

Present:

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

Councillors: Tom Ashton, Richard Austin, Peter Bedford, Michael Cooper, James Edwards, Jonathan Noble, Felicity Ransome, Brian Rush, Paul Skinner, Yvonne Stevens and Stephen Woodliffe

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

61 APOLOGIES

Apologies for absence were tabled for Councillor Alison Austin, Councillor Richard Austin substituting and for Councillor Claire Rylott with Councillor Tom Ashton substituting.

62 MINUTES

With the agreement of the committee the Chairman signed the minutes of the previous meeting held on the 11 December 2018.

63 DECLARATION OF INTERESTS

Standing declarations of interest are recorded for Councillors noted below in their respective roles:

Members of Lincolnshire County Council:

Councillors Tom Ashton and Paul Skinner.

Members of South East Lincolnshire Joint Strategic Planning Committee:

David Brown, Michael Cooper and Sue Ransome

Representatives of Internal Drainage Boards:

Peter Bedford and Michael Cooper.

A collective declaration of interest was recorded for all members of the planning committee in respect of planning application B 18 0503 in that the applicant was known to them as an officer of Boston Borough Council.

Councillor Stephen Woodliffe declared it was his intent to speak in his role as Ward Member for planning application B 18 0454 and as such he would absent from the meeting for that item.

Councillor Tom Ashton declared for transparency that he was one of the Ward Members for planning application B 18 0456 and whilst he had been in attendance at Old Leake Parish Council when the item had been raised, he had offered no opinion nor taken part in any discussion and as such, felt he could determine the application with an open mind.

64 PUBLIC QUESTIONS

No public questions were tabled.

65 PLANNING APPLICATION B 18 0456

Outline application with all matters (layout, scale, appearance, access and landscaping) reserved for the construction of up to 5 dwellings

Blue Bungalow, Pode Lane, Old Leake, Boston, Lincolnshire, PE22 9NB

Mrs Margaret Dickings

The Growth Manager presented the report confirming that the application was a re-submission of the original application which had been presented to committee in September 2018. The original application had been outline as was the current application. The original application had been for up to 6 dwellings against the new application being up to 5 dwellings.

For information members were advised the original application was currently under appeal. That application had been refused due to the potential number of dwellings; over development of the site and the cramped appearance which would arise. (paragraph 3.1 of the report noted the full reasons of the refusal)

Members were advised that officers were suggesting an additional condition be attached to the recommendation stating that no more than five dwellings in total, including the existing dwellings if retained, shall be provided on the site.

Representation was received from the applicant's agent Mr Stuart which included:

Mr Stuart stated that much of what he had to say was reiteration of the Officer's presentation and points. The previous application on the site had been refused at the September committee despite being recommended for approval by Mrs Hughes who also acted as the case officer in that instance. This application had also been recommended for approval by a different case officer on this occasion and committee members would confirm both were highly experienced planning officers who knew planning law and policy thoroughly and both recommendations had a sound basis. The applicant had already lodged an appeal against the previous refusal, without wishing to appear belligerent should committee refuse the current application, the applicant would appeal that one too and the paperwork had already been done so it was a no brainer for them and should that be the case, the applicant would seek costs. Referenceing the number of objections, Mr Stuart stated none were valid. The application was only before committee after being called in by Councillor Pierpoint due to concerns relating to parking and highways issues, both of which were not valid matters for committee's consideration. The application was in outline with all matters reserved therefore parking arrangements remained to be determined. Furthermore highways a relevant statutory consultee were satisfied with that aspect of the proposal. The previous application had not been refused on those grounds therefore to do so on this application would be inconsistent and insupportable at appeal. The previous application was refused on the single ground of over development of the site resulting in a cramped appearance.

The current application was essentially of the same nature but the maximum quantum of the development had been reduced by 20%. Statutory consultee responses remained the same and considered the proposal acceptable. To introduce any new or additional reasons for refusal would be unsupportable. The actual number of dwellings would be determined at reserved matters as would the form of the development. The indicative layout carried no weight in planning terms and simply allowed the officers to judge the development in easily recognisable terms. It was not inconceivable that the reserved matters application may come forward for a single self build property, nor that the application could come forward for a maisonette or flats both having a lower footprint than the indicative layout. The previous reason for refusal was also insupportable. The quantum of development was flexible, the cramped appearance was not known and was subject to reserved matters. Furthermore referencing the officer's comments and the query on the hedge line, Mr Stuart stated it was probably fair to say it was more than just likely that the hedge would be removed.

Representation was received from the Ward Member Councillor Barrie Pierpoint which included:

Confirming he was one of the Ward Members for Old Leake and Wrangle and that he knew the area very well Councillor Pierpoint confirmed that he lived round the corner from the site. He confirmed he was speaking on behalf of the residents and asked that committee consider the application very seriously. The application only had a slight variation from the original with 5 dwellings and not 6 and Councillor Pierpoint confirmed he had not only visited the site again, but he had spoken with all the residents once more investigating all their issues in respect of the problems the development would create to the close knit area. The new application showed 5 properties instead of 6 but residents all agreed it was still too cramped on a very small plot of land. 11 car parking spaces were proposed with 4 at one end of the corner which was sited very close to the edge of the road. It would create a problem for the residents at 5 Pode Lane who would be subject to having vehicles to use their driveway to for residents to reserve in to to access the site and equally reverse again into the driveway to exit the site. Neither option was acceptable nor safe. Should vehicles be approaching from the far end there was a 60mph traffic speed right up to the houses where it turned to 30mph: vehicles would still be travelling at a high speed and in the dark should a car be reversing out of one of the four parking spaces, it would be an accident waiting to happen. Vehicular access to the site would be seriously compromised including the safety of the road from the Pode Lane side which was the width of the Southfield Lane junction and only wide enough for a single vehicle such as a car. On one side there was an open dyke which could result in injury to both pedestrians and travellers due to the increase of vehicular access requirements in a very narrow road. Further accidents could arise should cars be parked along the road by visitors / delivery services to the development as there was no space for non residents parking within the development. When two cars met at a certain part on the road it would always be necessary for one of them to reverse to enable passing. The narrow road could not cope with increased traffic. In the evening there was no public lighting on Pode Lane after Southfield Junction, contrary to what has been stated in the application. Increasing traffic on such a narrow road and a non protected waterway would create accidents. The footpath in Pode Lane could become subject to being used by extra wide loads and accessibility to the site was a major problem which could not be resolved in a satisfactory manner, especially with the proposed number of dwellings on such a very small site. The application showed 11 car parking spaces with no opportunity for a turning point within the site, making it very difficult to manoeuvre. The site would create major issues for local residents in respect of safety; congestion; parking issues; flooding and a lot more including potential accidents.

Pode Lane was a flood risk area surrounded by dykes, some of which had already subsided. A dyke ran at the back of the proposed site and further development would increase the risk of further subsidence. The site was not in keeping with the surroundings, it was out of character and it was too small to accommodate the number of proposed dwellings and would create additional pressure within an area already suffering with issues beyond their control.

It was moved by Councillor Tom Ashton and seconded by Councillor Jonathan Noble:

That committee refuse the application, contrary to officer recommendation as the application contravened Policies G1, G2 and H3(2) of the Boston Borough Local Plan 1999 and paragraphs 122 and 127 of the NPPF 2018.

Vote: In Favour 9. Against 3. Abstention 1

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

The proposed development would compromise, by virtue of the potential number of dwellings, an overdevelopment of the site, resulting in a cramped appearance incompatible with the spacious character of the locality. The development would result in an incongruous addition to the edge of village location. The proposal would be contrary to Policies G1, G2 and H3(2) (in relation to density) of the Boston Borough Local Plan 1999 and paragraphs 122 and 127 of the National Planning Policy Framework 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.

66 PLANNING APPLICATION B 18 0503

Application for the approval of reserved matters (access, appearance, landscaping, layout and scale) following outline approval B/17/0093, for the erection of detached two storey dwelling

Land adjacent to 122 West End Road, Wyberton, Boston, PE21 7LP

Mr Steve Johnston

The Growth Manager presented the report, confirming that the reason for the tabling was the applicant was a member of the planning staff and then provided updates to the report tabled.

1. Wyberton Parish Council had responded and had no objection to the application.
2. Lincolnshire County Council acting as the highway authority and lead local authority had raised no objections subject to two additional informatives:
 - One in respect of the new/amaneded vehicular access
 - One in that contact be made with Lincolnshire County Council Streetworks and Permitting Team in relation to statutory utility connections.

No representation was received in respect of this application.

It was moved by Councillor Michael Cooper and seconded by Councillor Tom Ashton:

That committee grant the application in line with officer recommendation, subject to the one condition therein and the two informatives requested by Lincolnshire County Council.

Vote: In Favour 13. Against 0. Abstention 0

RESOLVED: That committee grant the application in line with officer recommendation subject to the following condition and two informatives:

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Site Location Plan, Drwg no. 12-404-03
 - Block Plan, Elevations, First Floor Plan, Visuals Drwg no. 12-404-02
 - Elevations, Ground Floor Plan, Visuals Drwg no. 12-404-01 rev D

Reason: To ensure the development is undertaken in accordance with the approved details and to accord with Policy G1 of the Boston Borough Local Plan 1999.

Informatives:

1. The permitted development requires the formation of a new/amended vehicular access. Applicants should note the provisions of Section 184 of the Highways Act 1980. The works should be constructed to the satisfaction of the Highway Authority in accordance with the Authority's specification that is current at the time of construction. For further information, please telephone 01522 782070.
2. Please contact the Lincolnshire County Council Streetworks and Permitting Team. 01522 782070 to discuss any proposed statutory utility connections and any other works which will be required within the public highway in association with the development permitted under this Consent. This will enable Lincolnshire County Council to assist in the coordination and timings of these works.

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

67 PLANNING APPLICATION B 18 0394

Resubmission of B/18/0192 for the erection of single storey building to form veterinary practice (Class D1), car park area and associated works.

Plot 6, Endeavour Park, Boardsides, Boston, PE21 7TR

Mr D Feldmar

The Growth Manager presented the report confirming that the application was presented as a departure from both the Adopted and Emerging Local Plans.

Sustantiating evidence had been provided that the site had been marketed for policy compliant development between July 2015 and May 2018 with no intrest having been shown.

The Growth Manager advised committee it may wish to add a further condition to only permit the use of the development as a D1 Veterinary Surgery and for no other uses within that use class.

Representation was received from the applicant's agent Mr Hey which included:

Stating he could add little to the statements within the report which he felt to be very fair, Mr Hey advised the reason he had attended was because he felt it discourteous to have the report presented at committee without actually being in attendance. He reiterated just how hard the marketing agents had tried to find somebody to try to buy or rent the site: the current proposal was the only one to emerge after the high number of information packs being sent out. All the agents had tried very hard and in line with the outcome, Mr Hey stated he hoped that the minor departure was acceptable as it would add to the locality.

It was moved by Councillor James Edwards and seconded by Councillor Jonathan Noble:

That committee grant the application in line with officer recommendation, subject to the conditions, reasons and informatives therein and subject to the additional condition to prevent the change of use.

Vote: In Favour 13. Against 0. Abstention 0

RESOLVED: That committee grant the application in line with officer recommendation subject to the following condition and informatives:

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 strict accordance with the application received 14-Sep-2018 and in accordance with the associated plans referenced:

- 1/2 Site Location Plan
- 0139/18/01 – Floor Plans and Elevations

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 Boston Borough Local Plan 1999.

3. The development permitted by this planning permission shall be carried out in accordance with the Flood Risk Assessment dated May 2018, incorporating the following mitigation measures:

- Finished floor levels to be set no lower than 2.2mAOD
- All electrical sockets to be a minimum of 450mm above the finished floor level.

The mitigation measures shall be fully implemented prior to occupation and be maintained for the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future occupants in accordance with the National Planning Policy Framework 2018.

4. The development hereby permitted shall be open to the public Monday to Friday between the hours of 08:30 and 18:00 only and at no other time.

Reason: To protect the amenities of the occupants of neighbouring residential properties and in accordance with Saved Policy G1 of Boston Borough Local Plan 1999.

5. Notwithstanding the provisions of Article 3 of the Town and Country Planning Use Classes Order 1987 and Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any orders revoking or re-enacting these Orders) this permission shall only permit the use of the development as a D1 Veterinary Surgery and for no other uses within that use class or as permitted within the above legislation

Reason: To enable the Local Planning Authority to fully consider the effects of development normally permitted by these Orders in the interest of protecting the residential amenity of adjoining occupiers in accordance with Policy G1 of the Boston Borough Local Plan 1999.

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.

Informatives

1. The permitted development requires the formation of a new/amended vehicular access. Applicants should note the provisions of Section 184 of the Highways Act 1980. The works should be constructed to the satisfaction of the Highway Authority in accordance with the Authority's specification that is current at the time of construction. For further information, please telephone 01522 782070.
2. Please contact the Lincolnshire County Council Streetworks and Permitting Team on 01522 782070 to discuss any proposed statutory utility connections and any other works which will be required within the public highway in association with the development permitted under this Consent. This will enable Lincolnshire County Council to assist in the coordination and timings of these works.
3. Your attention is drawn to the contents of the letter from Black Sluice Internal Drainage Board dated 19 October 2018 and enclosed with this decision letter.

It is recorded that Councillor Stephen Woodliffe absented from the meeting table at this point in the proceedings and moved into the public gallery.

68 PLANNING APPLICATION B 18 0454

Erection of 3 no. 8m high lighting columns with 300w LED floodlight

Peter Paine Performance Centre, Rosebery Avenue, Boston, PE21 7QR

Mr Shawn Thomas, Boston College

The Growth Manager presented the report to the committee confirming there were no updates to the report tabled.

Presentation was received from Ward Member Councillor Stephen Woodliffe which included:

Stressing that he was very supportive of the college and agreeing that the facilities of Peter Paine needed to be used positively, he stated that whilst the application did not affect residents on Rosebery Avenue, the lights would affect Harrow Place which was not mentioned on the map. A very significant development called Rosebery North was being developed close to the drain and when Peter Paine had been taken over by Boston College and the fields around were undeveloped, had the lights been put in at that time there would have been no complaints. However, there was now a very large development along the drain, approximately 120 houses being built. The residents of Harrow Place would be facing the lights. Councillor Woodliffe then confirmed he had called the application in on grounds on G1 Amenity with possible effects by G10 clauses 3 and 4. The difficulty was the nearby residents might not appreciate the impact of such bright lights, prior them being installed. Once in place it would be difficult to do anything about them. Environmental Health had stated they had reservations in respect of light spillage beyond the site, in particular relation to Harrow Place. Having spoken with those residents Councillor Woodliffe confirmed that they had voiced concerns about the impact the lights could have facing their homes. Residents had noted that the existing floodlights already caused a noise disturbance with people playing sport and felt the same impact would be created by installation of the proposed lighting.

Members were advised that Councillor Woodliffe's principal concern was the power of the lights. He referenced an experiment in America the Chesapeake Bay Waterman's Study which analysed fishermen exposed to bright lights reflecting off water daily: the blue light exposure had been found to increase the risk of age related muscular regeneration. It had however been difficult to quantify light exposure in everyday life. In experimental mice bright light had caused permanent retinol damage. If the light had the intensity of sunlight, short exposure times could cause damage. If the light was not so bright chronic exposure over days to weeks could cause permanent damage known as photo-oxalated damage. It also suggested people with blue eyes had a much greater risk. Addressing the lights in the application, members were advised that they operated at a rating of 6000 degress carbon which reflected the brightness of the sun where the surface was 6000 degrees centigrade. The lights as such operated at a light colour value of 6000 centigrade and produced around 27,000 luman. A standard car headlight was 1000 luman so as such the total light produced could be similar to 81,000 luman over the three lights. It was recognised that the lights were pointed downwards over the pitch but some would be reflected off, most of which would be in the bluer end of the spectrum. Children in the bedrooms of the properties on Harrow Place could be in direct line of sight of the lights which would be run in the middle of winter whilst the evenings were dark. There was also a gap within the trees which was where the lights would be. Councillor Woodliffe stated he was reluctant to oppose the best use for the site but stressed he was concerned that the health impacts had not been properly evaluated by the officer's and he reminded members that they needed to be very alert to the impact of the lights on young eyes.

It is recorded that Councillor Woodliffe absented from the meeting completely at this part in the proceedings.

During committee deliberation the Legal Officer advised that LED lights were a lot more focussed than older lighting with the spread being a lot less and planing permission did not mitigate any nuisance: if something was granted planning permission and then it was deemed to be a nuisance to a certain segment of society, the planning permission would not prevent action being taken.

Councillor Ashton asked it be recorded that he appreciated the extent and research and diligence of Councillor Woodliffe in his presentation to the committee and he stated he wished more public speakers carried out such a level of research and provided such a level of detail when addressing committee.

It was moved by Councillor Jonathan Noble and seconded by Councillor Michael Cooper:

That committee grant the application in line with officer recommendation, subject to the conditions and reasons therein.

Vote: In Favour 12. Against 0. Abstention 0

RESOLVED: That committee grant the application in line with officer recommendation subject to the following condition and informatives:

- 1 The works must be begun not later than the expiration of three years beginning with 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 plans and details:
 - Site Location Plan – drwg no. 001/051118
 - Site Plan – drwg no. 002/051118**Reason:** To ensure the development is undertaken in accordance with the approved details and to accord with Boston Borough Local Plan 1999, Policy G1.
3. The 3 no. 300w lights hereby approved shall not be illuminated except between the hours of 16.00 and 19.30 Monday to Friday and at no other time. The lights shall not be illuminated when the training pitch is not in use during these times.
Reason: In the interests of the amenities of adjoining residential properties and to accord with Boston Local Plan 1999 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.

It is recorded that Councillor Stephen Woodliffe returned to the meeting at this point in the proceedings.

69 PLANNING APPLICATION VALIDATION CHECK LIST.

The Growth Manager presented the report acknowledging that most members would recognise it, having agreed that it be taken out for consultation on the 16 October 2019.

Consultation took place between the 22nd October and 30th November and 9 responses' had been received and were detailed within the report. Within the responses was commentary as to whether or not the check list would be updated as a result of the comments and the Council's thoughts on those comments.

A number of responses had been anonymous which officer's felt were from members of the public and not from consultees, although a number of consultees had responded as well.

A number of amendments were included between pages 105 – 153 of the report and highlighted in red for assistance for members' reference.

Members were advised it was also recommended that following the printing of the report, further changes be to the householder check list to remove the landscaping scheme requirement and also to modify the parking and access arrangements so that the requirements were commensurate with the types of development brought forward.

It was proposed that the landscaping scheme on page 150 be removed in its entirety and the parking and access arrangements it was proposed that it related more relevantly to householders as within it included servicing provision which for a householder would not apply.

Subject to committee's agreement it was hoped the check list could be adopted which would assist planning officers in dealing with planning applications and once in place it was expected that the time period from receipt of the application to its determination would be quicker. Furthermore for committee member's it would allow them to have all the information required to make an informed decision on whether or not to call an application in.

Committee comments followed which included:

There was general agreement that both check lists would be of great benefit moving forward for both officer's and for the committee members. It was agreed that parking and access arrangements would assist immensely and include electric charging points and bear relevance when indicative plans were submitted whereby parking was not aside the residence but on another part of the site.

The Growth Manager stated that as a point of clarification on the householder check list, which would include hard standings and out buildings and similar, it would be removed but would remain on the full and other applications, such as new and commercial applications.

Referencing appendix 2 the householder applications paged 141 – 153 a member noted that a householder wishing to extend their property would usually require any agent to draw up the plans and asked what were the new requirements listed for household applications that did not exist previously, or were there none.

The Growth Manager responded by advising that in the long term there were none other than them having to number their drawings. The difference would be that the information would be submitted at the outset rather than an officer having to source it down further on.

The Legal Officer suggested that an amendment be made to the affordable housing statement. She suggested a more generic phrase be used as the trigger point to allow flexibility. At the current time the NPPF said 10 was the trigger point but the Inspector had said it should be 11 or more when the Local Plan was submitted. He recommended committee consider inserting the phrase 'to require all developments to be determined in line with the Local Plan or the NPPF'.

It was moved by Councillor Paul Skinner and seconded by Councillor Michael Cooper that committee approve adoption of the two check lists as per the officer recommendation, subject to the amendments identified in red within the report, subject to the removal of the further changes be to the householder check list to remove the landscaping scheme requirement and also to modify the parking and access arrangements and subject to the additional phrase within the affordable housing statement as suggested by the Legal Officer.

Vote: In Favour 13. Against: 0 Abstentions: 0

RESOLVED: That committee agree adoption of the check lists subject to the following:

Planning and Other Applications:

1. Amend Affordable Housing Requirement to read:
Required for all developments in accordance with the National Planning Policy Framework 2018 or the South East Lincolnshire Local Plan 2018.
2. Landscaping Scheme to be removed.
3. Parking and Access arrangements to be amended as follows:
Parking for the appropriate size and number of cars should be provided on a detailed plan. Where parking provision would both comply with the Council's care parking standards, any mitigation measures and impact to on-street parking should be assessed. Details of secure cycle parking should be included within the submitted plans.

70 DELEGATED DECISION LIST

Committee noted the report.

The Meeting ended at 11.50 am