

Present:

Chairman: Councillor David Brown

Vice-Chairman: Councillor Sue Ransome

Councillors: Alison Austin, Michael Cooper, Anton Dani, James Edwards, Jonathan Noble, Barrie Pierpoint, Stephen Raven, Claire Rylott, Paul Skinner, Yvonne Stevens and Stephen Woodliffe

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

### **100 APOLOGIES**

No apologies for absence were tabled however the Chairman confirmed he had been contacted by Councillor Anton Dani who advised he had been delayed but would be joining the meeting during the morning session.

### **101 MINUTES**

With the agreement of the Committee the Chairman signed the minutes of the previous meeting held on December 5 2017.

### **102 DECLARATION OF INTERESTS**

The clerk confirmed that standing declarations of interest would be recorded for Councillors Alison Austin and Paul Skinner as members of Lincolnshire County Council; in respect of all Councillors David Brown, Michael Cooper, Sue Ransome and Claire Rylott as members of the South East Lincolnshire Local Plan and in respect of Councillors Michael Cooper and Claire Rylott as representatives of Internal Drainage Boards.

A collective declaration of interest is recorded for Councillors Brown, Cooper, Noble, Rylott, Skinner, Stevens and Woodliffe in respect of Planning Application B 17 0413 in that Mr Dudley Bryant, registered to speak in objection to this application, is known to the said members in his role as a member of the conservative association. All said members stated that they would not be inappropriately influenced and would consider the representation made without pre determination or bias.

A final collective declaration of interest is recorded in respect of planning application B 17 0400: all members recorded that the applicant was known to them as a fellow Councillor and Councillor Claire Rylott and Councillor Michael Cooper both confirmed they would absent from the meeting at that point in the proceedings.

Further declarations of interest noted:

Councillor Yvonne Stevens declared that whilst she had been lobbied by Mr Savoury in respect of planning application B 17 0413 she had not responded and had a clear mind to make any decision.

Councillor Barrie Pierpoint declared that the registered speaker in the category of applicant for planning application B 17 0441 was known to him as his medical practitioner but the relationship was purely one of Doctor / Patient.

Councillor Alison Austin declared that the objector speaking on planning application B 17 0413 was known to her but only as an acquaintance of her husband Councillor Richard Austin.

### **103 PUBLIC QUESTIONS**

No public questions were tabled.

It is noted that at this part in the proceedings Councillor Anton Dani had not arrived and it is recorded he took no part in the first two applications considered within the morning session.

### **104 PLANNING APPLICATION B 17 0307**

This item had been withdrawn by the agent ahead of the meeting.

### **105 PLANNING APPLICATION B 17 0407**

**Outline planning permission for residential development with all matters reserved**

**Land off Old Main Road, Fosdyke, Boston, PE20 2BU**

**Messrs Alan and Brian Naylor**

The senior planning officer presented the report to committee and confirmed there were no updates to the report tabled but did confirm he was still awaiting a consultation response from the Environment Agency.

**Representation was received by the agent Ms. Parkinson which included:**

Asking the committee to acknowledge a few points on behalf of the applicant, the agent confirmed that the applicant recognised the location site was adjacent to the current boundary of Fosdyke in the Local Plan 1999 and also adjacent to the proposed South East Lincolnshire Local Plan boundary for the village. The proposal for the five dwellings included a frontage footpath as part of the indicative plan, which would link the site immediately to the adjacent footpath leading on through to the village. In terms of sustainability, whilst it was appreciated that Fosdyke was a smaller rural settlement, there were some village amenities with both a large village hall and a large village playing field which also served other local villages because of its size and quality.

The village had a major bus operator Cropleys Coaches based in the village which fortunately provided onward secondary transport to Sutterton, Kirton, Boston and Spalding from a sustainability and transport connection point of view. Committee were also asked to recognise that the planning officer had noted in his conclusion that he considered the site large enough to accommodate the well designed scheme, without harm to the local residential amenity. The site completed the remainder of the frontage of the field alongside the four houses already built on the frontage. The large field at the rear which was farmed in conjunction with the fields north of the site would continue to be farmed without any disruption. Finally committee were advised that foul sewerage had been introduced into the village which was sited immediately opposite the frontage of the site allowing it to easily link to the foul drainage system in the village. The applicant had the full support of the Parish Council who had unanimously welcomed the suggestion of development within the village where limited infill opportunities for development existed.

**Representation was received by Fosdyke Parish Councillor Glenn which included:**

Fosdyke received few applications as a minor village but a small development of five properties infill in a gap between a re-built former farmhouse and an existing house built 25 years ago, had the full support of the Parish Council. Whilst it accepted it would be an extension of the village envelope, the development was actually infill between existing houses and it had to be stressed that there was no possible continuation of any further ribbon development as a result, because it would encroach onto the A17. The development could be linked into the main village sewage scheme.

The Parish Council did recognise that Fosdyke would not be considered by the local planning authority for any major development, but the proposal equated to 2% increase in the actual number of houses in the village. The development would have minimal impact on infrastructure and services.

It was moved by Councillor Barrie Pierpoint and seconded by Councillor Claire Rylott that the application be granted contrary to officer recommendation, subject to standard planning conditions and reasons.

In Favour: 12.      Against: 0.      Abstentions: 0.      Unanimous decision.

**RESOLVED:      That planning permission be granted contrary to officer recommendations subject to the following conditions and reasons:**

1. No development shall commence until details of the layout, access, appearance, landscaping and scale of the development (hereafter referred to as the 'reserved matters') have been submitted to and approved by the local planning authority.

**Reason:** This is an outline application only and such details must be approved before development commences in order to comply with the objectives of Local Plan policies G1 and H3 and required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990.

2. Application for approval of reserved matters shall be made to the Local Planning Authority not later than the expiration of three years from the date of this permission.

**Reason:** Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990.

3. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.  
**Reason:** Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990.
4. When the application is made for approval of the 'Reserved Matters' that application shall show details of the arrangements for the parking and turning of vehicles within the site. These arrangements shall be provided before the dwelling is occupied and shall be kept permanently free for such use at all times thereafter.  
**Reason:** To enable calling vehicles to wait clear of the carriageway of Old Main Road and to allow vehicles to enter and leave the highway in a forward gear in the interests of highway safety and to accord with the objectives of Local Plan policy G6
5. The development hereby permitted shall be carried out in accordance with the following approved Flood risk assessment and shall include the following mitigation measures :
  - All dwellings shall be of two storey construction
  - Finished floor levels shall be set at 3.8m ODN
  - Flood resilient and resistant construction techniques to be used as described in the Flood Risk Assessment**Reason:** To ensure the development is undertaken in accordance with the approved details and to accord with Adopted Local Plan Policy G1.
6. No development shall commence until a surface water water strategy has been submitted and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the approved surface water strategy.  
**Reason:** This is a pre-commencement condition to ensure that there is satisfactory drainage provision to serve the proposed development. This condition accords with the objectives of Local Plan policy G3.

**106 PLANNING APPLICATION B 17 0444**

**Outline application for the erection of up to 5 no. dwellings including access, layout and scale, with appearance and landscaping reserved for later approval**

**Land adjacent to Roseway, Fishtoft Road, Fishtoft, Boston, PE21 0QR**

**Mr T Marshall c/o R H Marshall**

The Senior Planning Officer presented the report and noted updates to the report tabled.

The first updated advised that 2 additional letters of concern had been received from Roseway Fishtoft Road and Braythorpe Fishtoft Road, each a residency on either side of the proposed access.

Concerns noted included the impact on amenity, privacy and character of the area; impact on traffic and road safety given the number of accidents along the road and car parking and access, visual impact, noise and disturbances and impact on trees and concerns on further future development of the site.

The second application confirmed that Lincolnshire County Council Highways had responded and confirmed they had no objection to the application subject to the 3 conditions.

The Chairman invited Mr Simon Rowberry, the Interim Development Manager to offer a point of clarification at this point in the proceedings in respect of the application under consideration.

Mr Rowberry referenced the comment that the Senior Planning Officer had made during his representation that the decision that the committee made on the last application, was clearly material to the one it would make on this application. Committee were asked to recognise that the last application considered was in fact an infill site: the current application was clearly different. Part of the reason for officers recommending refusal was they viewed the application and the site as a projection in to the open countryside. Concluding, that that whilst members were clearly able to take the view that they did with the infill development, The Interim Development Manager stressed that members needed to take serious consideration of the site characteristics in its determination.

**No representation was received in respect of the application.**

It was moved by Councillor Michael Cooper and seconded by councillor Jonathan Noble that the application be refused in line with officer recommendation and subject to the conditions and reasons therein.

Following member debate the Interim Development Manager addressed members and referred them to the reasons for refusal and stated that whilst members needed to treat each application on its own merit, moving forward committee needed to be consistent in its decision making in respect of sustainability. As such, should the committee be minded to refuse the application, then he would suggest that they only do so on reason 2. Should an appeal follow such a refusal, he stated that he felt that reasons 1 and 3 may not be sustained. Committee were reminded that it only needed one good reason for refusal to defend an appeal.

An amendment was then moved by Councillor Alison Austin and seconded by Councillor Sue Ransome that in line with the advice provided by the Interim Development Control Manager the application be refused as per officer recommendation but for the 2<sup>nd</sup> reason identified within the report only.

In Favour: 10.      Against: 1.      Abstentions: 1.

**RESOLVED: That the application be refused as per the officer recommendation for the following reason:**

The main part of the application site is located along the western edge of the settlement boundary, outside the village envelope of Fishtoft as defined in the Local Plan and within an area defined as 'countryside'.

This development will extend the built up area of the village to the west and into open countryside, creating an awkward and alien encroachment within this flat, rural landscape. The development would also consolidate the urban environment and the resultant effect would substantially erode the character and appearance of the countryside and open rural landscape. This scheme will therefore promote an unsustainable pattern of development in this area and any benefits the development may provide would be significantly and demonstrably outweighed by its adverse effects. The application is therefore contrary to the objectives of Local Plan policies C01, G1 and G2 and the environmental and social dimensions of sustainable development as contained within the National Planning Policy Framework (2012).

Committee adjourned at this point in the proceedings for five minutes.

## **107 PLANNING APPLICATION B 17 0442**

### **Erection of two storey side and rear extension and two storey front extension**

**79 Pilley's Lane Boston, Lincolnshire PE21 9RA**

**Mrs Ayesha Virk**

The Interim Development Control Manager presented the report to the committee confirming there were no updates to the report tabled.

#### **Joint representation was received in objection to the application by Mr Howarth and Mr Godden which included:**

Committee were asked to recognise the significant size in increase of the proposed extension and the impact it would have on both objectors' properties and their quality of life. Stating that the enormous brick wall would be 8m x 8m, they questioned the officer comment that it would not substantially harm their amenity. The wall would be the length of three double decker buses and the height of two. Referencing sunlight and sunshine as being essential elements to a person's well being and health, committee were advised that from simple compass readings, one of the objectors stated he would lose 25% of light to both the rear and side of his property. Further concerns from both objectors stated that no liaison had taken place with either of them from the planning officer: no site visit had taken place at either of their properties to consider the impact of the extension and both felt that the report was dismissive of their real concerns of overshadowing / overlooking and the loss of quality of life the development would have on each of their families. Maps had failed to show the location of hallway windows on one property which were the only means of natural light on that side of their property, and also missing from the maps were trees which would also be affected. Reference was made to a large shed which the objector stated was the size of a bungalow and already existed on the applicant's land, which could be used instead for the extension.

Committee were asked to either refuse the application, or if not, then to seek a deferral to allow an official committee site visit to take place to enable members to see the many concerns of the objectors from their perspective.

**Representation was received by the applicant Dr. Virk in respect of the which included:**

Advising he did not have too much to say, the applicant said he hoped the extension would improve his house and the neighbourhood and it would be an eco friendly / nice living space for his family. He recognised the substantial increase in size and accepted the feelings of the objectors. Noting the reference to the trees he stated that he did not think his neighbours trees would be affected. Concluding he said he would like to get it approved and said it was sad and he was sorry for Mr and Mrs Howarth with who he had always had a good relationship

It was moved by Councillor Barrie Pierpoint and seconded by Councillor Yvonne Stevens that the application be granted in line with Officer recommendation.

An amendment was subsequently moved by Councillor Stephen Woodliffe and seconded by Councillor Alison Austin that the decision be deferred to allow an official committee site visit to take place prior to a final decision being made. The vote for this motion followed:

In Favour: 6      Against: 6      Abstention 1.

*With 6 votes in favour and 6 votes against the clerk sought the Chairman's casting vote:*

Chairman's casting vote was in favour of the site visit.

**Final Vote:**

In Favour: 7 (with casting vote)      Against: 6.      Abstentions: 1.

**RESOLVED:** That the application be deferred to permit an official planning committee site visit to take place prior to final determination of the application.

**THE CHAIRMAN ADJOURNED THE MEETING  
AT THIS POINT IN THE PROCEEDINGS.**

**The meeting reconvened at 1400 hours.**

It is recorded that on reconvention of the meeting as a point of public information, the clerk reiterated all the declarations of interest noted when the meeting officially opened at 1000 hours.

A further declaration of interest was then tabled by Councillor Stephen Woodliffe who advised that he knew the objector speaking on planning application B 17 0143 as a fellow member of the Probus Club.

The Monitoring Officer further advised a point of clarification in that for public information, Councillor Alison Austin had prior to reconvention of the meeting, spoken to Mr Dudley Bryant who was registered to speak in objection on planning application B 17 0413. The conversation had taken place in open view of the public gallery and it was confirmed that the discussion which had taken place, had been of a personal nature in that Councillor Austin's husband whom Mr Bryant knew, Councillor Richard Austin, had been taken ill.

**108 PLANNING APPLICATION B 17 0413**

**Two storey rear extension and remove existing bungalow roof, lift height of roof and insert 7 no. Roof lights and a first floor window.**

**2 Somersby Green, Boston, Lincolnshire PE21 9PH**

**Mr & Mrs Basham**

*As a point of order it was confirmed that this application was in the Ward of Trinity and within BTAC and not as the report noted, within Fishtoft Ward and Fishtoft Parish.*

The report was presented by the Interim Development Manager who confirmed there were no updates to the report tabled.

As a point of clarification members were referred to para. 7.10 / 7.12 and reminded that although some of the objections had been in respect of the roof lighting and the style and colour of windows and doors, the applicant was fully entitled under permitted development rights, to carry out those replacements without formal committee permission. There was no Article 4 Direction in place on or around the application site area, nor was the site within the conservation area.

**Representation was received in objection to the application which included:**

Confirming his submission for consideration of objections had been circulated to members ahead of the meeting, the objector advised he would emphasise the main issues of concern. Committee were advised that the original proposal to convert a 3 bedroomed bungalow in to a 4 bedroom house with a study, had two bathrooms and en suite shower room, white framed georgian style windows replaced with grey UPV aluminium framed units, a plain glass door and the external walls rendered grey, all of which had totally ignored the well established design concept of Somersby Green. It had been unacceptable and described by pretty much everyone as 'sticking out like a sore thumb'.

The overall appearance and environment of Somersby Green was very precious. Owners had taken great care to nurture and maintain every aspect of the original design features of the buildings since their construction. As such, residents felt it important that they did everything possible to maintain all those valued features for the future. Para 2.1 in the report stated Somersby Green was one of the finest examples of housing in the Borough and all residents wished to continue to safeguard all aspects of that environment. All had indicated their support for the objection which was evidenced by the attendance of the many residents in support of objection seated in the public gallery.

Congratulations were offered to Mr Thomsett for his effort to negotiate an improved proposal. However, the building would still be of two storey wedged in between two bungalows.

Members were asked to recognise that the proposed two storey rear extension would significantly impact on the side and rear of bungalows either side. The roof line would also be inconsistent. Objectors maintained that Policy G1 allowed refusal because the design concept of Somersby Green would be substantially harmed by changing a single storey into a two storey dwelling: it would also be completely contrary to the established pattern of original development.



Policy H10 also permitted refusal as the four velux type roof lights in the front roof slope needed to be matched in georgian style dormer windows, similar to the ones at no. 18 Somersby Green directly opposite application property. The new door front door should be georgian panel style as against modern and the timber posts supporting the front overhang needed to be white georgian columns as opposed to timber. More importantly the bay window at the front appeared to have been removed and replaced by a flat window.

All of the noted issues were clearly inconsistent with Somersby Green. For over 50 years since the original development, all owners had meticulously respected the georgian style design external elevations, windows and doors in all their alterations, extensions and improvements. Somersby Green should be considered for protection under an Article 4 Direction.

**Representation was received by the agent on behalf of the applicant which included:**

The applicants were looking to provide a family home for a young family with a decent sized home and garden for their children to play in: the extension would enable a garden to be retained. The report was comprehensive, the applicants had negotiated with the planning officers and subsequently changed the drawings following the negotiations. Prompted by the objections a new drawing had been produced and issued to members ahead of the meeting. It depicted the slight differences to the current street scene should the permission be granted. Members were asked to recognise that the changes were in keeping with the area and also acknowledge that the site was not in a conservation area nor subject to an Article 4 Direction.

It was moved by Councillor Jonathan Noble and seconded by Councillor Yvonne Stevens that the application be refused contrary to officer recommendation as it contravenes Policies G1 and H10.

In Favour: 3 Against: 9. Abstention: 1.

It was moved by Councillor Barrie Pierpoint and seconded by Councillor James Edwards that the application be granted in line with officer recommendation and subject to the conditions and reasons therein:

In Favour: 9 Against: 3. Abstention: 1.

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

1. CA31 – Statutory time limit.
2. The development hereby permitted shall be carried out in strict accordance with the application received 11<sup>th</sup> October and 28<sup>th</sup> November 2017 and in accordance with the associated plans referenced: -
  - 1/4 Site Location Plan drwg no. LPC-200-00
  - 3a/4 Site Plan and Floor Plans drwg no. LPC-200-02
  - 4a/4 Elevations and Indicative Sections drwg no. LPC-200-03 Rev. D

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

**109 PLANNING APPLICATION B 17 0244**

**Request to vary the location plan to form part of the approved plans for an outline application for proposed residential development of up to 41 market and affordable dwellings with access to be considered, at Woods Nurseries Site, Woods Nurseries, High Street, Swineshead, Boston LPA ref B/17/0244.**

The Interim Development Manager advised that the report tabled referred to the application which had granted at a previous meeting at which there had been an inaccuracy in the plan submitted. The error had only been identified during the preparation of the S106 legal agreement.

Full details of the error and the amended plan were presented to committee.

It was moved by Councillor Alison Austin and seconded by Councillor Michael Cooper that the Committee accept the revised location plan as per the officer's recommendation.

In Favour: 13. Against 0. Abstentions 0. (Unanimous)

**RESOLVED:** That committee accept the revised location plan as per the officer's recommendation.

It is noted that Councillors Michael Cooper and Claire Rylott absented from the meeting at this point in the proceedings.

**110 PLANNING APPLICATION B 17 0400**

**Application for the conversion of existing barn to form one dwelling**

**Sunnyside Farm, Holme Road, Kirton Holme, Boston, PE20 1TB**

**Mr & Mrs R. Rylott**

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

No representation was received in respect of this item.

It was moved by Councillor Barrie Pierpoint and seconded by Councillor Alison Austin that the application be granted in line with officer recommendation and subject to the conditions and reasons therein.

In Favour: 11. Against 0. Abstentions 0. (Unanimous)

**RESOLVED: That the application be granted in line with 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 plan,

2/2 Site Location Plan, Block Plan, Floor Plans, Elevations drwg no. 1745/2D

the submitted Planning Statement and the e-mail from David Bradley dated 31.10.17 confirming the measures to mitigate against the risk of contamination.

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

- 3 The development hereby approved shall be carried out in accordance with the approved Flood Risk Assessment (RM Associates, Version 1, dated August 2017 and in particular the following mitigation measure:

- Finished floor levels for all habitable rooms shall be set no lower than 3.50m ODN

The mitigation measures shall be fully implemented before occupation.

**Reason:** To reduce the risk of flooding and to accord with the objectives of the NPPF (2012)

- 4 The development hereby approved shall be carried out in accordance with the recommendations contained within the approved Ecology and Protected Species Survey (Scarborough Nixon Associates Limited, dated September 2017).

**Reason:** In the interests of the protection of wildlife habitat and to accord with the objectives of the NPPF (2012)

- 5 All new external doors, door frames and windows shall be in white painted timber and retained in that form thereafter.

**Reason:** In order to retain the character of the barn, in the interests of the visual amenity and to accord with the objectives of the NPPF (2012)

- 6 Site clearance operations that involve the destruction or removal of buildings (or part of a building) shall not be undertaken during the month of March to August inclusive, except when approved in writing by the Local Planning Authority, once it is satisfied that breeding birds will not be adversely affected.

**Reason:** In the interests of nesting and breeding birds, to accord with the Wildlife and Countryside Act and the objectives of Local Plan policies G2 and C07

- 7 Immediately prior to the commencement of the development the barn shall be checked for the presence of protected species by an ecologist or similarly qualified person. If there is any evidence of any protected species being present, a report shall be submitted to the Local Planning Authority for approval that identifies details of the working method statement and the proposed mitigation works to offset the loss of such habitats. Works shall be carried out as approved.

**Reason:** To ensure the protection of protected species and to accord with the objectives of policies G2 and C06 of the Adopted Local Plan (1999).

8 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development ) Order 2015 (or any order revoking and re-enacting that order with or without modification)

- No external alterations or extensions shall be carried out to the dwelling
- No additional garages or outbuildings shall be erected within the curtilage of the dwelling
- No gates, walls, fence or other structures (other than those hereby approved) shall be erected.
- No new windows or dormer windows shall be added to the dwelling
- No painting or rendering of external walls shall be carried out without the express permission of the Local Planning Authority

**Reason:** In order to protect the character of this traditional rural building in accordance with Adopted Local Plan Policy C07

9 Full details of the siting, design and materials of any external vent pipes, meter boxes or external plumbing serving the barn conversion shall be submitted to and approved in writing by the LPA before such work is carried out. The development shall be carried out in accordance with the approved details before the barn is occupied

**Reason:** To ensure a satisfactory conversion of this barn, in order to retain its character and appearance in accordance with the aims and objectives of Adopted Local Plan policies C01 and C07.

10 Other than the details submitted as part of this application, no other demolition of any external walls or rebuilding of existing external walls or roofs shall be carried out.

**Reason:** To ensure a satisfactory conversion of this barn and to accord with the objectives of Adopted Local Plan policies C01 and C07.

11 If, during development, land 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 line LPA.

**Reason:** To ensure all contamination within the site is dealt with and to accord with Local Plan policy G1.

It is recorded that Councillor Michael Cooper and Claire Rylott returned to the meeting at this point in the proceedings.

## **111 DELEGATED DECISION LIST**

Committee noted the delegated decision list.

The Meeting ended at 4.00 pm