

Present:

Chairman: Councillor David Brown
Vice-Chairman: Councillor Sue Ransome

Councillors: Alison Austin, Peter Bedford, Michael Cooper,
James Edwards, Jonathan Noble, Claire Rylott,
Paul Skinner, Yvonne Stevens and Stephen Woodliffe

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

151 APOLOGIES

Apologies for absence were tabled for Councillor Stephen Raven. No substitute member in attendance.

152 MINUTES

With the agreement of the committee members the Chairman signed the minutes of the previous planning committee meeting held on the 3 April 2018

153 DECLARATION OF INTERESTS

A standing declaration of interest was recorded for Councillors Alison Austin and Paul Skinner in their roles as Lincolnshire County Councillors; for 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.

The following declarations of interest were tabled in respect of planning application B 18 0154:

Councillor Claire Rylott declared she would absent from the meeting as the applicant was known to her.

Councillor Michael Cooper declared he would absent from the meeting as the applicant was well known to him.

Councillors Yvonne Stevens, Stephen Woodliffe, Paul Skinner, Sue Ransome and David Brown all declared that whilst the applicant was known to them only as being the husband of a fellow councillor, it would not affect their judgement of the application.

154 PUBLIC QUESTIONS

No Public Questions were tabled.

155 PLANNING APPLICATION B 18 0082

Resubmission of B/17/0353 for the erection of two detached dwelling houses plus the construction of new vehicular accesses

Land rear of 29 Woodville Road, Boston, PE21 8AP

Mr S Penson

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

Representation was received by the applicants' agent Mr Wicks which included:

Referencing the second application on the agenda, Mr Wicks questioned why officers had been positive on that one and not on this application. He questioned if the recommendations were based on design with one contemporary and one traditional. He stressed that he felt it important that planning be consistent with this development being only 3 meters forward of the adjacent house with the report stating it would cause adverse amenity, as against the next application being set 7 metres forward of the adjacent house.

At this point in the proceedings the Chairman intervened and requested that the speaker contain his representation to the application under consideration stating that the committee would address each application on an individual basis and they would be considered on their own merits.

The speaker questioned why he could not reference the following application and added that the application in question was further away than the other application and the garden size was one and a half metre deeper than the second application. Committee were advised that the first floor lounge was to address the issue of flood risk and it had enabled the design to be quite interesting.

Members were asked to note that the development would book end that area of Cherry Walk which was already narrowed by mature overgrown hedgerows and fencing on both side of the road. The application also removed an ugly garage and shed. Referencing objector comments the agent stated that there would be no adverse impact on the bottom to the garden of 33 Woodville Road as the design reflected the character of the area with hedgerows and fencing on both sides. The development was typical close to back edge of footpath development, as in the historic areas of Boston. Furthermore the noise and disruption during construction was not a planning issue. The garage design was an automatic up and over door and furthermore 2 car parking spaces for each unit were provided. Committee were asked to also recognise that there had been no objection from County Highways and it had been agreed that the principle of development in the area was acceptable.

Members were asked to recognise that the benefits of providing characterful designed houses for young families more than outweighed the adverse comments raised and that the applicant had worked very hard to create an excellent solution to the difficult flood risk site.

It was moved by Councillor Jonathan Noble and seconded by Councillor Yvonne Stevens that the application refused in line with officer recommendation for the reason stated therein:

In Favour: 10. Against 1.

RESOLVED: That the application be refused in line with officer recommendation for the following reason:

The proposed development, having regard to the size and shape of the application site coupled with the siting of the proposed two dwellings close to the public highway, represents over-development and will be out of character with the overall pattern of development in the area. Furthermore, the proposed development will appear dominant, alien and visually intrusive and will cause substantial harm to the amenity of the area. The proposed development will therefore contravene the objectives of Local Plan policies G1, H2 and H3 and the NPPF (2012).

156 PLANNING APPLICATION B 18 0052

Erection of detached two storey dwelling

Rear of land adjacent to 89, Woodville Road, Boston, PE21 8BB

Mr M Moore and Mr L Taylor

The Senior Planning Officer presented the report and advised members of the following updates to the report tabled.

Referencing page 32 under the planning history section within appendix 1 members had been emailed a copy of the Inspectors Decision Letter with the hard copy in front of them.

The second update referenced page 33 in respect of the representations section and an email had recently been received from the occupier of no. 27 Woodville Road who had expressed surprise that the application was even being considered, given the national guild-lines for the term 'windfall land'. As such 7 third party representations had been received.

Representation was received by Mr Stevenson in objection which included:

Stating his main objection was in respect of the lack of consideration of the existing development at 89 Woodville Road, committee were advised that the front gateway was very narrow and it was impossible to get into two of the front bays without turning. Furthermore there were no footpaths to the back of the two rear flats which are 89c and 89d and the properties were now land locked. The proposed application showed the building on the southern side, down the side of the garage and the garage was built at an angle to the new development which at its narrowest went down to 500 millimetres. It was so narrow it was not possible to get a wheelie bin through it.

All residents were now directed down the northern access where again there was no footpath. The existing footpaths cause a hazard in the event of a fire and there was concern on how the flats would be serviced by the emergency services, because they were effectively land locked. There were also problems with the trees on the southern boundary in respect of loss of light issues and damage due to the height of their growth.

Representation was received by the agent Mr Riches which included:

The applicant believed they had the opportunity to provide an attractive building in what is a disused piece of land whilst contribution to the Councils obligation under the NPPF to deliver more housing to meet their five year target. Addressing neighbours objections in respect of the tandem parking Mr Riches confirmed it would not be mixed as each unit had its own tandem parking. Furthermore objections implied that the parking would be more sporadic and with more vehicle movements which the disputed. There would be no parking on the street and there had been no objections from County Highways.

The existing frontage was already a car park serving four cars and therefore relocating four more would not cause a problem as there was space within the site. Referencing objections to design members were asked to note the comment by the officer in the report which did agreed it was subjective. The unique design of the building would be a departure from local styles in the locality it may also be argued that it would continue the evolution of design in the area where there was no prevailing style of buildings.

The officer had stated in his report that the plot was big enough to accommodate the footprint of the building. Despite objections there was sufficient space for access to the existing property. There was access around that served the four houses at the front. There was ample bin storage provided; ample pedestrian routes around the site and the houses were not land locked and were accessible from either side. The height was comparable with adjacent properties along Ivy Crescent and it had a lower roof height than no. 89. Boston Borough Council no longer had a minimum requirement for car parking in such a sustainable location of the site and it was highly likely that the provision of parking might not all be used.

There was the opportunity due to the sites central location for use of the bus as the route which ran straight past the site, along with cycle routes and pedestrian routes into town. Concluding Mr Riches said there was limited overlooking with obscured glazing being used and the rear garden was in excess of 13.5 metres deep providing an adequate size, which was far in excess of other sites which had been granted permission.

It was moved by Councillor Jonathan Noble and seconded by Councillor Stephen Woodliffe that the application be refused contrary to officer recommendation as it contravened the objectives of local plan policies G1, H2 and H3.

In Favour: 9 Against: 1 Abstentions: 1

RESOLVED: That committee grant the application contrary to officer recommendation for the following reason:

The proposed development, having regard to the size of the application site coupled with the modern design of the proposed house will appear out of character with the overall pattern of development in the area and will be out of keeping with the designs and forms of other properties in the vicinity of the site. The proposed development will appear alien and visually intrusive, will lead to a car dominated environment and will cause substantial harm to the amenity of neighbouring residents. The development will therefore contravene the objectives of Local Plan policies G1, H2 and H3

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

157 PLANNING APPLICATION B 18 0154

Application for prior approval for the erection of extension to existing agricultural storage building

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

Mr Richard 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 Alison Austin and seconded by Councillor James Edwards that committee be minded to determine that "prior approval is not required" in line with officer recommendation for the reason therein.

In Favour: 9 Against: 0 Abstentions: 0

RESOLVED: That the committee resolve that they are minded to determine that 'prior approval is not required' for the proposed extension subject to:

- No objections are received as a result of publicity of this application which would warrant re-consideration of this application or require prior approval to be required.

It is recorded that Councillors Claire Rylott and Michael Cooper re joined the meeting following determination of planning application B 18 0154.

158 PLANNING APPLICATION B 18 0054

Outline planning permission for the erection of detached dormer bungalow with all matters reserved

Land adjacent to Lyndholme, Station Road, Old Leake Commonside, Boston, Lincolnshire PE22 9QQ

Estates Ltd c/o Mr Barry Nicholls

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

Representation was received by the applicant's agent Mr Nicholls which included:

Mr Nicholls noted that previous approval for an identical design but for an affordable house, had been granted on the site: as such that approval had confirmed development of the land was acceptable in principle. The site was within the development boundary of the village and the building proposed was identical to the previous build and had a built up frontage. The application complied with policies H2 and H32. Furthermore it had no design issues. There had been no objections from any neighbours or anybody else in respect of the application and the Parish Council fully supported it. It would contribute to the housing supply and represented a natural infill within the village boundary. The site currently was overgrown and the owner had difficulty in maintaining it: neighbours had complained about state of the site. As the Council did not have a five year land supply all relevant policies did apply with presumption in favour of such development in line with the NPPF.

Mr Nicholls then referenced a previous application which had been similar located at Fosdyke which the committee had overturned. In conclusion committee were asked to recognise that the application was about tenure, as in principle the infill plot had already been previously approved.

It was moved by Councillor Jonathan Noble and seconded by Councillor James Edwards that committee grant the application contrary to officer recommendation and that outline planning permission be granted, with all matters reserved, subject to relevant planning conditions and conditions and that the site be subject to one dwelling only.

In Favour: 11. Against: 0. Abstentions:

RESOLVED: That the application be granted contrary to officer recommendation subject to the following conditions and reasons:

1. 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.

2. Approval of the details of access, appearance, layout, landscaping, and scale (hereinafter called 'the reserved matters') shall be obtained from the Local Planning Authority in writing before any development is commenced.

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.

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. The development hereby permitted shall be carried out in accordance with the following approved plans received on 9th February 2018:

- 1/3 Block Plan drwg no. BP0001
- 2/3 Site Location Plan drwg no. OS0001
- 3/3 Floor plans and sections drwg no. DP0001

And the submitted Design and Access Statement entitled 'Context, design principles and concepts'.

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

5. The application for reserved matters shall include a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development. The scheme shall include the following information:

- 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;
- Details of how the scheme shall be maintained and managed after completion and the adopting authority of the SuDs elements;
- Details of the surface water calculations for the drainage network and SuDs features taking into account climate change and an agreed discharge rate;
- Details of the receiving watercourse and condition to demonstrate it is at a suitable condition;
- Details of overland exceedance flows with the development and how these shall be adequately managed.

The scheme shall be carried out as approved.

Reason: To prevent the increased risk of flooding, both on and off site and to accord with the objectives of Local Plan policy G3 and the NPPF (2012).

6. The development hereby approved shall be carried out in accordance with the submitted Flood Risk Section of the submitted Supporting Planning Policy Statement and in particular the following mitigation measures shall be incorporated within the development:

- Finished ground floor levels shall be set at 2.15m ODN.

Reason: To reduce the risk of flooding to the proposed development and future occupants and to accord with the objectives of Local Plan policy G1 and the NPPF (2012).

7. The application for reserved matters shall be submitted for a maximum number of one dwelling.

Reason: To protect the character of the built and natural environment in this area and in order to comply with the objectives of Local Plan policies G1 and H3.

159 PLANNING APPLICATION B 18 0020

Resubmission of B/17/0364 for the demolition of existing domestic garage and erection of 1 no. dwelling together with new vehicular access for existing dwelling

29, Old Main Road, Fosdyke, Boston, Lincolnshire, PE20 2BU

Mr and Mrs P Allitt

The Senior Planning Officer presented the report and confirmed that further representation had been received by the applicant and had been issued to members ahead of the meeting.

No representation was received in respect of this application.

It was moved by Councillor Jonathan Noble and seconded by Councillor Claire Rylott that committee grant the application contrary to officer recommendation and that full planning permission be granted for the demolition of an existing garage and erection of 1 no. dwelling with vehicular access and subject to relevant planning conditions and reasons.

In Favour: 11. Against: 0. Abstentions:

RESOLVED: That the application be granted contrary to officer recommendation subject to the following conditions and reasons:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: Required to be imposed pursuant to Section 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:

- Ref: 1720-01-A 'Location Plan and Block Plan' (1A/2)
- Ref: 1720-02-A 'Elevations and Floor Plans' (2A/2)

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 shall be carried out in accordance with the approved Flood Risk Assessment (FRA) prepared by S M Hemmings, dated 7 August 2017. In particular, finished floor levels shall be set no lower than 3.9m AOD.

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

Reason: To reduce the risk and impact of flooding to the development and future occupants in accordance with the National Planning Policy Framework (2012).

4. Prior to the commencement of any development above slab level final details of the materials to be used in the external elements of the development shall be submitted to the Local Planning Authority for approval. The development shall be constructed using the approved materials.
Reason: To ensure the development assimilates well with its surroundings in accordance with Adopted Plan Policy G1.
5. Prior to the commencement of any development above slab level final details of any walls or fences, including details of their design and height shall be submitted to the Local Planning Authority for approval. The approved boundary treatments shall be erected as per the agreed details prior to the occupation of the dwelling hereby approved.
Reason: In order to protect neighbour's amenity and the amenity of future occupiers of the dwelling and to accord with Adopted Plan G1.

At this point in the proceedings the Chairman welcomed Lisa Hughes a new Senior Planning Officer to the meeting to present the following application.

160 PLANNING APPLICATION B 18 0032

Change of use of offices (Class B1) to 2 no. two bedroom and 3 no. one bedroom flats (Class C3)

12 Strait Bargate & 2 New Street (first, second & third floors), Boston Lincolnshire

Mr & Mrs Raj Soni

The Senior Planning Officer presented the report and confirmed updates to the report report tabled. A representation from Barton Wilmore on behalf of the applicant had been received which stated they agreed with the tilted planning balance in relation to the five year housing plan supply and therefore considered the application should be approved. They noted the objection from the Council's housing officer and they endorsed the way the report had confirmed it was not for the planning committee to consider matters which fell under other legislation. They asked for two specific pieces to be read out and this is in response to the objections and the comments from the consultees. The first comment says that there is no requirement under section 46 of the Environmental Protection Act 90 to provide 240, 660 or 1100 litre wheeled bins.

Section 46 of the Act referenced the duty of a Council to arrange collection of household waste and that the authority may require the occupier to place the waste in the receptacle specified. In relation to the housing officer concerns they reiterate the environmental health officers response that concluded that it was reasonable for storage of waste to be put out on bin day for collection and be stored within the building.

No representation was received in respect of this item.

It was moved by Councillor Paul Skinner and seconded by Councillor Jonathan Noble that the application be granted in line with officer recommendation.

In Favour: 11. Against: 0. Abstentions:

RESOLVED: That the application be granted contrary to officer recommendation subject to the following conditions, reasons and informative:

- 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 ref 12 PL/IC/01 received 25 January 2018 (1/4)
- Existing floor plans PL/IC/02 received 25 January 2018 (2/4)
- Proposed floor plans 12 PL/IC/03 received 5th April 2018 (3/4)
- Proposed elevations and roof plan PL/IC/04 received 25 January 2018 (4/4)

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 shall not be begun until a scheme for protecting the proposed occupiers from noise from the street within each of the bedrooms has been submitted to and approved in writing by the Local Planning Authority. All works, forming part of the approved scheme shall be completed before any of the dwellings are first occupied and shall be retained thereafter. The scheme shall retain the existing fenestration detail (e.g. in relation glazing bars and frame) unless it can be demonstrated that this is not possible whilst achieving the necessary noise reduction.

Reason: To protect the occupants of the proposed dwellings from noise and in accordance with Adopted Local Plan Policy G1 and the National Planning Policy Framework.

- 4 Prior to the occupation of any of the flats, the bin store areas as shown on drawing 12 PL/IC/03 received 5th April 2018 shall be provided for use of the occupiers. Thereafter they shall be retained for storage of waste only.

Reason: To ensure the development provides appropriate facilities for the storage of refuse for the development in the interests of the amenity of future occupiers in accordance with Adopted Local Plan Policy G1.

Informative

Refuse shall not be placed outside for collection until either the night before collection or by 5:30am on the day of collection in order to maintain the amenity of the area and to minimise the risk of vermin.

161 DELEGATED DECISION LIST

Committee noted the Delegated Decision List for the period 19 March 2018 to 16 April 2018.

The Meeting ended at 2.00 pm