

Present:

Chairman: Councillor Tom Ashton

Vice-Chairman: Councillor Alison Austin

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

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

141 APOLOGIES

Apologies for absence were tabled for Councillors Paul Goodale and Deborah Evans

142 MINUTES

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

143 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.

Councillor Peter Watson declared that having called-in planning application B 22 0309, whilst he had an open mind in respect of his final determination, he would absent from the meeting and speak as Ward Member for the application. He further confirmed his position as Chairman of Kirton Parish Council

Councillors Frank Pickett and Judith Welbourn declared they were members of an Internal Drainage Board to ensure recording within the statutory declarations.

Councillor Alison Austin declared that she had been a member of the South East Lincolnshire Joint Strategic Planning Committee when it had been convened and throughout the duration of the completion of the plan.

144 PUBLIC QUESTIONS

No questions tabled

145 PLANNING APPLICATION B 22 0309

Demolition of existing buildings and proposed residential development of 6no dwellings with associated works

Land to rear of Bridge House, Donington Road, Kirton End, Boston, PE20 1NX

Mr & Mrs Mark & Anne Pinder

The Senior Planner presented the report to the committee confirming it was tabled following a call-in from Ward Member Councillor Peter Watson. No updates to the report within the agenda were presented.

Representation was received by Mr Clive Wickes the agent for the applicant which included.

Reiterating that the site to the east had been approved on appeal, Mr Wickes advised that the developer of that site had produced a very attractive layout and quality of homes which had been supported by public uptake.

The current site had been closed since October 2021 and was full of asbestos clad sheds. The proposal gave a gateway entrance for the frontage with bungalows either side of the access road, beyond that three small four bedroom dwellings would be sited with an executive house at the end of the site which has a corner tower.

With the site under consideration, Mr Wickes felt that the two sites would massively enhance the architectural of Kirton End and raise design standards within the Borough.

Noting the considerable concerns raised in respect of the application, Mr Wickes questioned the one citing a considerable distance from amenities, stating that both Kirton End and Wyberton were within a mile of the site, lending the development to support facilities in adjacent villages.

Lincolnshire County Highways had not objected to the application stating that it would create less vehicle movements than the previous caravan business on the site. The new footpath was sited on highway land and was in addition to the existing road and not a part of it. The site entrance created a passing bay ensuring that the grass verge opposite would not turn to mud.

The flood risk was sequentially preferable to most in the Borough and the test had been satisfied. The site had been deemed safe for a life time and both foul and surface water had been deemed acceptable.

The ditch to the north of the site prevented a natural stop ensuring no further ribbon development of the site.

In conclusion the reporting officer was commended on the thorough report tabled and committee asked to agree the officer recommendation.

Representation was received by Parish Councillor Ralph Pryke which included:

Prior to Kirton Parish Council's November meeting at which it had given consideration to the application, three of the Councillors had been contacted by residents voicing concerns. One resident had informed a Parish Councillor that there would not be enough room to put a footpath without a compulsory purchase order to secure private land to enable the footpath. On noting the condition within the application, the Parish Council had questioned how it would be implemented if it was subject to the compulsory purchase order.

The main concern was that it was felt the site would be over development of the area because of its location and the proposed access within a small community, which would increase traffic unnecessarily. Construction traffic would be a problem and a preferred access off Whitbread Road would reduce any overloading of traffic on both Holme Road and also at the five way junction at Donington Road: both roads would also be subjected to overloading from vehicles from the new development.

The Parish Council had not considered the objections in relation to flooding, but had agreed the application was contrary to the Local Plan Settlement Policy which they recognised was due for review, but felt that by agreeing the application it would set an unavoidable bad precedent.

Representation was received by Ward Member Councillor Peter Watson which included: Agreeing all the representation of Parish Councillor Pryke, Councillor Watson voiced concern at the access to the properties in relation to the disposal of waste, questioning if there was capacity for the refuse collection vehicles to access the site. He asked if it was possible for direct collections or if residents would need to take their refuse bins onto the main road for collection. Further concern noted potential chaos at the five way junction on Donington Road with increased HGV's reversing into the site. Concluding Councillor Watson urged committee to this seriously about the application in its determination.

The Chairman invited committee to ask questions of the representation received:

Confirm was provided that the footpath was deliverable as it had been confirmed it would be on highways land and no additional private land would be required to achieve implementation within the highway.

In response to a question seeking indication of the number of vehicle movements from the previous business sited on the land, Mr Wickes advised that no details were available but highways had been aware of the previous business and the movement of vehicles towing caravans, which were deemed far more dangerous than the number of vehicles the site would generate. With potential retirees being amongst the residents of the proposed development, not all movements would be at peak hours. In addition a passing bay had been created which was not currently available.

The Senior Planner confirmed they had no information on vehicle movements on the site by the previous business but were aware of the nature of the business which would have required larger vehicles for movements of the caravans to and from the site.

Committee deliberation followed which included the following comments:

A number of members voiced their support of the overall of the application, noting agreement with it re using brownfield land and clearing old asbestos from the site. Further comments agreed the design was appealing with the bungalows at the access points being favourable; the footpath would not encroach on the highway and the development would sustain the village moving forward.

Confirmation was provided that the road within the site would be private and as such refuse bins would need to be taken to the main road for collection.

A member sought a possible informative to the application in respect of householders not being able to undertake any form of their own access onto Whitbread Road. The Senior Planner confirmed that if any resident did want to install a bridge across for direct access it would be subject to consideration by planning permission.

It was moved by Councillor Katie Chalmers and seconded by Councillor Jonathan Noble that committee approve the application in line with officer recommendation, subject to the conditions, reasons and informative therein.

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

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

1. The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: To take account of the present restrictions on implementing permissions, in order to assist the recovery and in order to comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall only be undertaken in accordance with the following approved plans;

- Drawing No. 21-2572-LP Rev. A Location Plan
- Drawing No. 21-2572-01 Rev. C Proposed Site Plan
- Drawing No. 21-2572-02 Rev. A Plot 1
- Drawing No. 21-2572-03 Rev. A Plot 2
- Drawing No. 21-2572-04 Rev. A Plot 3
- Drawing No. 21-2572-05 Rev. A Plot 4
- Drawing No. 21-2572-06 Rev. A Plot 5
- Drawing No. 21-2572-07 Rev. A Plot 6

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).

3. 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:

- Method statement detailing how construction traffic, site personnel vehicles, materials deliveries and site accommodation will be managed to safeguard highway safety and residential amenity.
- 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 smoke
- Proposed hours and days of working
- The development shall thereafter be carried out in accordance with approved construction management plan.

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).

4. 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:
- 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.
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.

5. 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.

Remediation shall be carried out in strict accordance with the approved remediation strategy.

Reason: To ensure the proposed remediation plan is appropriate and to accord with Policies 2 and 3 of the South East Lincolnshire Local Plan 2019

6. 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.
- 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).

7. 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.

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.

8. Prior to development above ground level a scheme of landscaping and tree planting for the site shall be submitted to and approved in writing by the Local Planning Authority. The details shall include, inter alia, the number, species, heights on planting and positions of all the trees, together with details of post-planting maintenance. Such scheme as approved by the Local Planning Authority shall be carried out and completed in its entirety during the first planting season following practical completion of the development. All trees, shrubs and bushes shall be maintained for the period of five years beginning with the date of completion of the scheme and during that period all losses shall be made good as and when necessary.

Reason: To ensure that the development is adequately landscaped, in the interests of visual amenity and character in accordance with Policies 2, 3 and 28 of the South East Lincolnshire Local Plan, 2019.

9. Prior to development above ground level, details of measures to enhance biodiversity on the site shall be submitted to and agreed in writing by the Local Planning Authority. Measures to improve biodiversity should, where appropriate, include:

- Planting a range of native trees, shrubs and flowers
- Green roofs
- Wild flower meadows and grasslands
- Installation of bird and bat boxes, swift bricks and hedgehog gaps

The details approved shall be implemented prior to occupation of the development and shall be maintained thereafter.

Reason: In the interests of biodiversity and in accordance with Policy 28 of the South East Lincolnshire Local Plan (2019).

10. Prior to the commencement of the development above slab level, details showing the arrangements for bin and cycle storage shall be submitted to and approved in writing by the Local Planning Authority. The approved arrangement shall be implemented prior to the occupation of the dwellings and retained thereafter.

Reason: In the interested of amenity in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan (2019).

11. The development hereby permitted shall not be occupied before a 1.8 metre wide footway, to connect the development to the existing footway network, including pedestrian crossing points with tactile paving, has been provided in accordance with details as shown on drawing number: 21-2572-01-C dated July 2022, that shall first have been submitted to, and approved in writing by, the Local Planning

Authority. The works shall also include appropriate arrangements for the management of surface water run-off from the highway.

Reason: To ensure the provision of safe and adequate pedestrian access to the permitted development, without increasing flood risk to the highway and adjacent land and property.

12. The development hereby approved shall be undertaken in complete accordance with the Flood Risk and Drainage Assessment, including:

- proposed flood mitigation and flood resilient construction techniques
- proposed surface water drainage arrangements
- proposed foul water arrangements

The mitigation measures shall be fully implemented prior to occupation and subsequently remain in place.

Reason: In the interest of reducing flood risk in accordance with Policy 4 of the South East Lincolnshire Local Plan (2019).

13. 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 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.

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).

INFORMATIVE NOTES FOR DECISION

The permitted development requires the formation of a new/amended vehicular accesses. These works will require approval from the Highway Authority in accordance with Section 184 of the Highways Act. The works should be constructed in accordance with the Authority's specification that is current at the time of construction. Relocation of existing apparatus, underground services or street furniture will be the responsibility of the applicant, prior to application. For application guidance, approval and specification details, please visit <https://www.lincolnshire.gov.uk/licences-permits/apply-dropped-kerb> or contact vehiclecrossings@lincolnshire.gov.uk

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.

For further guidance please visit our website via the following links:

Traffic Management - <https://www.lincolnshire.gov.uk/traffic-management>

Licences and Permits - <https://www.lincolnshire.gov.uk/licences-permits>

Planning Committee
10 January 2023

The road serving the permitted development is approved as a private road which will not be adopted as a Highway Maintainable at the Public Expense (under the Highways Act 1980). As such, the liability for the future maintenance of the road will rest with those who gain access to their property from it.

The highway improvement works referred to condition 11 are required to be carried out by means of a legal agreement between the landowner and the County Council, as the Local Highway Authority.

For further guidance please visit our website;

www.lincolnshire.gov.uk/highways-planning/works-existing-highway

In accordance with Section 59 of the Highways Act 1980, please be considerate of causing damage to the existing highway during construction and implement mitigation measures as necessary. Should extraordinary expenses be incurred by the Highway Authority in maintaining the highway by reason of damage caused by construction traffic, the Highway Authority may seek to recover these expenses from the developer.

The Meeting ended at 10.40 am