

Present:

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

Councillors: Alison Austin, Peter Bedford, Michael Cooper,  
Jonathan Noble, Brian Rush, Claire Rylott, Yvonne Stevens  
and Stephen Woodliffe

Officers: Growth Manager, Senior Planning Officer, Senior Planning  
Officer, Legal Officer Planning, Planning Officer, Planning  
Officer and Senior Democratic Services Officer

## **18 APOLOGIES**

Apologies for absence were received from Councillor Paul Skinner. Councillor Tom Ashton was in attendance to substitute for Councillor Skinner.

## **19 MINUTES**

The minutes of the last meeting held on 18 September 2018 were agreed and signed by the Chairman as a correct record, subject to the addendum and minor amendments set out below.

The Chairman read out a letter from Jenny McIntee of JMAD Architecture relating to planning applications B/18/0153 and B/18/0194, and specifically the representation Ms McIntee made, recorded on page 14 of the minutes in the agenda pack.

“Mr & Mrs Stephens of Portelet House have written to me to explain that Mr Giles Crust was objecting to the applications of his own accord and was not instructed by them.

“I would like to apologise for my comments when I spoke at the September committee “the neighbours had a vendetta against the applicant with a number of barriers presented all the way through the application and they had now sent their consultant to continue objecting at this time”. Although I believed this to be the case at the time, I now accept that Mr & Mrs Stephens weren’t involved in objecting to these two applications, and I am sorry for any offence caused by my remarks.

“Please could you bring this to the attention of the planning committee and add an addendum to the minutes.”

The Chairman then advised the Committee of two minor amendments that had been made to the minutes since the agenda pack was published. In Minute 5, the paragraph at the bottom of page 3 had been re-worded, purely for clarification, to read as follows: “with the 23 new homes already agreed along the western edge which would result in 119 homes in all”. Also, the minutes had been renumbered 206 to 222 to follow the numbering of previous minutes. The hard copy of the minutes ready for the Chairman to sign had been amended accordingly.

## **20 DECLARATION OF INTERESTS**

The following standing declarations were confirmed:

Committee Members who were also County Councillors – Councillors Tom Ashton and Alison Austin.

Those who were also members of the South East Lincolnshire Joint Strategic Planning Committee – Councillors David Brown, Sue Ransome, Michael Cooper and Claire Rylott, representing the Council, and Councillor Alison Austin, representing the County Council.

Those who represented the Council on Internal Drainage Boards – Councillors Tom Ashton, Peter Bedford, Michael Cooper and Claire Rylott.

Members then made the following declarations.

### B/18/0017

Councillor Sue Ransome declared that she had visited all application sites including this one and had met the applicant at her gate, but explained why she was there and had not discussed anything; therefore, she had not been influenced at all.

Councillor Michael Cooper declared that, as this application was in his ward and he had met all parties involved, he would leave the room when this application was considered.

### B/18/0137

Councillor Yvonne Stevens declared that the applicants were personal friends and she would leave the room when this application was considered.

Councillor Michael Cooper declared that that he knew the applicants, but not well, and this would not affect his decision-making.

Councillor Alison Austin declared that she was acquainted with the applicant as Mrs Bell was a member of Wyberton Parish Council, whose meetings Councillor Austin as the County Councillor. However, Councillor Austin left the Parish Council's meetings before planning applications were considered and had not been in the meeting when this application was discussed.

Councillor Claire Rylott declared that she knew the applicants, but this would not influence her decision-making.

Councillor Tom Ashton declared that he had expressed an opinion on this application and would leave the room when this application was considered.

Councillor David Brown declared that he knew the applicants very well and would leave the room when this application was considered.

In the afternoon session of the Planning Committee meeting, Councillor Brian Rush declared that he knew the applicant registered to speak, but had not discussed the application with her and was happy to take part in the meeting.

## **21 PUBLIC QUESTIONS**

No questions had been submitted by members of the public.

## **22 PLANNING APPLICATION B 18 0017**

**Front extension and alterations to roof at rear of garage building and Change of Use of former dairy room/creamery and other outbuildings along with associated land and existing paddock area to special needs school (Class D1)**

**The Coach House, Hall Lane, Algarkirk, Boston, PE20 2HG**

**Ms Darryll Loizou**

*[Councillor Michael Cooper left the room for the entire consideration of this application.]*

The Senior Planning Officer presented the report and referred to an addendum to the agenda with respect to this application, which had been e-mailed to the Committee Members prior to the meeting with hard copies circulated at the meeting. The addendum set out the Planning Officer's consideration of Policy 1, 32 & 29 of the South East Lincolnshire Local Plan and concluded that there should be no change in the recommendation as set out in the main agenda.

Supplementary information had been received from the objector and the applicant, and copies had been circulated to the Committee Members prior to the meeting.

Three further letters of objection had been received since the publication of the agenda pack. Two came from Church View Cottage and another from The Old Rectory and the main points were summarised as follows:

- The paddock should not be used during school holidays and weekends
- The decision was fundamentally flawed
- The Highway Authority should consider conflict between pedestrian / cyclists and vehicles
- The development was contrary to principles
- Unacceptable impact on amenity and highway safety
- Increase in traffic by over 100%
- Many unrecorded accidents and near-misses
- No pavements or street lighting
- The Highway Authority did not appreciate the merits of the quiet country lanes used by many types of users
- A few secondary school children walk from the village to the bus stop in Sutterton
- Pollution impact
- Impact on fitness and pleasure
- Development not sustainable nor would it enhance the vitality of the village
- Staff and parents would drive in
- There was no proven need

- Little employment opportunities for local people
- How could most local people afford its school fees
- Concerns over foul water disposal
- Why was a heritage statement not included due to the proximity to the church
- Could not find fencing details in the paddock
- No restriction on opening hours
- No plans showing proposed development in paddock

The Senior Planning Officer clarified that the petition mentioned in the report was in support of the application, as this was not stated.

The Senior Planning Officer had met with Heritage England on 5<sup>th</sup> October following a request for a site visit due to the concerns raised in objections. They had met on site and walked right around the site and paddock at the end of which Heritage England stated they had no objections. Their only request had been that the advice of the Consultant Architect be sought; this had been done and the Consultant Architect had no objections.

The application had been discussed in detail with the Highway Authority in order to be thoroughly sure that they were satisfied with the application and the Highway Authority had confirmed that they still had no objections. Similarly, the Planning Officer had checked again with the Environment Agency to ensure they had no objections to the Flood Risk Assessment.

The Senior Planning Officer added that an additional condition to restrict the hours of opening of the school would be welcomed to give reassurance that it would not become residential or be used at the weekends.

Representation was received from Mrs S Taylor of The Old Rectory in objection to the application. Mrs Taylor stated she was speaking on behalf of herself, her husband and 9 other objectors in Algarkirk and made the following points, in summary:

- Their objection had never been about the commercial proposal; it had always been about the suitability of the location and whether it had been properly assessed.
- They purchased their home in 2014 from Mrs Loizou as their forever home and it was important to them to bring up their children in a peaceful rural setting.
- The Planning Officer had failed to take into account key policies of the emerging South East Lincolnshire Local Plan (SELLP) and the addendum produced the day before the meeting was completely unsatisfactory, failing to address the key test of the policies, in particular Policy 1 in terms of it being necessary to the location or weighing the proposal against economic, community or environmental benefits. With respect to Policy 32, the addendum did not mention the test for the location of such facilities nor assess it against the necessary criteria.
- The plans completely surrounded their property; what criteria could have been used to assess this as causing only moderate harm, no harm or no substantial harm.
- Drawings were inaccurate and did not detail the location of their property; the proposed staff and multi-purpose rooms were only 1 metre from their property with no detail of their use and no elevation drawings provided.
- There was no condition on hours; it could be open 7 days a week and evenings.
- Due to misleading and incomplete detail, it was not possible to make a clear assessment of the proposal's impact.

- The Highway Authority had made no comments, but the travel plan was flawed, a point made in 20 objection letters. There were dykes either side of Hall Lane, which would serve this primary school, and it had no passing lanes or verges. There was a working farm opposite the entrance and there were no footpaths, cycle paths or street lighting.
- It was likely that pupils would come from the wider Lincolnshire area; therefore, the travel plan was not plausible and pupils would come by car resulting in over 100 additional vehicle movements per day as well as service vehicles. This would have a significant impact on local amenity.
- The proposal split the application site and it was suggested children would be mini-bussed from one site to the other, around their property, and did not explain how children would access the toilets.
- The proposed method of treating sewage was unsatisfactory and the sewage system was in not in the proper place.

Representation was received from three representatives for the applicant, who shared the five-minute speaking time and made the following main points.

Mrs L Hartman, owner and director of the Chelsea Group of Children, which would own and operate the Willow School:

- The impact of the proposal would be small; it would be a general and sustainable use of the land and the size of the school, only 30 children, was the size of an average classroom in a mainstream school.
- Pupils would not cause undue noise or damage property; they would be 4-11 year olds with special needs, not young offenders.
- The organisation had provided education and therapy to young children for over 20 years and had created the Taught through Nature curriculum, which engaged children in an effective way, and they would train and employ local staff.
- They had employed a company to determine the need for a special needs primary scheme in the area and their report clearly showed an urgent need for additional provision, as many children travelled outside the area to attend special schools.
- The school would be good for the community and have a significant impact on the lives of young children with special needs.

Mrs J Duemler, head teacher for the Chelsea Group of Children in London

- Their research had identified the need for a school in this area and many parents had told them of their search for a school in their community. Some had no choice but to send their children to a residential school and only see their children on weekends. The Willow School was a day school located half-way between Boston and Spalding. The school's location would mean that children would have a short, normal journey to school each day and live at home with their families instead of living in residential schools or travelling long distances; this had a huge impact on families. It would be significantly cheaper for the County Council to send their children to day school rather than residential. They would be providing 30 children and their families a local school to attend. This was a perfect location for the Willow School, allowing them to support the community and use the land for a positive purpose.

Mrs D Loizou

- The school was trying to achieve a better life for a small group of children who were entitled to a fulfilling education, offering children with disabilities the opportunity to learn in an outdoor environment, working on meaningful tasks, giving them a sense of purpose.
- It was hoped that objections were based on uninformed assumptions or a natural response to any development and unrelated to it being a special needs school.
- There would be additional traffic when pupils were dropped off and picked up, but traffic was not a significant problem at this location.
- People would hear the children laughing, learning and having fun.
- It was hoped that people would come to support the school because it was unmistakably good.

Representation was received from Parish Councillor S Walker on behalf of Algarkirk Parish Council, who made the following points, in summary:

- The Parish Council had never objected to the application because it was a special needs school; their objections were on the grounds of the location, road infrastructure, health and safety, and the lack of economic and environmental benefit to the community.
- The road infrastructure consisted of three single-track lanes, none of which had passing places and all had a deep dyke on either side with tight bends. The village had been cut off due to snow and roads were not gritted.
- The village relied on these three lanes; everything was brought in by road because there were no amenities. Hall Lane took most of the traffic and needed to be kept free of parked vehicles.
- The Committee should visit the site and see the road system for themselves to judge how poor the access roads were.
- There were many benefits to these quiet lanes, which were used by many people, including families, for recreational purposes, e.g. dog walking and cycling.
- There was significant concern that the lane would not be kept clear and access for emergency vehicles would be impeded.
- With only 14 parking spaces proposed, there would be no-where to park for any more cars; people would use Hall Lane.
- Bussing children between the each part of the site through a recessed access gate on hall lane; this would not be safe as the gate could only be seen from a very short distance.

It was proposed by Councillor Brian Rush and seconded by Councillor Jonathan Noble that planning permission be refused on the grounds that it was contrary to Policy G1 as it would have a substantial effect on the character of the area and the amenity of the neighbouring property. However, when this was put to the vote, it fell (Vote: 4 for, 6 against).

Councillor Alison Austin proposed that the Committee visited the site, but this was not seconded.

It was then proposed by Councillor Stephen Woodliffe and seconded by Councillor Peter Bedford that the Committee were minded to approve the application in line with the Planning Officer's recommendation with an additional condition regarding business hours.

Vote: 6 for, 4 against

**RESOLVED:**

That the Committee is Minded to Approve the application subject to the following list of conditions and subject to no new issues being raised within any new information received prior to the expiry of the consultation period (24 October 2018).

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

**Reason:** Required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004.

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

- Ref: P1000 Rev P.01 'Location Plan' (1/19)
- Ref: P1011 Rev P.01 'Proposed Ground Floor Plan' (6/19)
- Ref: P1012 Rev P.03 'Proposed First Floor Plan' (7B/19)
- Ref: 1136 P1013 Rev P.01 'Proposed Roof Plan' (8/19)
- Ref: 1136 P2009 Rev P.01 'Proposed Long Elevations – Garage Building' (11/19)
- Ref: 1136 P2010 Rev P.01 'Proposed Short Elevations – Garage Building' (12/19)
- Ref: P2011 Rev P.01 'Proposed Sections Garage Building' (13/19)
- Ref: wwa\_1755\_AL\_702 Rev P01 'Tree Protection and Removal Plan' (15A/19)
- Ref: wwa\_1755\_LL\_101 Rev P01 'Car Park Layout Plan' (16/19)
- Ref: wwa\_1755\_LL\_102 Rev P00 'Rectory Boundary Plan' (17/19)
- Ref: P1010 Rev P.02 'Proposed Site Plan' (19/19)

And the accompanying Design and Access Statement ref: 120618 Rev P04.

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

3. No development shall take place 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 building is in keeping with the character of the area and to accord with Adopted Local Plan Policy G1.

4. The maximum number of pupils attending the school shall be limited to 30.

**Reason:** The Local Planning Authority wish to be in a position to fully assess any potential impacts that may arise in respect of any significant increase in vehicle movements and any significant harm to the amenity of nearby neighbours as a

result of larger student numbers being allowed to use such a facility and to accord with Adopted Plan Policies G1 and G6.

5. No development shall commence above ground level until a Foul Water Strategy has been submitted to and approved in writing by the Local Planning Authority. The use hereby approved shall not be commenced until the works have been carried out in accordance with the approved Foul Water Strategy.

**Reason:** To prevent environmental and amenity problems arising from flooding and to accord with the objectives of Local Plan policy G3.

6. Prior to the commencement of any works relating to roadway or pathway works within the site final details of the surface materials to be used shall be submitted to and approved in writing by the Local Planning Authority. The development shall proceed fully in accordance with the approved scheme.

**Reason:** To ensure that appropriate materials are used in sensitive areas where 'no-dig' construction methods are used in accordance with Adopted Plan Policies G1, G3, G6 and the National Planning Policy Framework (2018).

7. The development hereby approved shall be carried out in accordance with the recommendations contained within the submitted Ecological Report prepared by Scarborough Nixon Associates Limited, dated 11<sup>th</sup> September 2018.

**Reason:** To ensure that protected species and their habitats and other breeding birds are protected in Accordance with Adopted Plan Policy G2.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking, re-enacting or modifying that Order) no fences, gates, hard surfacing, buildings or other permanent structures (other than those approved by this consent) shall be erected on the larger parcel of land within the application site known as 'the paddock'.

**Reason:** To ensure the rural character and appearance of this attractive area is retained and to ensure that the setting of the Grade I Listed Church and the Scheduled Ancient Monument are appropriately protected in accordance with Adopted Plan G1 and the National Planning Policy Framework (2018).

9. The use hereby approved by this consent (Class D1 of the Town and Country Planning (Use Classes) (Amendment) (England) Order 2015) shall be restricted to the use of the land and buildings as a 'special needs school' only and no changes within this Use Class or other Use Classes shall be allowed.

**Reason:** The care and needs of the children attending the school are such that 1:1 care is likely for the majority leading to a different anticipated intensity of use compared to a traditional main stream school. The condition will also ensure other uses falling within the same Class D1 use, such as health centres, clinics, day centres, museums, libraries and other non-residential institutions, cannot commence without formal consent being obtained from the Local Planning Authority and it will allow the Local Planning Authority to fully assess any potential

impacts that may arise from such a use. This condition accords with Adopted Plan G1 and the National Planning Policy Framework (2018).

10. Pupil teaching hours at the school shall be limited to the hours between 0900 hours and 1500 hours and no pupils shall arrive at the premises before 0815 hours and all pupils must vacate the premises by 1545 hours unless attending a parents evening, school play, school fete or other similar irregular occurring function that is directly related to the school.

**Reason:** To protect the amenity of nearby residents and to accord with Adopted Plan Policy G1 and emerging Plan Policy 2 of the South East Lincolnshire Local Plan (SELLP).

In determining this application the authority has taken account of the guidance in paragraph 38 of the National Planning Policy Framework 2018 in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the Borough.

## **23 PLANNING APPLICATION B 08 0321**

**Application for approval of reserved matters following outline approval B/14/0165 for the construction of a drive-thru coffee shop (mixed use comprising class A1 and class A3) plus internal roadway, parking area and associated development to make changes to the operational hours**

**Plot B, The Quadrant, Land off A16, Wyberton, Boston, PE21 7TD**

**Mr Burney, Burney Estate Ltd**

The Senior Planning Officer presented the report and advised Members that Policy 3 of the South East Lincolnshire Local Plan (SELLP) was considered to be a 'red' policy, i.e. it carried limited weight. Wyberton Parish Council had responded to consultation since the agenda was published to the effect that it had no comments to make.

The Chairman asked that it be recorded that he would have preferred the traffic using the drive-thru to queue in the other direction so that more vehicles could enter the compound and reduce the possibility of them queuing on the road.

It was proposed by Councillor Alison Austin and seconded by Councillor Jonathan Noble that planning permission be granted as recommended by the Planning Officer.

Vote: 10 for, 1 against

**RESOLVED that planning permission be granted subject to the following conditions:**

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

**Reason:** Required to be imposed pursuant to Section 92 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 3606\_L01 (1/6)  
Proposed site plan ref 3606\_PL301 rev A (2A/6)  
Proposed elevations Costa Coffee –plot B ref 3606\_PL302A (3a/6)  
Proposed floor plan- Costa Coffee-plot B ref 3606\_PL304 (4/6)  
Landscaping plan Costa Coffee –plot B ref 3606\_PL305 (5/6)  
Internal Queuing capacity – the Quadrant – plot B – Costa ref 007 rev A01 (6/6)

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

3. All landscape works shall be carried out in accordance with the approved details within 6 months of the date of the first occupation of any building or completion of development whichever is the sooner. 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, unless the Local Planning Authority gives written consent to any variation.

**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.

4. The premises shall not be open to the public except between the hours of 0500hrs - 2300hrs Monday to Sunday.

**Reason:** To accord with the applicant's stated intentions, in the interests of the amenity of the area and to accord with the objectives of Local Plan policy G1.

In determining this application the authority has taken account of the guidance in paragraph 38 of the National Planning Policy Framework (2018) in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the Borough.

## **24 PLANNING APPLICATION B 18 0348**

**Application for approval of reserved matters for the construction of retail unit (mixed use comprising class A3 and class A5) and drive-thru restaurant (mixed use comprising class A1 and class A3), plus internal roadway, parking area and associated development**

**Plot A, The Quadrant, Land off A16, Wyberton, Boston, PE21 7TD**

**Mr Burney, Burney Estates Ltd**

The Senior Planning Officer presented the report.

It was proposed by Councillor Alison Austin and seconded by Councillor Tom Ashton that planning permission be granted as recommendation by the Planning Officers.

Vote: 10 for, 1 abstention.

**RESOLVED that planning permission be granted subject to the following conditions:**

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

**Reason:** Required to be imposed pursuant to Section 92 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 3606\_L01A (1/7)
- Proposed site plan – plot A ref 3606\_PL500.1D (2/7)
- Proposed floor plan –plot A-Greggs ref 3606\_PL505 (3/7)
- Proposed elevation- plot A-Greggs ref 3606\_P506 (4/7)
- Proposed floor plan – plot A –Burger King ref 3606\_PL507 (5/7)
- Proposed elevation –plot A-Burger King ref 3606\_PL508 (6/7)
- Internal car parking and queuing capacity ref 011 rev A01 (7/7)

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

3. No development shall take place above ground level until full details of hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority. These works shall be carried out entirely in accordance with the approved details. The scheme shall include

- a) boundary treatment
- b) hard surface materials
- c) planting schedules (species, sizes densities)
- d) existing trees to be retained/removed

**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

4. All landscape works shall be carried out in accordance with the approved details within 6 months of the date of the first occupation of any building or completion of development whichever is the sooner. 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, unless the Local Planning

Authority gives written consent to any variation.

**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

5. The premises shall not be open to the public except between the following hours:

**Burger King Opening hours**

07.00 – 02.00hrs on Mondays to Saturdays and 11.00 – 00.00hrs on Sundays and bank holidays.

**Greggs Opening hours**

06.00 – 18.00hrs everyday

**Reason:** To accord with the applicant's stated intentions, in the interests of the amenity of the area and to accord with the objectives of Local Plan policy G1.

In determining this application the authority has taken account of the guidance in paragraph 38 of the National Planning Policy Framework (2018) in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the Borough.

## **25 PLANNING APPLICATION B 18 0207**

**Erection of showroom for sales and display of bathroom equipment and associated merchandise (Class A1), plus new car park and associated development**

**Land south of Wallace Way, The Quadrant, Wyberton, Boston, PE21 7TD**

### **Parkland Developments**

The Senior Planning Officer presented the report.

It was proposed by Councillor Jonathan Noble and seconded by Councillor Alison Austin that planning permission be granted as recommended by the Planning Officer with the addition of a further recommended condition, that use be limited to a kitchen/bathroom retail outlet.

Vote: 9 for, 2 against

**RESOLVED that planning permission be granted subject to the following conditions:**

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:

- Proposed block plan ref 2448-A3-07C (2a/3)
- Proposed plans, elevations and section ref 2448-A1-08C (3/3)

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

3. No development shall take place above ground level until full details of hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority. These works shall be carried out entirely in accordance with the approved details. The scheme shall include

- a. boundary treatment
- b. hard surface materials
- c. planting schedules (species, sizes densities)
- d. existing trees to be retained/removed

**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.

4. All landscape works shall be carried out in accordance with the approved details within 6 months of the date of the first occupation of any building or completion of development whichever is the sooner. 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

5. No development shall take place above ground level until details are submitted to and approved in writing by the Local Planning Authority that shows the provision and implementation of a flood warning evacuation plan. The flood warning and evacuation plan shall be carried out in accordance with the approved details

**Reason:** To reduce the risk of flooding and to accord with the objectives of Local Plan polciy G1 and the National Planning Policy Framework (2018)

6. No development shall take place above ground level until details are submitted to and approved in writing by the Local Planning Authority that shows the provision

of two cycle parking stands within the application site. The cycle stands as may be approved shall be installed before the retail unit is brought into use and retained thereafter.

**Reason:** To ensure the satisfactory provision of cycle stands within the site and to accord with the objectives of sustainable development as contained within the NPPF (2018)

7. The retail unit hereby approved shall only be used for the sale and display of bathroom and kitchen equipment and associated merchandise and the retail unit shall be not be used for any other purpose without the prior approval of the Local Planning Authority

**Reason:** In the interest of protecting the viability and vitality of the town centre, to accord with the details of the application and to comply with the objectives of the NPPF (2018)

In determining this application the authority has taken account of the guidance in paragraph 38 of the National Planning Policy Framework (2018) in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the Borough

## **26 PLANNING APPLICATION B 18 0323**

**Proposed erection of 1 no. two and a half storey dwelling, extended vehicular access and a new vehicular access**

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

**Mr S Penson, Habitat Residential Ltd.**

The Senior Planning Officer presented the report.

Representation was received from Mr C Wicks, the applicant's agent. In summary, Mr Wicks' stated that this was a resubmission of the proposal following refusal of planning permission. The application had been revised and now proposed one dwelling instead of two and the reasons for refusing permission had been addressed. The proposed dwelling was not close to the highway; it would be set back from the road. There were two car parking spaces. The building height matched the heights of existing dwellings. It accorded with paragraph 64 of the NPPF. It was attractive and sympathetic. Flood risk issues had been overcome. The dwelling would have a long garden, 14 metres long, and no rear windows. The building would be higher than the dwelling at 1 Cherry Walk. The proposal was much improved from the previous application, the separation distances were satisfactory and there would be no loss of amenity. If this site was considered too small, there would many such gaps left undeveloped. The proposal was not dominating or intrusive and would not adversely affect the area. Mr Wicks added that the hedge on the site would be tidied up.

It was proposed by Councillor Brian Rush and seconded by Councillor Jonathan Noble that planning permission be refused in line with the Planning Officer's recommendation.

Vote: 10 for, 1 against

**RESOLVED that planning permission be refused, as recommended by the Planning Officer, for the reason set out below.**

The proposed dwelling, having regard to its position in relation to neighbouring dwellings and respective boundaries coupled with its height and design, will be out of character with the overall pattern of development in the area and will appear dominant, awkward and visually intrusive to the amenity of the neighbouring occupiers and will substantially harm the character of the area.

Consequently the proposed development will therefore contravene the objectives of Boston Borough Local Plan 1999 Policies G1, H2 and H3, the National Planning Policy Framework (2018) and Policies 2 and 3 of the South East Lincolnshire Local Plan 2011-2036.

Refused drawing numbers:

- Location plan ref 17-2382-P-02 Rev A
- Proposed site plan ref 17-2382-P-03 rev A
- Proposed plans and elevations ref 17-2382-P-01 rev E

In determining this application the authority has taken account of the guidance in paragraph 38 of the National Planning Policy Framework (2018) in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the Borough.

**THE CHAIRMAN ADJOURNED THE MEETING AT THIS POINT IN THE PROCEEDINGS AND RECONVENED THE MEETING AT 2PM**

## **27 PLANNING APPLICATION B 18 0337**

**Siting of a portakabin to provide office and kitchen area for a temporary 3 year period**

**Drayton Motors, The Drayton, Swineshead, Boston, Lincolnshire, PE20 3JN**

**Wilson & Co (Kia) Ltd**

The Planning Officer presented the report and summarised the contents of a letter of objection received from the occupier of Corner Cottage, which had been received after the publication of the agenda pack and copied to Members prior to the meeting.

It was proposed by Councillor Peter Bedford and seconded by Councillor Tom Ashton that planning permission be granted as recommended by the Planning Officer.

Vote: 10 for, 1 abstention

**RESOLVED That planning permission be granted 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 –

- Plan 1/3 – Site Plan
- Plan 2/3 – Block Plan (5653 Layout)
- Plan 3/3 – Proposed Site Layout Plan (TS.DM.2018.01.PC)
- Application Form

**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. This planning permission is granted for a limited period only expiring 3 years from the date of this permission. The portakabin hereby permitted shall be removed and the land restored to its original condition.

**Reason:** The development hereby approved is not considered suitable as a permanent development to safeguard amenity and to comply with policies set out in the Boston Borough Local Plan 1999 in accordance with Policy G1.

In determining this application the authority has taken account of the guidance in paragraph 38 of the National Planning Policy Framework (2018) in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the Borough.

## **28 PLANNING APPLICATION B 18 0263**

### **Demolition of existing dwelling and erection of terrace block of 6 no. three storey houses with new access and associated site works**

**118 Church Road, Boston, PE21 0LG**

**Mrs B Orrey**

The Growth Manager presented the report and advised Members of a typographical error on page 125 of the agenda pack, where the measurement of allocated parking spaces should read 4.8 x 2.4m; sizes had been checked and it was considered very unlikely that there would be any overhanging of vehicles.

A letter of support had been received from the occupier of 80 Church Road, to the effect that they liked the design of the proposed houses, which would meet an existing demand, and most residents would walk into Boston. Also, it would put the site to good use, as it had been used by 'undesirables'.

Representation was received from Mr J Cartwright in objection to the application, the main points of which were:

- The fundamental issue causing concerns was that the proposed development was too large for the scale of the site leading to problems with privacy, parking, character of area and visual impact.
- The proposed 3-storey dwellings with little adjoining open ground would dominate surrounding properties, especially in Windsor Crescent. Residents spoken to felt it would reduce their privacy and sunlight significantly.
- Proposed car parking provision was insufficient; a total of 9 spaces against the Highway Authority's recommendation of 2 per house. As people often had 2 vehicles, the overspill would park outside the development, which is situated on the bend of a busy road.
- The proposal would have a negative visual impact; there were no 3-storey dwellings with flat roofs in the area; they were predominantly 2-storey with gable roofs; the proposed dwellings would be completely out of character.
- Outline planning permission granted on the adjacent site had been limited to 2 storeys to retain the character of the area.
- The site did require re-development, but this proposal was commercial in appearance and would adversely affect the area; there was no reason why the design should not match the existing dwellings.
- Living right by the site, no-one had been seen using the site or vandalising it and it was usually locked up.

Mr C Wicks, the applicant's agent, asked permission to circulate two copies of the proposal, purely because the slide shown by the Planning Officer was faint and the Chairman allowed this.

Representation was then received from Mr Wicks, summarised as follows:

- The existing house on the site was semi-derelict and used by vagrants and drug-users; this proposal represented an opportunity to improve the quality of the area.
- Planning permission had been given in the past for a large extension to the existing dwelling and it already had large windows overlooking the gardens to the rear in Windsor Crescent.
- The proposal was well-designed and contemporary with quality materials, satisfying SELLP Policy 3, and would inspire similar new development.
- Flood risk requirements would be met by lifting the terrace, which enhanced the main elevation.
- The building would be low-energy and highly sustainable and it would have charging points for cycles and cars.
- Car parking provision satisfied current guidelines and occupiers were unlikely to need 2 cars as the site was within walking distance of the town centre.
- The objectors to the rear already looked onto the existing dwelling and the majority of the windows to the rear of the proposed dwellings would be opaque; therefore, their situation would be improved by the proposal.
- No substantial harm would be caused by overlooking and separation distances satisfied guidelines.
- None of the consultees objected to the application.
- Landscaping to the frontage would soften the impact of the scheme.

It was proposed by Councillor Tom Ashton and seconded by Councillor Jonathan Noble that planning permission be refused on the grounds of harm to the general character of the area in terms of layout, density and appearance; being contrary to paragraphs 127 and 122 of the NPPF, which required development to fit well with the overall quality of an area and be in sympathy with it; and contrary to Policy H3,2 in that it was incompatible with the surrounding area in terms of layout, design, density and materials, and on the grounds of the adverse effect on the amenity of local residents.

Vote: 9 for, 2 against

**RESOLVED That planning permission be refused, contrary to the Planning Officer's recommendation, for the following reasons:**

The proposal, by virtue of its layout, density, appearance and the materials to be used in its construction, would be viewed as a scheme that would be unsympathetic to the surrounding development causing substantial harm to the general character and appearance of the area. Furthermore the proposal, due to its layout and density, would adversely affect the amenity of local residents. The proposals would therefore be contrary to Adopted Local Plan Policy H2 and the National Planning Policy Framework (2018)

**29 PLANNING APPLICATION B 18 0137**

**Outline planning application for erection of 2 detached dwelling houses with details of access, with all other matters reserved**

**Land adjacent to Holly House, 84 Causeway East, Wyberton, Boston, PE21 7AR**

**Mr & Mrs D Bell**

*[Councillors Tom Ashton, David Brown and Yvonne Stevens left the room for the entire consideration of this application.]*

The Growth Manager presented the report. Since the agenda was published a Flood Risk Assessment had been received. There was nothing new of significance within the Flood Risk Assessment compared to the requirements already highlighted by the Environment Agency except that it identified that the ground floor should be 150mm above existing ground levels, which would only be a slight increase in height.

The site was on a 60 mph road with a sharp turning. The Highway Authority had originally objected to the application; however, the applicant had undertaken traffic surveys that indicated that the speed limit could be effectively reduced to enable the necessary visibility splays to be provided, potentially, a 30 mph limit could be considered requiring a 43-metre visibility splay. Visibility splays of 65 metres would be required for a speed limit of 40 mph and it was not possible to provide this. The necessary works, requiring further surveys and assessments by the Highway Authority would be required through a Section 106 Planning Obligation, which had not yet been negotiated and, therefore, this was one of the reasons that Planning Officers recommended that planning permission be refused. If the application was approved it would have to be

subject to completion of this agreement if it was considered that the speed limit needed reducing.

Representation was received from Mrs S Bell, one of the applicants, which included:

- The proposal would be part of a much larger development once the Quadrant was completed and Wyberton had all amenities, including a primary school etc, as well as a social club and playing field across the road.
- The site was within a short distance of regular bus services into Boston just two miles away; the site was sustainable, not remote.
- There was footway and roadway lighting.
- The traffic survey on the road indicated that vehicles averaged 760 per day with an average speed of 28 mph. This information had only become available in September and they had no problem entering into an agreement on this issue.
- The property had been rebuilt and it appeared there had been intention of infill.
- Planning permission for a house immediately opposite had been granted four years previously, as yet unbuilt.
- The Planning Officer's report at paragraph 7.4 stated that "the NPPF therefore effectively replaces the housing supply policies in the Development Plan meaning that the weight to be attributed to Policy C01 'Development in the Countryside' is negligible".
- The two plots would be amongst semi-mature trees so landscaping would be unspoilt.
- By gaining an additional access onto the road, the existing access would be used less, which represented a planning gain and it was only 10 metres from the bend compared to the proposed access being 50 metres from it.

The Legal Advisor explained that, should the Committee be minded to approve the application, it would need to be subject to a Section 106 Agreement to apply for a Traffic Regulation Order to reduce the speed limit on the road because the required visibility splay could not be provided due to the site being on a corner.

It was proposed by Councillor Jonathan Noble and seconded by Councillor Michael Cooper that planning permission be granted subject to a Section 106 Agreement to apply for a Traffic Regulation Order to reduce the speed limit on the road, plus standard conditions, a condition limiting development to two dwellings and setting the parameters for the height of the dwellings, a Flood Risk Assessment and any other appropriate conditions identified by the Planning Officers.

The reasons for granting planning permission were put forward by the Councillors were that it satisfied the NPPF in terms of the three criteria for economic, social and environmental development; it was in a sustainable location; and there was built form on either side of the proposed dwellings; and the proposal contributed to the housing supply.

Vote: 5 for, 3 against

**RESOLVED** That planning permission be granted, contrary to the Planning Officer's recommendation, subject to the completion of a Section 106 Legal Agreement to apply for a Traffic Regulation Order to reduce the speed limit on Causeway East to 30 mph, and subject to the following conditions:

1. No development shall commence until details of the layout, 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 51 of the Planning and Compulsory Purchase Act 2004.

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 51 of the Planning and Compulsory Purchase Act 2004.

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 51 of the Planning and Compulsory Purchase Act 2004.

4. The development shall proceed fully in accordance with the following approved plans:

- \* 'Location Plan' (1A/6)
- \* 'Access Details – Visibility Splay Details' (5/6)

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

5. The development shall be carried out in accordance with the submitted Design and Access Statement, in particular, the ground floor of the dwellings shall be used only for garaging, utility room, WC and garden store room, with all habitable accommodation at first floor or above.

**Reason:** To reduce the risk and impact of flooding to the dwellings and future residents and to accord with the intentions of the NPPF (2018).

6. 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 extensions to provide additional habitable/living accommodation shall be erected.

**Reason:** To reduce the risk and impact of flooding to the dwellings and future residents and to accord with the intentions of the NPPF (2018).

7. Prior to the commencement of the residential use of either dwelling final details of the boundary treatment to be used, in terms of its position, height, design and

materials, shall be submitted to and approved by the Local Planning Authority. The boundary treatment shall be erected as per the approved details prior to the commencement of the use of the dwelling it will serve.

**Reason:** To protect the amenity of future occupiers of the dwellings and the amenity of occupiers of neighbouring dwellings in accordance with Adopted Local Plan Policy G1.

8. No more than 2 dwellings shall be constructed on site.

**Reason:** To define this permission, in the interests of residential amenity and highway safety and to accord with the objectives of Local Plan policies G1, H3 and G6.

9. The maximum ridge height of the proposed dwellings shall not exceed 9.0m.

**Reason:** To protect the character and appearance of the countryside and to ensure that the proposed dwellings assimilate well with adjacent dwellings and to accord with Adopted Local Plan Policies G1 and H3.

*[Councillor Brian Rush left the meeting at 3.20 pm. Councillors Tom Ashton, David Brown and Yvonne Stevens returned to the meeting at this point.]*

### **30 APPEALS REPORT**

The Growth Manager presented a report, which advised Members of the receipt of the appeal decisions in respect of Planning Application B/17/0373, Change of use from existing residential space to form shop/off licence, 120 Skirbeck Road, Boston, PE21 6DG. Officers had made a delegated decision to refuse the application.

The decision of the Planning Appeal Inspector had been to dismiss the appeal. A copy of the Inspector's decision was attached to the report.

**Action: LH**

Provide a breakdown of appeal results in terms of Committee decisions and decisions made by officers with delegated authority.

### **31 PLANNING APPLICATION VALIDATION CHECKLIST**

The Growth Manager presented a report, which set out proposed planning application validation checklists.

Planning applications required information to be provided by the applicant in order for the proposal to be considered against national and local plan policies as well as other material considerations. The Government set out within the National Planning Practice Guidance (Paragraph: 016 Reference ID: 14-016-20140306) the information required to be submitted for an application to be valid (including application form, fee, site and location plans). However, other information was more often than not required, such as floor and elevation plans, flood risk assessments, planning statements etc. This information was not statutorily required to make an application valid and was currently

requested by the Council if not submitted with the application after the application was notified to neighbours and Councillors on the weekly list.

This could cause delay in the determination of the application. The Growth and Infrastructure Act 2013 enabled local planning authorities to adopt a 'local list' of requirements. This, the National Planning Policy Framework 2018 and Planning Practice Guidance, required Local Planning Authorities to only request information that was relevant, necessary and material to the development proposed and to review their validation checklist every 2 years in order to be able to rely on information requirements within their local list.

A local list had been prepared for planning applications detailing the information required for the differing types of proposals that might be submitted to the Council, as well as detailing when the relevant information would be required. A shortened, and simpler, version had been created for householders.

The Council currently validated planning applications in accordance with the national list. This required very little information to be submitted in order to make an application valid. This led to delay in the processing of many applications, frustration for people partaking in the planning process as well as increasing costs for the Council. Adopting a local list of application requirements would overcome this and was considered to outweigh any disadvantages.

Vote: Unanimous

**RESOLVED That:**

- **The proposed planning application validation checklists be agreed;**
- **The proposed checklists be subject to consultation for a minimum of 6 weeks (in accordance with government guidance) to statutory consultees, agents, developers and town and parish council's; and**
- **A report on the summary of consultation responses be presented to Planning Committee**

**32 DELEGATED DECISION LIST**

The delegated decision list for 1<sup>st</sup> to 28<sup>th</sup> September 2018 was noted.

The Meeting ended at 3.32 pm