Rev E Proposed Floor Layouts & Site Plan ▪ LPC-329-03 Rev E Proposed Elevations ▪ Flood Risk Assessment <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, 3, 4 and 28 of the South East Lincolnshire Local Plan 2019, and guidance contained in the National Planning Policy Framework (2023).</p>
3	<p>The annexe hereby permitted shall remain incidental to the use of the dwelling house known as 11 Windsor Crescent and shall not form a separate dwelling.</p> <p>Reason: In the interests of amenity and quality of accommodation in accordance with Policy 1 and 3 of the South East Lincolnshire Local Plan 2019.</p>
4	<p>The materials to be used in the construction of the development hereby permitted shall match as closely as possible those of the principal existing building on the site.</p> <p>Reason: In the interests of the architectural and visual integrity of the overall development and the visual amenity of the area in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan 2019.</p>

No-BNG2	<p>Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 states that planning permission is deemed to have been granted subject to the “biodiversity gain condition” which means development granted by this notice must not begin unless:</p> <p>(a) a Biodiversity Gain Plan has been submitted to the planning authority, and (b) the planning authority has approved the plan.</p> <p>is the subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.</p> <p>Based on the information submitted in the planning application documents, the Planning Authority considers that this permission is exempt from biodiversity net gain, and as such does not require approval of a biodiversity gain plan before development is begun.</p>
BNG3	<p>Statutory exemptions and transitional arrangements</p> <p>There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These can be found at Paragraph: 003 Reference ID: 74-003-20240214 of the Planning Practice Guidance, which can be found at</p>

<https://www.gov.uk/guidance/biodiversity-net-gain>.

Irreplaceable habitat

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.

Effect of Section 73(2D) of the 1990 Act

Under Section 73(2D) of the Town and Country Planning Act 1990 (as amended) where -
(a) a biodiversity gain plan was approved in relation to the previous planning permission (“the earlier biodiversity gain plan”), and

(b) the conditions subject to which the planning permission is granted:

(i) do not affect the post-development value of the onsite habitat as specified in the earlier biodiversity gain plan, and

(ii) in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat within the meaning of regulations made under paragraph 18 of Schedule 7A, do not change the effect of the development on the biodiversity of that onsite habitat (including any arrangements made to compensate for any such effect) as specified in the earlier biodiversity gain plan.

- the earlier biodiversity gain plan is regarded as approved for the purposes of paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 (as amended) in relation to the planning permission.

6 APPEAL DECISIONS

The Deputy Development Manager presented the report confirming that there had been 6 Appeals since the last report to Members, which comprised of 2 planning decision appeals and 4 enforcement notice appeals. Of those, one enforcement appeal had been allowed, and 5 appeals had been dismissed.

Members were advised that no Costs Awards had been made in connection with any of the Appeals. In general terms, the Council had been able to demonstrate its position in respect of all Appeals, generally the Local Plan policy continued to perform well with all those appeals that were determined being dismissed by Inspectors in line with Officer Decisions. It was however 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. That was not uncharacteristic when considering wider decisions across the Partnership and the general trend nationally and was in accordance with Planning Officers approach to decision making. Overall, the Council’s Appeal performance remained good and was better than national target over the rolling 2-year period. That was a good indicator of the quality of decision taking. It was also considered to be reflective of the current position with the adopted local plan, which would have an effect in terms of guiding development and reducing the Councils exposure to speculative applications.

Committee noted the report.

The Meeting ended at 11.15 am

Planning Committee
8 October 2024