

Present:

Chairman: Councillor David Brown

Vice-Chairman: Councillor Sue Ransome

Councillors: Alison Austin, Michael Brookes, Michael Cooper,
Jonathan Noble, Brian Rush, Claire Rylott, Barrie Pierpoint,
Paul Skinner, Yvonne Stevens and Stephen Woodliffe

Officers: Development Control Manager, Monitoring Officer, Planning
Officer, Senior Planning Officer and Democratic Services
Officer

17 APOLOGIES

Apologies for absence were tabled from Councillor Colin Brotherton. Councillor Michael Brookes substituting.

18 MINUTES

With the permission of the committee the Chairman signed public and exempt minutes of the previous meeting held on the 4th April 2017

19 DECLARATION OF INTERESTS

A collective standing declaration of interest is noted in respect of Lincolnshire County Councillors Michael Brookes, Paul Skinner and Alison Austin who attended and participated in all items on the agenda.

A further collective declaration of interest is noted in respect of Councillors Alison Austin, Colin Brotherton, David Brown, Michael Cooper, Jonathan Noble and Sue Ransome in respect of their membership of the SELLP which is referenced within planning applications.

Councillor Michael Brookes declared a conflict of interest in planning application B 16 0436 in respect of an election donation received from an objector and confirmed he would absent himself from the meeting and taken no part in the deliberation or decision making on the item.

Councillor Brookes further declared he had been in attendance at Kirton Parish Councils when both applications on the agenda had been discussed but confirmed he had taken no part in any of the deliberations and that he had also been in attendance at Sutterton Parish Council when planning application B 17 0041 was discussed and confirmed he had taken no part in any deliberation.

Councillor Yvonne Stevens declared she had been approached by a member of the public in respect of planning application B 17 0037 but she had made no response to the approach and offered no comment.

Councillor Stevens further declared that a member of her family resided in the vicinity of the site for planning application B 17 0041 and as such whilst she did not feel the need to absent from the meeting, she would abstain when it came to the determination of the application.

Councillor Michael Cooper declared he was the Ward Member for planning application B 16 0463 and had been in attendance at Bicker Parish Council when the application had been discussed, but confirmed he had taken no part in any deliberation.

Councillor Cooper also declared that the Parish Councillor speaking on planning application B 17 0061 was known to him but that he had held no discussions with any party in respect of the application.

Councillor Alison Austin declared an interest in planning application B 17 0037 in that in her role as County Councillor for the site area she had been spoken to by Portfolio Holders as Lincolnshire County Council but had offered no comment and had passed all the comments she had received onto the applicant. The Monitoring Officer had viewed the communication passed on and confirmed that Councillor Austin had no reason not to determine the application.

Councillor Austin further declared in interest in planning application B 17 0018 in that she had been in attendance at Kirton Parish Council when the application had been discussed but had taken no part in the deliberation.

Councillor Austin furthermore declared she would be absenting herself from the meeting for planning application B 17 0127 because she both knew the applicant and the application site was within her own postal code.

Councillor Barrie Pierpoint declared that he had been approached by the applicant for planning application B 17 0037 a year previously for support and help in his role as a Councillor. He confirmed that his response had been that as a Councillor he would always help anybody seeking to move to the town be it on a personal or commercial level and stated that he felt that initial contact did not affect his ability in determining the application.

Councillor Claire Rylott declared an interest in planning application B 17 0118 in that she had been in attendance at Kirton Parish Council when the application had been discussed but that she had taken no part in any deliberation.

Councillor Sue Ransome declared an interest in planning application B 16 0499 in that her daughter resided near the site. She confirmed her daughter had neither a positive or negative view on the application and as such she was able to clearly consider the application with an open mind and free from any pre-determination or bias.

Councillor Ransome further declared an interest on planning application B 17 0118 in that she had been in attendance at Kirton Parish Council when the application had been discussed but that she had taken no part in any deliberation.

Councillor Brian Rush declared an interest in planning application B 17 0041 in that the agent speaking on the application was known to him.

Councillor Rush further declared an interest in planning application B 17 0061 in that the person registered to speak in support of the application was known to him and he had held historic conversations with him. However he had not discussed the application in question and felt able to judge the application with an open mind.

Councillor David Brown declared an interest in respect of planning application B 17 0037 stating that whilst it was a tenuous link, he did work for a company that delivered foods. He also declared an interest in planning application B 17 0061 in that his own property was within the village of Sutterton but a significant distance from his own property and as such would not affect his determination of the application.

20 PUBLIC QUESTIONS

No Public Questions were tabled.

It is recorded that at this point in the proceedings the Development Control Manager advised Committee that a judgement from the Supreme Court had been handed down on 10th May which was after the Committee papers had been released. The judgement referred to a Court of Appeal judgement which officers had been referring committee to over the previous year.

The judgement was to do with if a policy was a housing supply policy and the weight to be given to para.14 in the Framework which was the 'tilted balance' presumption in favour of sustainable development. The case was pertinent to all housing applications on the agenda today since there was no five year supply and it could impact on any weight given to perceived conflicts with policies

The Development Control Manager advised that the relevance would be referred to in each presentation as relevant.

It is noted that Councillor Michael Brookes absented himself from the meeting at this point in the proceedings and took no part in the following planning application B 16 0463

21 PLANNING APPLICATION B 16 0463

Outline Planning Permission

Outline application for the erection of up to 40 dwellings (all matters reserved)

Land off St Swithins Close, Bicker, Lincolnshire

G Barkworth

The Senior Planning Officer presented the report with no updates provided to the report tabled.

No representation was received in respect of this application.

It was moved by Councillor Stephen Woodliffe and seconded by Councillor Barrie Pierpoint that the application be granted in line with officer recommendation and the conditions therein.

Vote: In Favour. 2 Against. 9 Abstention. 0

RESOLVED: The motion to grant the application fell.

It was moved by Councillor Jonathan Noble and seconded by Councillor Michael Cooper that the application be refused contrary to officer recommendation as it was contrary to policies G1, CO1 and H4.

Vote: In Favour. 9 Against. 2 Abstention. 0

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

The proposed development would have a detrimental visual impact on the character of this part of the open countryside and the unique Fen character of the environs of the village of Bicker by reason of its pronounced siting and intrusion into the open Lincolnshire countryside. The proposal is therefore contrary to Policies G1 and CO1 of the Adopted Local Plan.

The proposal would see the introduction of dwellings outside the settlement and in the open countryside in a highly unsustainable location. The allowance of new dwellings in this location would result in future occupiers of the properties relying totally on the use of motor vehicles to meet their everyday needs. It is therefore considered that the proposal is contrary to Adopted Local Plan Policy C01 and in conflict with the sustainability objectives contained within the National Planning Policy Framework (2012) and the settlement hierarchy in policy H4 of the Boston interim Local Plan.

It is noted that the Chairman adjourned the meeting for a period of ten minutes at this point in the proceedings and that on reconvention of the meeting, Councillor Michael Brookes re joined the meeting and took part in all the remaining business on the agenda.

22 PLANNING APPLICATION B 17 0041

Demolition of garages and the construction of 2no.pairs of semi detached two storey dwellings on land off Robin Hoods Walk and a detached two and a half storey dwelling on Robin Hoods Walk (5 dwellings).

Robin Hoods Walk, Boston, Lincolnshire, PE21 9EP

Taylor Made Services

The Development Control Manager presented the report confirming the history of the site and the refusal of a previous application.

Updates to the report in the agenda were tabled and members were advised that photographic evidence had been received past the deadline for issuing to members which included photographs of traffic movements and illegal parking along Robin Hoods Walk and at the entrance to the application site. A further letter of objection had been received from 26 Oak Crescent citing concerns already expressed by other objectors including traffic problems on Robin Hoods Walk.

Committee were reminded that a petition had been submitted which needed to be received and taken into consideration during deliberation.

Furthermore members were advised of a typographical error on page 30 under paragraph 7.23 within the last sentence which needed to read

‘size and appearance is consistent’

as against

‘size and appearance *are not* consistent’

Representation was received in objection to the application which included:

Concern was noted in respect of a loss of highway safety and congestion which would arise from the additional traffic movements, which would be caused by the development. Loss of privacy and light, loss of overlooking and loss of amenity were also stated together with concern on a risk of subsidence; an inadequate infrastructure for additional drainage, sewage and water pressure requirements.

Committee were asked to recognise the high volume of existing traffic along Robin Hoods Walks which included vehicles movement to the schools' cemetery and most importantly to and from the Fire Station. The Bowls Club also generated increased traffic.

Members were advised that 13 years previously an application to change a shop to a takeaway in the vicinity of the application site, was rejected on highways grounds and on loss of amenity: the objector asked that it be noted that the traffic volume was considerably higher now than it had been then.

The previous proposal on the site for 9 houses had been rejected on highway grounds and loss of amenity and quality of life to residents. Despite improvements to that plan – the same issues remained.

Referencing the 26 garages the objector stated that they were not regularly visited and did not interrupt traffic flows: committee were asked to agree that homes did generate traffic flow with deliveries and visitor cars.

Further concerns referenced included the bin store which would be adjacent to the entrance and bins could be displaced causing problems for pedestrians and drivers along Robin Hoods Walk and the objector said that the site was backland development as it was 'landlocked' and the development would degrade the community and the services and utilities of the long term residents: furthermore the space acted as a buffer as the existing homes formed a square around it – development of the middle of the square would result in overlooking of private spaces – not just residences.

Larger developments for housing had been granted within the ward and schools and services were already over subscribed: members were asked to refuse the application contrary to policies (G1, H2, and H6)

Representation was received by the agent which included:

Committee were advised that having recently taken over the site the applicant had taken into account the initial reasons for refusal on the previous application and having addressed those reasons for refusal, felt that the new application was deliverable and sustainable within the site without affecting the amenity of the properties which backed onto it.

Most properties were well set away from the boundary and there were no windows on any of the elevations on the two pairs of semis to avoid any perception of overlooking either onto Robin Hoods Walk or Hope Gardens which had very long gardens facing the site. The actual setting of the two pairs of semis had also taken into account the concerns in respect of both the Norfolk Street and Friars Walk properties.

The concern in respect of the original two dwellings on Robin Hoods Walk had been addressed by reducing the build to a single property which looked more appropriate and reflected the form of the adjacent properties.

Representation was received by the Ward Member which included:

The Ward Member tabled concerns in respect of privacy, overlooking and the impact the development would have on the environment. He stated that whilst the garages would be demolished it would still impact on the people within the area. Concern was also noted at the additional pressure the development would cause on the existing congestion problems in the area and also potential safety issues from the traffic for the residents.

Referencing the existing developments due to constructions within the ward, committee were asked to agree that the application did not agree with the area locality with it being a in a Greenfield site and it was not prevalent to the location of the site.

The Development Control Manager responded to the representation:

Addressing the objections made within the first representation the Development Control Manager stated that Policy H6 which had been referenced was actually for Housing for the Disabled and as such not relevant to the application.

Referencing Policy H2, members were advised that it included a sub paragraph which noted that it was not acceptable if back-land or tandem development was used as a reason for refusal and there had been appeals where the Inspectors had said that the Policy was not compliant with the NPPF

Clarification was then made that the gable ends on both pairs of semis were hip ended and that there was no overlooking in either direction. Noting the concerns in respect of overlooking on the properties on Norfolk Street committee were advised that the distances involved were well within the standard indicators and the property on Robin Hoods Walk would not be overlooked from any direction.

It was moved by Councillor Alison Austin and seconded by Councillor Stephen Woodliffe that the application be granted as per officer recommendation and subject to the conditions therein

Vote: In Favour. 9 Against. 2 Abstention. 1

RESOLVED: That Committee having received and taken into consideration the petition in objection to the application, Grant the application as per officer recommendation and 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 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

- 1240-02 PL BP01 'Site Location Plan' (1A/5)
- 1240-02 PL SL02 Rev A 'Proposed Block Plan' (3A/5)
- 1240-02 PL GA01 Rev A 'Proposed House Type 1' (4A/5)
- 1240-02 PL GA02 'Proposed House Type 2' (5A/5)

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

3. Remediation of the site shall be carried out in accordance with the remediation strategy prepared by SGC Consulting (dated 17 November 2015). No deviation shall be made from the strategy without the express written agreement of the local planning authority.

Reason: To ensure site remediation is carried out to the agreed protocol and in accordance with Local Plan Policy G1.

4. On completion of remediation, two copies of a closure report shall be submitted to the local planning authority. The report shall provide validation and certification that the required works regarding contaminated land have been carried out in accordance with the approved method statement. Post sampling and monitoring results shall be included in the closure report.

Reason: To provide verification that the required remediation has been carried out to the required standards and to accord with Local Plan Policy G1.

5. If, during development, contamination not previously considered is identified, then the LPA shall be notified immediately and no further work shall be carried out until a method statement detailing a scheme for dealing with the suspect contamination has been submitted to and agreed in writing with the local planning authority.

Reason: To ensure that any unidentified contamination is mitigated against in the appropriate manner and to accord with Local Plan Policy G1.

6. Notwithstanding the stated finished floor levels within the submitted Flood Risk Assessment, the development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (RM Associates - Version 1, dated January 2017) and in particular the following mitigation measures;

- Finished floor levels shall be set no lower than 2.85mAOD;
- Flood resilient and resistant construction measures shall be incorporated throughout the development as stated within the FRA;
- Brackets for demountable defences to a height of 600mm shall be fitted to all external doorways.

The mitigation measures shall be fully implemented prior to occupation

Reason: To reduce the risk of flooding to the proposed development and future occupiers and to accord with the intentions of the NPPF (2012) .

7. No dwelling shall be built above slab level until details of the materials proposed to be used in the construction of the external surfaces have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the new buildings are in keeping with the character of the area and to accord with Adopted Local Plan Policy G1.

8. The first property shall not be occupied until full details of hard and soft landscaping works for the whole site have been submitted to and approved in writing by the local planning authority. The details shall include:
- i. hard surfacing materials
 - ii. minor structures/ planters
 - iii. planting schedules (species, sizes, and planting densities)

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, and to ensure that the approved scheme is implemented satisfactorily in accordance with saved Local Plan Policies G1, G2 and H3.

9. All landscape works shall be carried out in accordance with the approved details within 6 months of the date of the first occupation of the first dwelling. Any trees, plants, grassed areas which within a period of 5 years from the date of planting die, are removed or become seriously damaged or diseased shall be replaced in the first available planting season with others of similar size species or quality.

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

10. Before any development is commenced above slab level details of all walls and fences, including details of their height, design and position, shall be submitted to and approved in writing by the Local Planning Authority and such scheme as may be approved shall be constructed prior to the occupation of the first dwelling within the development hereby approved.

Reason: In the interests of the visual amenities of the area and to accord with Policy G1 of the Adopted Local Plan.

11. Prior to the commencement of the development hereby permitted, a Construction Management Plan shall be submitted to the local planning authority for approval. The Construction Management Plan will prescribe where site accommodation and welfare facilities will be placed, where site vehicles and the vehicles of site personnel will be parked and where materials will be delivered and stored within the site. Construction of the permitted development shall be undertaken in accordance with the approved Construction Management Plan.

Reason: In the interests of the safety and free passage of the public and to accord with the objectives of Local Plan policies G1 and G6.

12. Refuse and recycling bins to serve this development shall be stored at the rear of their associated properties except on collection days where the bins shall be presented adjacent to the highway ready for collection.

Reason: The drive is a private drive only and in the interests of protecting residential amenity and the character and appearance of the area and to accord with Adopted Plan Policy G1.

23 PLANNING APPLICATION B 17 0037

Erection of a Lidl store (Use Class A1), car and cycle parking with access and associated works including landscaping.

Land to the north of B&Q Store, Westbridge Road, Wyberton, Boston, PE21 7JD

Lidl UK GmbH

The Senior Planning Officer presented the report and advised members of additional information to be incorporated within the report tabled in respect of Condition 2 whereby the last bullet point on the list should read 'Land Contamination Appendix 5'.

No representation was received in respect of this application.

It was moved by Councillor Stephen Woodliffe and seconded by Councillor Jonathan Noble that the application be granted in line with officer recommendation and subject to the conditions therein.

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

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

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 91 of the Town and Country Planning Act 1990.
2. The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Location plan 143/61/1_SLP01 (1/8)
 - Proposed site plan 7311L-09/D (2/8)
 - Proposed site plan 7311L-08/F (3/ 8)
 - Proposed site plan 7311L-11 (4/8)
 - Proposed elevations 7311L-13 (5/8)
 - Proposed floor plans 7311L-12 (6/8)
 - Detailed Landscape Proposals (7/ 8)
 - Design and Access Statement 143/61/1
 - Travel Plan GW/16402/TP/1
 - Transport Assessment GW/16402/TA/1
 - Site Investigation Report 503-R-01
 - Preliminary Ecological Appraisal CLE20418/005/01
 - Flood Risk Assessment, Surface Water Strategy and Sustainable Systems Assessment – Proposed Retail Development Westbridge Road Boston (Part 1)
 - Flood Risk Assessment, Surface Water Strategy and Sustainable Systems Assessment – Proposed Retail Development Westbridge Road Boston (Part 2)

- Erratum to Flood Risk Assessment, Surface Water Strategy and Sustainable Systems Assessment – Proposed Retail Development Westbridge Road Boston received
- Phillips Lighting Factor Rev 2 received 28 March 2017
- Proposed Lighting Layout 0244074710/B (8b/8)
- Planning and Retail Statement 143/61/1
- Land Contamination Appendix 1
- Land Contamination Appendix 2
- Land Contamination Appendix 3
- Land Contamination Appendix 4
- Land Contamination Appendix 5

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

3. No built development shall take place until details of the materials proposed to be used in the construction of the building and all external surfaces have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the new building is in keeping with the character of the building / area and to accord with Adopted Local Plan Policy G1.

4. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment dated December 2016, as amended by letter received by the LPA on 28 March 2017, including the following mitigation measures detailed within the FRA:

- Finished floor levels of the new development are set no lower than 2.75m AOD
- The building shall include the mezzanine level as set out in the approved plans, accessible to occupants and visitors at all times.
- The building shall be constructed using floor resilience and resistance techniques.

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

Reason: To reduce the risk of flooding to the proposed development and future occupants, in accordance with Adopted Local Plan Policy G3.

5. If development has not been commenced within 12 months of the date of this permission, prior to the commencement of development the site shall be re-surveyed for the presence of protected species and if present a scheme of mitigation shall be submitted to and approved by the Local Planning Authority and the development shall be undertaken in accordance with the scheme of mitigation.

Reason: In the interest of protected species and to accord with the Wildlife and Countryside Act and Adopted Local Plan Policy G2.

The meeting adjourned at this point in the proceedings and the Chairman reconvened the meeting at 2pm.

24 PLANNING APPLICATION B 16 0499

Full Planning Permission

Erection of six detached dwellings with associated garages and access

Land adjacent to 21 Horseshoe Lane, Kirton, Boston, Lincolnshire, PE20 1LJ

Mrs Yvonne Landau, Gemini Properties Ventures Ltd

The Senior Planning Officer presented the application and confirmed that there were no updates to report and confirmed that the submission was a revised scheme of the initial approval in 2015.

No representation was received in respect of the application.

It was moved by Councillor Jonathan Noble and seconded by Councillor Yvonne Stevens that the application be granted in line with officer recommendation and subject to the conditions and reasons therein:

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

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

1. The development hereby permitted shall be started within three years of the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended by 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 on 14 December 2016 and 18 April 2017 in accordance with associated plans referenced;

- Ref: L13-02 S-01 B Location Plan
- Ref: L13-02 S-02 D Site Plan Proposed
- Ref: L13-02 S-03 D Streetscapes & Views
- Ref: L13-02 S-04 D Plots Views
- Ref: L13-02 S-05 D Street Views
- Ref: L13-02 P 11a House Type 1
- Ref: L13-02 P15a House Type 4
- Ref: L13-02 P16a House Type 5
- Ref: L13-02 P17 Garages
- 19572_OGL Rev 0 Topographical Survey

Flood Risk Assessment and Sustainable Drainage Strategy dated 28 February 2017.

Reason: To ensure that the development is undertaken in accordance with the approved details, in the interest of residential amenity and to comply with saved Policy G1 of the adopted Boston Local Plan.

- 3 Prior to the commencement of the development hereby permitted, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved Plan which shall include but not necessarily be restricted to the following details;

Details of the siting/parking areas of all vehicles of site operatives and visitors;

Measures to avoid disturbing nesting birds;

The loading and unloading arrangements for heavy plant and machinery;

Details of the siting of all temporary contractors compounds;

The location of extent and duration of any temporary stockpiling areas;

A tree protection plan and measures to protect trees during the construction which shall be in accordance with BS 5837; Trees in Relation to Design, Demolition and Construction 2012.

Measures to prevent mud being deposited on the surrounding highway;

A programme of implementation for items (a) – (g)

Reason: This is a pre-commencement condition that is necessary to protect the amenities of the nearby residents and to comply with saved Policy G1 of the adopted Boston Local Plan.

4. Details of all external facing materials shall be submitted to and approved by the local planning authority prior to the commencement of construction works above slab level.

Reason: To protect the visual amenities of the locality and comply with saved Policy G1 of the adopted Boston Local Plan and the aims and objectives of the National Planning Policy Framework.

5. Details of all boundary walls and fences shall be submitted to and approved by the local planning authority prior to the commencement of construction works above slab level and the approved measures shall thereafter be implemented in accordance with approved details prior to the first occupation of each dwelling to which they relate.

Reason: In order to ensure a satisfactory standard of development and in the interests of the amenities of the new properties and the general amenities of the area in accordance with saved Local Plan Policy G1.

6. Details of the proposed planting and landscaping for the site shall be submitted to and approved by the local planning authority prior to the commencement of construction works above slab level. The planting schedule shall include the type (species), size of stock on planting, numbers and density across the site together with details of the location of those trees to be retained and removed.

Reason: In the interests of visual amenity and in accordance with s.197 of the 1990 Act which requires local planning authorities to ensure adequate provision is made for the preservation or planting of trees and saved Local Plan Policies G1 and G2.

7. All landscape works approved under Condition 5 above shall be carried out in accordance with the approved details during the next available planting season following the substantial completion of the development. Any trees, plants, grassed areas which within a period of 5 years from the date of planting die, are removed or become seriously damaged or diseased shall be replaced in the first available planting season with others of similar size species or quality.

Reason: In the interests of visual amenity and in accordance with s.197 of the 1990 Act which requires local planning authorities to ensure adequate provision is made for the preservation or planting of trees and saved Local Plan Policies G1 and G2.
8. No development shall commence until a surface water drainage scheme having regard to sustainable drainage principles and including an assessment of the hydrological and hydrogeological context of the development and including all highway drainage and any riparian drainage has been submitted to and approved in writing by the local planning authority in consultation with the Lead Local Flood Authority. The scheme shall include evidence to show that surface water run-off generated up to and including the 100 year plus climate change critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall be implemented in full prior to the first occupation of the first dwelling.

Reason: This is a pre-commencement condition since the hydrology of the adjacent Local Wildlife Site and the need to protect the application site from flood risk whilst taking account of impacts beyond the site boundaries and to reduce the risk of flooding to the proposed development and to future occupants and to accord with saved Local Plan Policy G1.
9. Prior to the commencement of the development hereby permitted details shall be submitted to and approved in writing by the Local Planning Authority showing the finished floor levels of all the dwellings hereby approved set out at a minimum of 3.80m AOD and flood resilient construction to 4.10m AOD as advised in the revised Flood Risk Assessment and Sustainable Drainage Strategy dated 28 February 2017. The scheme shall thereafter be implemented in accordance with the approved details.

Reason: This is a pre-commencement condition to secure the satisfactory development of the site and protect the site from flood risk whilst taking into account impacts beyond the site boundary and to reduce the risk of flooding to future occupants and comply with saved Policy G1 of the adopted Boston Local Plan and the aims and objectives of the National Planning Policy Framework.
10. No works shall commence on the setting out of plots until a detailed site survey has been carried out to precisely identify the location of the proposed ecology landscaped buffer zone and the setting out of this zone shall be agreed on site with the local planning authority. A minimum 14 days notice shall be given for the setting-out meeting.

Reason: In order to ensure the location of the buffer zone is accurately ascertained on site following site survey and in order to ensure for the satisfactory protection of the Local Wildlife Site in accordance with saved Local Plan Policy C 17.

11. The buffer zone shall thereafter be laid out and planted in accordance with details that have previously been submitted to and approved by the local planning authority. The details shall include i) a planting schedule showing the type (species), size of stock on planting, numbers and density across the buffer together with details of the location of existing vegetation or trees to be retained and removed, and ii) details of the proposals for the management and maintenance of the buffer zone for the lifetime of the development.

Reason: In accordance with the application proposals to ensure that the buffer zone is designed and implemented on site and in order to ensure for the satisfactory protection of the Local Wildlife Site in accordance with saved Local Plan Policy C 17.

12. 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 the suspected contamination has been submitted to and agreed in writing with the local planning authority.

Reason: To ensure any contamination within the site is dealt with and to accord with saved Local Plan Policy G1.

13. Prior to the first occupation of dwellings on Plots 2, 3 and 5 the first floor side facing windows serving the master bedrooms shall be fitted with obscure glazing which shall be no less than Pilkington Level 4 and shall be permanently retained and maintained in that condition thereafter.

Reason: In protect the residential amenities of the locality and to ensure that the development would comply with saved Policy G1 of the adopted Boston Local Plan.

25 PLANNING APPLICATION B 17 0118

Change of use from residential dwelling (class C3) to residential dwelling and childminding business (sui generis) (max no. of 6 children between the ages of 0-4 years)

19 Cleymond Chase, Kirton, Boston, Lincolnshire, PE21 7AP

Darren King

The Development Control Manager presented the report and advised updates to the report tabled.

Committee were advised that a number of residents who had initially tabled their objection to the application had withdrawn the objections having spoken with the applicant and having been made aware of the full intent of the application.

Some petitions tabled in objection together with 8 letters of objection had now been retracted.

Furthermore a letter of support with 19 signatures had been received and there remained only 5 outstanding objections.

Representation was received from the applicant which included:

Committee were advised that the applicant had been shocked at the level of initial objections and realised that he needed to speak to them individually to explain how the business would operate. He went to all his neighbours with the exception of three: two were on holiday and one already operated a similar business. During the visits the applicant had fully explained how the business would operate and encouraged the residents to ask as many questions as they wished: he had answered them all and offered reassurance of the minimal level of impact it would mean for neighbours.

At the end of the visits the applicant advised he had been overwhelmed at the change in attitude of the vast majority of the objectors and moved at their support of his business.

Referencing the existing objections which related to traffic, the applicant asked committee to recognise the measures and investment he made to the property to ensure there would be no traffic problems. The front garden had been landscaped to accommodate between two to three cars and with the start times varying it would be highly unlikely that any more vehicles than that would arrive at the same time.

A condition had been included within the contract which required parents to agree that all vehicles park only on the driveway: this would alleviate any need for vehicles to have to travel past the house and down to the end of the road, where the remaining objectors lived. Furthermore failure to adhere to the condition would mean the client could no longer attend.

Concluding, the applicant referred committee to the 160 new homes being built in Kirton and suggested that there would be a very real need for future childcare. He advised the committee that both his wife and daughter had completed degrees in Childcare and that he was quite prepared to put in place any requirement the committee may have to permit the business to proceed.

It was moved by Councillor Michael Cooper and seconded by Councillor Alison Austin that the application be granted in line with officer recommendation and subject to the conditions and reasons therein and subject to an additional condition for maintenance of the landscaping to retain it in its current form whilst the business was in operation.

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

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

1. The development hereby permitted shall be started within three years of the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended by 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 29th March 2017 and in accordance with the associated plans referenced: -

- 1/2 Site Location Plan

And letter submitted by Darren King dated 2nd May 2017 which included additional information in support of the application.

Reason: To ensure the development is undertaken in accordance with the approved details, in the interest of residential amenity and to comply with saved Policy G1 of the Adopted Plan.

3. The childminding business shall only take place at the premises between the hours of 7.30 am to 6.00 pm Monday to Friday and at no other times.

Reason: To protect the amenities of the occupants of neighbouring residential properties and in accordance with Adopted Local Plan Policy G1.

4. The existing on site parking facilities shall remain available for use as long as the use hereby approved is in operation.

Reason: To protect the amenities of the occupants of neighbouring residential properties and in accordance with Adopted Local plan Policy G1.

26 PLANNING APPLICATION B 17 0061

Outline application with all matters (appearance, landscaping, layout and scale) except access reserved for the erection of 5 residential dwellings and associated works

Land North of Spalding Road, Sutterton, Boston, Lincolnshire, PE20 2ET

Mr & Mrs Pacey

The Senior Planning Officer presented the report and advised there were no updates to the report tabled.

Representation was received in objection to the application which included:

Confirming their residence as one of the bungalows aside the proposed entrance to the site which would be most affected by the application, the objector stated that if granted, the development would have a detrimental affect on residents in the area.

Referencing the track alongside their properties which would be used as the access road to the site, the objector voiced concern that the tractor which currently used the track to access the field caused vibrations to their properties: the development could mean up to 15 cars exiting and entering the site and the objectors were extremely concerned at the impact so many vehicle movements would have on their homes.

Furthermore referencing the existing track the objector stated it could not be widened due to the proximity of the bungalows on either side: it would mean one-way traffic and more importantly it would not allow for a pedestrian footpath. Additionally the objector voiced concern at how, if granted, the construction vehicles which would be needed to supply the facilities and building materials to the site, would actually turn and enter the site and again what impact their weight bearing loads would have on their properties. Committee were asked to recognise that if granted the development could have between 25-30 residents. Whilst at outline stage the objectors were concerned about possible overlooking and a loss of amenity from increased noise levels both from the site itself and the volume of vehicles using the track.

Concluding, the objector referenced the busy main road across the front of the site and advised the committee that when exiting the site onto the road, the view to the left for exiting vehicles was restricted.

Committee were asked to refuse the application in line with the officers recommendation.

Representation was received in support of the application which included:

Committee were asked to realise that when the site had initially been partially developed it had been envisaged that the remainder of the site would be developed which was why the access road had been left in place

The access was proposed to be upgraded so both pedestrians and motorists would be able to use it and an acoustic fence 1.8m tall would be erected to run parallel along the road to mitigate noise. Committee were reminded that under PD right the fence could be erected at anytime. New drawings had identified how an upgrade would be achieved and the outline complied with highway policy and similar accesses were replicated in many comparable developments.

The supporter questioned the objection in respect of noise from the traffic generation from the five houses as the main highway in front of the existing properties was very noisy. Furthermore the supporter asked committee to recognise that the site had initially been earmarked for part commercial development which had been withdrawn by the applicant: commercial development would have caused significantly more noise, overlooking and impact on residents but by the withdrawal for commercial development, it had meant the only access was the existing one.

Concluding, the supporter referred members to policy which permitted five dwellings permissible from such a driveway: the site was sustainable and deliverable and as outline, all matters would be considered at reserved matters stage. Highways had raised no objection and the supporter stated that was not in the interest of natural justice to refuse the application on the reasons given which he felt doubted would be upheld at appeal.

Representation was received by the Parish Council which included:

Committee were advised that Sutterton Parish Council strongly objected to the site being built on. Reasons cited included the concern of large vehicles turning into the track which could result in damage to the properties either side of the entrance and the danger the vehicles exiting the site from the development could cause to vehicles using the main road. Noise from the development was also noted as a concern.

It was moved by Councillor Jonathan Noble and seconded by Councillor Yvonne Stevens that the application be refused in line with officer recommendation and subject to the conditions and reasons for refusal therein.

Vote: In Favour. 11 Against. 0 Abstention. 1

RESOLVED: That the application be refused in line with officer recommendation and subject to the reasons for refusal as follows:

1. The proposed development fails to take the opportunities available for improving the character and quality of the area. It would be out of character with the pattern of the surrounding development and result in material harm contrary to saved Local Plan policies G1, G6 and H3.
2. In view of the poor existing boundary treatment and external space in which to provide an adequate landscaped buffer area with the surrounding bungalows, this proposal would undermine the amenities of existing adjacent residential occupiers particularly as a result of the position of their existing habitable rooms, a conservatory and private amenity space which face along the access road. The increase in passing vehicles movements would erode the residential amenities of these adjacent occupiers by reason of activity and general disturbance. The proposal would be contrary to saved Local Plan Policies G1, G6 and the aims and objectives of the National Planning Policy Framework.

It is recorded that Councillor Alison Austin absented herself from the meeting at this point in the proceedings and took no part in the following planning application.

27 PLANNING APPLICATION B 17 0127

Section 211 Notice (Works to trees in a Conservation Area)

Fell sycamore tree

The Roccas, Low Road, Wyberton, Boston, Lincolnshire, PE21 7AP

Mrs Emma Turvey

The Development Control Manager presented the report confirming that it was being tabled at the committee as the applicant was a member of his team.

It was moved by Councillor Michael Brookes and seconded by Councillor Michael Cooper that the application be granted in line with officer recommendation and subject to the conditions and reasons therein:

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

RESOLVED: That the application be granted in line with officer recommendation and subject to the condition as follows

1. That the Committee agrees that a Tree Preservation Order in order to retain this tree is not necessary.

It is recorded that Councillor Alison Austin rejoined the meeting at this part in the proceedings and participated in all remaining items on the agenda.

28 APPEAL DECISIONS

The Development Control Manager presented the report which reported on two appeal decisions and related costs where applicable.

The first appeal was in relation to the Station Road and Wash Road application which had been refused by committee in May 2016 and not April 2016 as noted within the report.

Committee were advised that at the hearing the Inspectors decision came down to highways issues in that the highway authority had raised no objection to the site. The Council had put forward its own highways assessment which the applicants had not done and the Inspector had favoured that. However any transport ground for refusal was only applicable when the impact was so severe on an application. As such, the application was granted on appeal and the applicants put in an application for costs.

The costs application was not granted and members were reminded that by the Inspector having determined that the Council had acted unreasonably, it was fortunate that costs had not been granted.

The second appeal related to an application at Piveltoft House in Bicker which had been refused under delegated powers in July 2016. The Inspector upheld the decision and the appeal had been dismissed.

A member sought confirmation on the Wash Road application in respect of adding a possible condition on the application now it had been granted and was advised that only the outline had been granted on the site and the applicant would need to apply for the future reserved matters.

29 DELEGATED DECISION LIST

Committee noted the Delegated Decision List for the period 20 March 2017 to 21 April 2017. A member questioned why Planning Application B 17 0066 had been refused.

The Development Control Manager confirmed it had been refused as the site of the advertising was on a main artery road through the town and could provide both distract to drivers, and more dangerously it would set a precedent for similar advertising

The Meeting ended at 3.40 pm