

Present:

Chairman: Councillor Tom Ashton
Vice-Chairman: Councillor Frank Pickett

Councillors: Alison Austin, Peter Bedford, Michael Cooper, Paul Goodale, Jonathan Noble, Brian Rush, Yvonne Stevens, Peter Watson and Judith Welbourn

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

41 APOLOGIES

There were apologies for absence from Councillors Paul Skinner and Stephen Woodliffe. Councillor Judith Welbourn was attending in place of Councillor Woodliffe.

42 MINUTES

The minutes of the Committee's last meeting held on 17th September 2019 were agreed as a correct record and signed by the Chairman.

43 DECLARATION OF INTERESTS

Standing declarations of interest were noted as follows:

- Councillors Tom Ashton and Alison Austin as Members of Lincolnshire County Council.
- Councillors Tom Ashton, Michael Cooper and Peter Bedford as Members of the South East Lincolnshire Joint Strategic Planning Committee, Councillor Jonathan Noble as a Substitute Member of that Committee and Councillor Alison Austin as the County Council representative on that Committee.
- Councillors Tom Ashton, Frank Pickett, Peter Bedford and Michael Cooper as representatives on the Internal Drainage Boards.

The following further declarations were made:

B/18/0435 – Councillor Yvonne Stevens declared a friendship with the former owner of the site but had not spoken to them and this had no effect on her judgement of the matter. Councillor Peter Bedford declared that the owner of the land had been known to him for a number of years through membership of the Round Table but this did not prejudice his judgement. Councillor Brian Rush declared that he knew the landowner and had been lobbied but it had had no effect on his judgement.

B/19/0216 – All Members declared they had received communication on this application. Councillor Alison Austin declared that she had called in the application, the site was in her ward and one of the main objectors had made representation to her husband Councillor Richard Austin as the Ward Member.

B/19/298/LBC – All Members declared that this application was from a fellow Councillor; this was the reason the application was before the Committee.

B/19/0283 – Councillor Yvonne Stevens declared she would stand down from the Planning Committee for this application and speak as Ward Member.

B/19/0301 – Councillor Brian Rush declared that the application site was in his ward but he had no connection to it and it did not concern him.

44 PUBLIC QUESTIONS

No questions had been received.

45 PLANNING APPLICATION B.18.0435

Demolition of dwelling and outbuildings; Outline planning permission for up to 43 no. residential dwellings (revised down from 46) with consideration given to access (Appearance, Landscaping, Layout, and Scale reserved matters for later approval)

Land North of Langrick Road, Boston, PE21 8H

Applicant: Oxygen

The Senior Planning Officer presented the report and advised the Committee of amendments to the recommended conditions numbered 4 and 11 in the report. It was recommended that condition 4 be amended to include an access plan, as the entrance to the site had been resolved since the publication of the report, and that the third bullet point of condition 11 be amended, to allow discharge rates be submitted to the satisfaction of the local planning authority, i.e. not restricted to 1.4 litres per second, so that this can form part of a detailed drainage design.

Mr A Rowse, Planning Consultant, spoke on behalf of the applicant as follows, in summary. The proposal was for the sustainable development of an unattractive brownfield site, a former depot site, which had been vacant for many years. It was within an established residential area, within the settlement area and was a designated housing area in the South East Lincolnshire Local Plan (SELLP). Development had been accepted in principle and the proposal would provide 43 dwellings towards the Council's 5-year housing supply and would substantially benefit the provision of affordable housing, proposing that 10 of the 43 dwellings would be affordable, which was higher than the 20% requirement of the SELLP.

[Councillor Paul Goodale arrived at 10.25 am – and it was identified that he could not take part in the debate and consideration of the item]

Mr Rowse advised the Committee that a number of flood risk measures had been agreed and the Environment Agency had no objections to the application. The demolition of one existing dwelling would provide a safe and suitable access and footway and the junction to Langrick Road would have adequate splays and safe pedestrian crossing; the Highway Authority had no objections to the application.

It was proposed by Councillor Brian Rush and seconded by Councillor Jonathan Noble that planning permission be granted subject to the completion of the section 106 agreement relating to affordable housing as detailed in the report and the conditions recommended by the Planning Officers with the amendments of conditions 4 and 11, as stated.

Vote: Unanimous

RESOLVED: That planning permission be GRANTED subject to the completion of the section 106 agreement relating to affordable housing, as detailed in the report, and the following conditions:

1. No development shall commence until details of the layout, scale, appearance and landscaping 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 Policies 2 and 3 of the South east Lincolnshire Local Plan (2011-2036) and required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Application for the first submission 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 hereby approved shall be carried out in accordance with the approved site location plan ref: P/A 1444/05/01 *[final wording to be amended in line with recommendation]*

Reason: To ensure that the development is carried out in accordance with approved plans in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan (2011-2036).

5. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) dated May 2019 by Farrow Walsh Consulting reference FW1599/FRA/001-V8 and the following mitigation measures detailed within section 3.2 of the FRA including:

- Finished floor levels to be set no lower than 1.9m above Ordnance Datum (AOD)
- Ground floors of the dwellings to be restricted to non-habitable accommodation
- Flood resilience and resistance measures to be incorporated into the proposed development as stated

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

Reason: To reduce the risk of flooding to the proposed development and future occupants and to accord with Policies 2, 3, 4 and 31 of the South East Lincolnshire Local Plan (2011-2036) and the intentions of the National Planning Policy Framework (2019).

6. Prior to the construction of any building above damp proof course, a detailed scheme for drainage and water infrastructure shall be submitted to and agreed in writing by the Local Planning Authority. The details shall include:
 - A scheme for the provision of mains foul sewerage infrastructure on and off the site
 - Details of connection point(s) and discharge rate(s)

Prior to the occupation of any dwelling within any phase of the development, the drainage and water infrastructure measures relating to that phase and dwelling must have been carried out in complete accordance with the approved scheme.

Reason: To prevent environmental and amenity problems arising from flooding and to accord with Policies 2, 3, 4 and 31 of the South East Lincolnshire Local Plan (2011-2036) and the intentions of the National Planning Policy Framework (2019)

7. The water consumption of each dwelling hereby permitted should not exceed the requirement of 110 litres per person per day (as set out as the optional requirement in Part G of the Building Regulations 2010 and the South East Lincolnshire Local Plan, 2019). The person carrying out the work must inform the Building Control Body that this duty applies. A notice confirming the requirement for the water consumption has been met shall be submitted to the Building Control Body and Local Planning Authority, no later than five days after the completion of each individual dwelling.

Reason: To protect the quality and quantity of water resources available to the district. This condition is imposed in accordance with Policy 31 of the South East Lincolnshire Local Plan (2011-0236).

8. The development hereby approved shall be carried out in accordance with the recommendations contained within the submitted Preliminary Ecological Appraisal prepared by Skilled Ecology Consultancy Limited (dated August 2018).

Reason: To ensure that protected species and their habitats are protected and to provide enhancements to biodiversity in accordance with Policies 2, 3 and 28 of the South East Lincolnshire Local Plan (2011-2036).

9. Prior to the commencement of development above slab level, final details of measures that aim to reduce pollution and promote renewable and low carbon energy (including measures such as facilities for EV car charging) and details relating to the timing of their implementation, shall be submitted to and approved in writing with the Local Planning Authority. The development shall be constructed in accordance with the approved measures.

Reason: To help reduce pollution and promote renewable and low carbon energy in new development schemes and to accord with Policies 2, 3, 30 and 31 of the South east Lincolnshire Local Plan (2011-2036) and to accord with the intentions of the National Planning Policy Framework (2019).

10. Before any dwelling is occupied, all of that part of the estate road and associated footways that forms the junction with the main road and which will be constructed within the limits of the existing highway, shall be laid out and constructed to finished surface levels in accordance with details to be submitted to, and approved in writing by, the Local Planning Authority.

Reason: In the interests of safety, to avoid the creation of pedestrian trip hazards within the public highway from surfacing materials, manholes and gullies that may otherwise remain for an extended period at dissimilar, interim construction levels. This condition accords with Policies 2 and 3 of the South East Lincolnshire Local Plan (2011-2036).

11. Prior to the commencement any estate roads, final details of an estate road and completion plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include details of how the construction of the development would be phased and standards to which the estate roads on each phase will be completed during the construction period of the development. The delivery of the estate roads shall be undertaken in accordance with the agreed plan.

Reason: To ensure that a safe and suitable standard of vehicular and pedestrian access is provided for residents throughout the construction period of the development and to accord with Policies 2 and 3 of the South East Lincolnshire Local Plan (2011-2036).

12. The permitted development shall be undertaken in accordance with a surface water drainage scheme that shall first have been approved in writing by the Local Planning Authority.

The scheme shall:

- Be based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development;

- Provide details of how run-off will be safely conveyed and attenuated during storms up to and including the 1 in 100 year critical storm event, with an allowance for climate change, from all hard surfaced areas within the development into the existing local drainage infrastructure and watercourse system without exceeding the run-off rate for the undeveloped site;
- Provide attenuation details and discharge rates to the satisfaction of the local planning authority; *[final wording to be amended in line with recommendation]*
- Provide details of the timetable for any phasing of implementation for the drainage scheme; and
- Provide details of how the scheme shall be maintained and managed over the lifetime of the development, including any arrangements for adoption by any public body or statutory undertaker and any other arrangements required to secure the operation of the drainage system throughout its lifetime.

No dwelling shall be occupied until the approved scheme has been completed or provided on the site in accordance with the approved phasing. The approved scheme shall be retained and maintained in full in accordance with the approved details.

Reason: To ensure that the development hereby permitted is adequately drained without creating or increasing flood risk to land or property adjacent to, or downstream of, the development permitted. This condition accords with Policies 2, 3 and 4 of the South East Lincolnshire Local Plan (2011-2036) and the intentions of the National Planning Policy Framework (2019)

13. Where an unacceptable risk or risks have been identified within the submitted risk assessment, a detailed remediation strategy to deal with land contamination and/or pollution of controlled waters affecting the site shall be submitted and approved by the Local Planning Authority (LPA). No works, other than investigative works, shall be carried out on the site prior to receipt of written approval of the remediation strategy by the Local Planning Authority.

Reason: To ensure the proposed remediation plan is appropriate and to accord with Policy 30 of the South East Lincolnshire Local Plan (2011-2036).

14. Remediation of the site shall be carried out in accordance with the approved remediation strategy (see preceding condition). No deviation shall be made from this scheme without the express written agreement of the Local Planning Authority. (LPA).

Reason: To ensure site remediation is carried out to the agreed protocol and to accord with Policy 30 of the South East Lincolnshire Local Plan (2011-2036).

15. Within two months of completion of remediation, two copies of a closure report shall be submitted to the Local Planning Authority (LPA). The report shall provide validation and certification that the required works regarding contamination have been carried out in accordance with the approved Method Statement(s). Post

remediation sampling and monitoring results shall be included in the closure report.

Reason: To provide verification that the required remediation had been carried out to the required standards and to accord with Policy 30 of the South East Lincolnshire Local Plan (2011-2036).

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

Reason: To ensure all contamination within the site is dealt with and to accord with Policy 30 of the South East Lincolnshire Local Plan (2011-2036).

17. Prior to the commencement of the development above ground level, a Construction Management Plan shall be submitted to the Local Planning Authority for approval in writing. The Construction Management Plan will prescribe how the construction of the site will be phased, where site accommodation and welfare facilities will be placed, hours of working, where site vehicles and the vehicles of site personnel will be parked and where materials will be delivered and stored within the site. Construction of the permitted development shall be undertaken in accordance with the approved Construction Management Plan.

Reason: In the interests of the safety and free passage of the public, in the interests of residential amenity and to accord with Policies 2 and 3 of the South East Lincolnshire Local Plan (2011-2036).

Informatives

1. All roads within the development hereby permitted must be constructed to an engineering standard equivalent to that of adoptable highways. Those roads that are to be put forward for adoption as public highways must be constructed in accordance with the Lincolnshire County Council Development Road Specification that is current at the time of construction and the developer will be required to enter into a legal agreement with the Highway Authority under Section 38 of the Highways Act 1980. Those roads that are not to be voluntarily put forward for adoption as public highways, may be subject to action by the Highway Authority under Section 219 (the Advance Payments code) of the Highways Act 1980.
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. The drainage strategy proposes SUDs attenuation ponds and a storm overflow to a culverted drain. This strategy needs to consider the implications of the contamination found on the site to ensure no pathway is created for site

contaminants to contaminate the wider water environment. Specific advice should be sought from the Environment Agency in this regard

46 PLANNING APPLICATION B.18.0528

85 dwellings with associated infrastructure including new estate roads, public open space and attenuation ponds

Land adjacent and to the south of Hawthorn Tree School on the east side of Toot Lane, Boston, PE21 0PT

Applicant: Lealand Homes Ltd & Gleeson Regeneration Ltd

The Senior Planning Officer presented the report and updated Members regarding the Unilateral Undertaking (UU), which was currently being assessed by legal officers, and would include the management of the public open space as well as the proposed payment of a commuted sum in lieu of on-site provision of affordable housing. The UU was subject to further discussions and, when finalised, could mean that conditions 9 and 10 would not be needed, with Officers requesting a resolution that allowed this to be determined by Officers under Delegated Authority before the decision would be issued

Mrs H Randerson, Planning Manager for Gleeson Regeneration Ltd, addressed the Committee in support of the application and, in summary, made the following points. The company, which specialised in low-cost housing, with 65 sites across the north, set prices carefully to ensure they were affordable, with help-to-buy schemes reducing the cost to a level below local rents and had a policy of not selling to landlords. The company was investing £7.2m in the scheme, with a significant amount for employment. This was a community housing scheme, committed to employing local people, with apprenticeship schemes, junior sports sponsorship, free-of-charge alterations for people with disabilities and "Your Watch" neighbourhood watch schemes. Mrs Randerson added thanks to the Planning Officers for their professionalism.

It was proposed by Councillor Michael Cooper and seconded by Councillor Alison Austin that planning permission be granted as recommended by the Planning Officers, subject to the completion of the section 106 agreement and conditions.

Vote: 9 for, 1 against

RESOLVED That planning permission be GRANTED subject to the completion of the legal agreement (under S106) relating to the provision of affordable housing, as detailed in the report, and the following conditions recommended by the Planning Officers, with the exception that conditions 9 & 10 may be removed if the matters relating to the public open space are included within the aforementioned legal agreement and thus would not be required:

- 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 approved shall be carried out in accordance with the following approved plans:

- Site location plan ref 3040-0-000
- Proposed site layout ref 3040-0-001 U
- Toot Lane section 38 Layout ref 02.01 rev B
- Section 38 contour layout ref 02.02 rev A
- Section 104 Layout ref 03 rev B
- Typical highway construction details – sheet 1 of 2 ref 04.01 rev A
- Typical highway construction details –sheet 2 of 2 ref 04.02
- Longitudinal sections sheet 1 of 3 ref 06.01 rev A
- S15 flow control manhole ref 12.02
- Attenuation basin layout and location plan ref 14.01 rev A
- Attenuation basin – section and details – sheet 1 of 2 ref 14.02 rev A
- Attenuation basin- sections and details –sheet 2 of 2 ref 14.03 rev A
- Typical swale layout – sections and details – ref 14.04 rev B
- Swale location layout ref 14.05 rev A
- Swale and outlet layout ref 14.06 rev A
- Surfacing layout ref 15
- Kerbing layout ref 16
- Vehicle tracking ref 18
- Drainage feasibility layout ref SK02 rev C
- Type 201 – elevations (urban 13) ref 13/201-02 rev D
- 201 dwelling type ref 201/1F
- Type 202 – elevations (urban 13) ref 13/202-02 rev E
- 202 dwelling type ref 202/1F
- Type 212 elevations (urban 13) ref 13/212-02 rev A
- 212 dwelling type ref 212/1-
- Type 301 – elevations (urban) ref 13/301-02 rev E
- 301 dwelling type ref 301/1G
- Type 303 elevations (urban) ref 13/303 -02 rev E
- 303 dwelling type ref 303/1E
- Type 304 elevations (urban 13) ref 13/304-02 rev F
- 304 dwelling type ref 304/1E
- Type 307 elevations (urban 13) ref 13/307 -02 rev E
- 307 dwelling type ref 307/1B
- Type 309 elevations (urban 13) ref 13/309 -02 rev C
- 309 dwelling type ref 309/1E
- Type 310 elevations (urban 13) ref 13/310-02 rev C
- 310 dwelling type ref 310/1D
- 313 dwelling type ref 313/1-
- 314 dwelling type ref 314/1-
- Type 401 elevations (urban 13) ref 13/401 -02 rev C
- 401 dwelling type ref 401/1G
- Type 403 elevations (urban 13) ref 13/403-02 rev B
- 403 dwelling type ref 403/1G
- Detailed landscape proposals (1 of 2) ref 2882/1
- Detailed landscape proposals (2 of 2)
- Materials schedule (as amended) revision 2
- Boundary treatments – 1800mm high timber fence ref SD-100 rev E
- Boundary details –post and wire fence ref SD 103 rev B

- Detached garage details- single- ref SD 700 rev A
- Detached garage details –double- ref SD 701 rev A
- Garage threshold/crushed aggregate drive details ref SD712 rev G
- Play equipment details ref PL4782/6815/1 - indicative

Reason: To ensure the development is undertaken in accordance with the approved details and to accord with policies 2 and 3 of the South East Lincolnshire Local Plan (2011-2036).

- 3 All landscape works shown on plans ref 2882/1 rev B and 2882/2 rev B 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 design quality and to ensure that the approved scheme is implemented satisfactorily in accordance with policies 2 and 3 of the South East Lincolnshire Local Plan (2011-2036).

- 4 Before each dwelling is occupied, the roads and footways providing access to that dwelling, for the whole of its frontage from an existing public highway, shall be constructed to a specification to enable them to be adopted as Public Highway, less the carriageway and footway surface courses. The carriageway and footway surface courses shall be completed within three months from the date upon which the erection is commenced of the penultimate dwelling.

Reason: To ensure that a safe and suitable standard of vehicular and pedestrian access is provided for residents throughout the construction period of the development and that the roads and footways are completed within a reasonable period following completion of the dwellings. This condition accords with the objectives of policies 2 and 3 of the South East Lincolnshire Local Plan (2011-2036)

- 5 No dwelling shall be commenced before the first 50 metres of estate road from its junction with the public highway, including visibility splays, as illustrated on drawing number 102.001 02.01 Rev. B dated 09.03.19, have been completed.

Reason: To ensure construction and delivery vehicles, and the vehicles of site personnel may be parked and/or unloaded off the existing highway, in the interests of highway safety and the amenity of neighbouring residents. This condition accords with the objectives of policies 2 and 3 of the South East Lincolnshire Local Plan (2011-2036).

- 6 Before any dwelling is occupied, all of that part of the estate road and associated footways that forms the junction with the main road and which will be constructed within the limits of the existing highway, shall be laid out and constructed to finished surface levels in accordance with details to be submitted to, and approved in writing by, the Local Planning Authority.

Reason: In the interests of safety, to avoid the creation of pedestrian trip hazards within the public highway from surfacing materials, manholes and gullies that may otherwise remain for an extended period at dissimilar, interim construction levels. This condition accords with the objectives of policies 2 and 3 of the South East Lincolnshire Local Plan (2011-2036).

- 7 The permitted development shall be undertaken in accordance with a surface water drainage scheme which shall first have been approved in writing by the Local Planning Authority.

The scheme shall:

- be based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development.
- provide details of how run-off will be safely conveyed and attenuated during storms up to and including the 1 in 100 year critical storm event, with an allowance for climate change, from all hard surfaced areas within the development into the existing local drainage infrastructure and watercourse system without exceeding the run-off rate for the undeveloped site;
- provide attenuation details and discharge rates which shall be restricted to 1.4 litres per second;
- provide details of the timetable for and any phasing of implementation for the drainage scheme; and
- provide details of how the scheme shall be maintained and managed over the lifetime of the development, including any arrangements for adoption by any public body or Statutory Undertaker and any other arrangements required to secure the operation of the drainage system throughout its lifetime.

No dwelling shall be occupied until the approved scheme has been completed or provided on the site in accordance with the approved phasing. The approved scheme shall be retained and maintained in full, in accordance with the approved details.

Reason: To ensure that the permitted development is adequately drained without creating or increasing flood risk to land or property adjacent to, or downstream of, the permitted development. This condition accords with the objectives of policies 2 and 3 of the South East Lincolnshire Local Plan (2011-2036).

- 8 The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) January 2019 /102/001/FRA_v1.3 / Walker Ingram Associates and the following mitigation measures detailed within the FRA:

- Finished floor levels to be set no lower than 1m above existing ground levels

- Flood resilience and resistance measures to be incorporated into the proposed development as stated, where finished floor levels are less than 1.3m above existing ground levels

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

Reason To reduce the risk of flooding to the proposed development and future occupants. This condition accords with the objectives of policy 4 of the South East Lincolnshire Local Plan (2011-2036).

- 9 The proposed areas of equipped public open space as shown on plan Proposed site layout REF 3040-0-001 U shall be laid out and equipped, in a manner to be submitted to and agreed in writing by the Local Planning Authority and shall be made available for use in accordance with timescales which shall be agreed in writing with the Local Planning Authority before occupation of any dwelling.

Reason: To provide a satisfactory level of publicly available amenity open space within the development and to accord with the objectives of Policy 32 of the South East Lincolnshire Local Plan (2011-2036).

- 10 A landscape management plan including management responsibilities and maintenance schedules of the public open space and equipment shall be submitted to the Local Planning Authority before the occupation of any dwelling. The management plan shall be carried out as approved.

Reason: To ensure the long term maintenance of the public open space in the interests of the amenity of residents and to accord with the objectives of Policy 32 of the South East Lincolnshire Local Plan (2011-2036).

- 11 Before occupation of any of the dwellings hereby approved, the shared private drives shall be provided with lighting in accordance with details, including the maintenance of the lighting, which shall be submitted to and agreed in writing by the Local Planning Authority.

Reason: To provide adequate lighting, in the interest of crime prevention and community safety. This condition accords with the objectives of policies 2 and 3 of the South East Lincolnshire Local Plan (2011-2036).

- 12 The development hereby permitted shall be undertaken in accordance with the mitigation measures and recommendations of the ecology report (SLR Version 3 dated November 2018). Notwithstanding this, no development shall commence on site above slab level until details of measures to enhance the biodiversity of the site as a consequence of the development, together with a timescale for implementation have been submitted to and approved by the local planning authority. The works thereafter shall proceed in accordance with the approved details and any agreed enhancement measures shall be delivered in full prior to the occupation of the penultimate dwelling on site.

Reason: In the interests of realising a biodiversity enhancement of the site in accordance with the objectives of policy 28 of the South East Lincolnshire Local Plan (2011-2036).

- 13 No development shall commence on site above slab level until details relating to the provision of fire hydrant(s) have been submitted to and approved in writing by the Local Planning Authority. The fire hydrant(s) as may be approved by the Local Planning Authority shall be installed prior to the occupation of any dwelling on the permitted development.

Reason: In the interests of public safety and to accord with the objectives of policies 2 and 3 of the South East Lincolnshire Local Plan (2011-2036).

- 14 The development hereby approved shall be carried out in accordance with the approved Construction Management Plan (3094-0-000 received 3/10/19), in particular deliveries to the site shall not take place between 8.15 am to 9.15am and 3pm and 4pm.

Reason: In the interests of public safety and to accord with the objectives of policies 2 and 3 of the South East Lincolnshire Local Plan (2011-2036).

- 15 Prior to the commencement of development above slab level, final details of measures that aim to reduce pollution and promote renewable and low carbon energy (including measures such as facilities for EV car charging) and details relating to the timing of their implementation, shall be submitted to and approved in writing with the Local Planning Authority. The development shall be constructed in accordance with the approved measures.

Reason: To help reduce pollution and promote renewable and low carbon energy in new development schemes and to accord with Policies 2, 3, 30 and 31 of the South east Lincolnshire Local Plan (2011-2036) and to accord with the intentions of the National Planning Policy Framework (2019).

- 16 The water consumption of each dwelling hereby permitted should not exceed the requirement of 110 litres per person per day (as set out as the optional requirement in Part G of the Building Regulations 2010 and the South East Lincolnshire Local Plan, 2019).

The person carrying out the work must inform the Building Control Body that this duty applies.

A notice confirming the requirement for the water consumption has been met shall be submitted to the Building Control Body and Local Planning Authority, no later than five days after the completion of each individual dwelling.

Reason: To protect the quality and quantity of water resources available to the district. This condition is imposed in accordance with Policy 31 of the South East Lincolnshire Local Plan (2011-2036).

- 17 The development hereby approved shall be carried out in accordance with the approved Archaeological Mitigation Strategy SLR ref 406.03044.00121 Version 1 dated August 2019.

Reason: In order to ensure that satisfactory arrangements are made for the investigation, retrieval and recording of any possible archaeological remains on the site and to accord with the objectives of policy 29 of the South East Lincolnshire Local Plan (2011-2036).

- 18 No development shall commence on site above slab level until details of the proposed foul pumping station and the substation as identified on the approved layout plan ref 3040-0-001 U has been submitted to and approved in writing by the local planning authority. The works shall be carried out as approved.

Reason: No details have been submitted, and to ensure the development is undertaken in accordance with the approved details and to accord with policies 2 and 3 of the South East Lincolnshire Local Plan (2011-2036).

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

47 PLANNING APPLICATION B.19.0216

Approval of reserved matters (appearance, landscaping, layout and scale) following outline approval B/17/0167 (Residential development of up to 6 dwellings)

Land off Carmel Green, Boston, PE21 7JR

Applicant: Mr B French

The Senior Planning Officer presented the report and advised the Committee of an amendment to paragraph 2.5 of the report, in that the application included the erection of five detached garages to serve the proposed houses on plots 1-4 and plot 6; the proposed garage to be attached to the proposed dwelling would serve plot 5.

Members confirmed that they had received a further letter from the owner of 4 Carmel Green, received since the publication of the agenda pack, and the Senior Planning Officer advised them to take this into account as a material consideration.

Mr C Wicks, the applicant's agent, addressed the Committee and made the following points. The proposal already had outline permission and the footprints of the proposed dwellings were clearly two-storey. With respect to the concerns of the occupiers of the bungalows, the design of plot 6 had been changed so the bungalow at No. 2 would have clear views. All four bungalows would have totally acceptable views. There would be 30m between the house and the nearest dwelling. The Senior Planning Officer had expressed the view that the proposal was totally acceptable in planning terms. Although objectors felt that the proposed dwellings should be bungalows, the Environment

Agency did not agree with there being habitable rooms on the ground floor of new dwellings in this location.

Houses formed part of the character of the area and the Planning Inspector agreed, having allowed planning permission for a house nearby just recently. The proposed dwellings were family homes. The application had previously stated that the proposal was for dwellings and it would not be possible to fit 6 bungalows on the site.

Outline permission had been granted subject to a section 106 agreement relating to an off-site financial contribution for enhancements to sports provision and improvements at Garfit's Lane of up to £18,000 (i.e. £3000 per dwelling); if the dwellings were to be bungalows, it could be argued there would be no requirement for a donation.

In conclusion, Mr Wicks commended the scheme to the Committee, as it would provide much-needed housing and the applicant was ready to proceed with the development immediately.

It was proposed by Councillor Jonathan Noble and seconded by Councillor Peter Bedford that planning permission be granted, as recommended by the Planning Officers in their report.

Vote: Unanimous

RESOLVED that planning permission be GRANTED subject to the following conditions and reasons:

1 The development hereby permitted shall be carried out in strict accordance with the application received 28-May-2019 and in accordance with the associated plans as amended referenced:

- 1-200 Proposed Site Layout Plan. Ref 19-2450-P-02B
- Elevations and layout Plot 1 ref 19-2450-P-03B
- Garage Details to Plot 1 Ref 19-2450-P-04A
- Elevations and layout Plots 2 & 3 Ref 19-2450-P-05B
- Garage Details to Plots 2, 3, 4 & 6. Ref 19-2450 P-06A
- Elevations and layout Plot 4 Ref 19-2450-P-07B
- Elevations and layout Plot 5. Ref 19-2450-P-09B
- Elevations and layout Plot 6. Ref 19-2450-P-10D
- Landscape Specification. Ref 19-2450-P-11
- 1-1250 Location Plan. Ref 19-2450-P-12

Reason: To ensure the development is undertaken in accordance with the approved details and to accord with policies 2 and 3 of the South East Lincolnshire Local Plan (2011-2036).

2 No development shall take place above ground level until details of the materials proposed to be used in the construction of the external surfaces to be used in the construction of the dwellings 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 the development assimilates within the area and to accord with Policies 2 and 3 of the South East Lincolnshire Local Plan (2011-2036).

- 3 No development shall take place above ground level until details of the proposed attenuation pond including a cross section plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: No details have been submitted with this application, in the interests of the amenity of neighbouring occupiers and satisfactory drainage. This condition accords with the objectives of Policies 2 and 3 of the South East Lincolnshire Local Plan (2011-2036).

- 4 All landscape works as indicated by the approved plans (condition 1) 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 design quality and to ensure that the approved scheme is implemented satisfactorily in accordance with policies 2 and 3 of the South East Lincolnshire Local Plan (2011-2036).

In determining this application, the authority has taken account of the guidance in paragraph 38 of the National Planning Policy Framework 2019 in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the Borough.

48 PLANNING APPLICATION B.19.0301

Single storey extension

Windy Ridge Veg Ltd Office, Hubberts Bridge Road, Kirton, Boston, PE20 1TW

Applicant: Mr Mark Nundy

The Senior Planning Officer presented the report.

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

Vote: Unanimous

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 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 16-July-2019 and in accordance with the associated plans referenced:

- Proposed plans - WR/1

Reason: To ensure the development is undertaken in accordance with the approved details and to accord with policies 2 and 3 of the South East Lincolnshire Local Plan (2011-2036).

3. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) submitted with the application including those mitigation measures specified. The mitigation measures shall be fully implemented prior to occupation and subsequently remain in place.

Reason: To reduce the risk of flooding to the proposed development and future occupants and to accord with the objectives of policy 4 of the South East Lincolnshire Local Plan (2011-2036).

In determining this application, the authority has taken account of the guidance in paragraph 38 of the National Planning Policy Framework 2019 in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the Borough.

49 PLANNING APPLICATION B.19.0298/LBC

Listed Building consent to make necessary repairs to stone mouldings on the principle facade of the building

Former Sessions House, Church Close, Boston, PE21 6NA

Applicant: Dellhaven Homes Limited

The Growth Manager presented the report.

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

Vote: Unanimous

RESOLVED that Listed Building Consent 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 paragraph 18 of the Town & Country Planning (Listed Buildings and Conservation Areas) Act 1990

2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers:
 - Site Location Plan 179-001 July 2019
 - South Elevation with Proposed Work Notes 179-100 July 2019

Reason: To ensure the development is undertaken in accordance with the approved details, in the interest of residential amenity and to comply with Policies 2, 3 and 29 of the South East Lincolnshire Local Plan (2011-2036).

3. Notwithstanding Condition No. 2 of this Consent, no works shall take place until a sample panel identifying the approach to the repairs has been constructed on site for inspection by the Local Planning Authority and details of the stonework and mortar work (including a specification for a mortar mix) to be used in the repairs have been submitted to and approved in writing by the Local Planning Authority. Only the approved stonework and mortar mix shall be used, in accordance with any terms of such approval.

Reason: In order to ensure a sympathetic relationship with the character of the listed building in accordance with Policies 2 and 29 of the South East Lincolnshire Local Plan (2011-2036) and the Planning (Listed Buildings and Conservation Areas) Act 1990.

In determining this application the Local Planning Authority has taken account of the guidance in Paragraph 38 of the National Planning Policy Framework 2019 in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the Borough.

50 RECEIPT OF APPEAL DECISIONS - OCTOBER 2019

The Growth Manager presented a report, which advised Members of the receipt of appeal decisions received since the last meeting, and highlighted that the authority remained well within its performance targets.

In addition, following a review of recent appeal decisions received and comments made generally by Members, Officers had written to the Planning Inspectorate outlining some areas of concerns. A response had been received from the Planning Inspectorate, and both documents were provided along with this report for Members information. Whilst clearly disappointed with the response, Officers believed it was helpful in providing greater clarity in respect of the Inspectors' approach to decision-taking.

In conclusion, Officers would continue to review all Appeal decisions received, and where such decisions appeared to be irregular, would consider obtaining the necessary legal advice in respect of potential for challenge. They would also continue to review the approaches adopted by Inspectors, and their rationale in respect of decision-taking. However, it is also hoped that decisions would become more consistent as future appeals would be determined against the South East Lincolnshire Local Plan, and its associated background documents, as the starting point.

During Members' debate, there was a difference of opinion regarding the outcome of the appeal on Application B/18/0346. One Member welcomed it. Others considered the Planning Officers were right to challenge this as it was factually incorrect - the Planning Inspector stated that there was no 5-year housing supply, but in Members' view this was in place and was being delivered well. The letter to the Planning Inspectorate was commended; decisions had not been consistent and the Planning Inspector had not given sufficient weight to the South East Lincolnshire Local Plan, which, it was recognised, should be the starting point for consideration of applications.

Members recognised that the Planning Officers took Members through the various risks associated with decisions, including costs, and were pleased with performance, as few decisions proceeded to appeal.

In response to questions, the Growth Manager explained that applicants could apply for award of costs, but they would have to demonstrate that the local planning authority had acted unreasonably and this had certainly not been the case. External legal advice was sought from Counsel when necessary and, depending on the opinion, a decision would be made as to whether it would be worth challenging an Inspector's decision, weighing up all aspects, including costs.

The Growth Manager confirmed that the Planning Inspectorate had been reviewed recently and was the subject of an improvement programme at Government level, they had appointed more Inspectors and were looking at changes to processes, and this should improve the speed and quality of the decisions, as explained the Planning Inspectorate's response.

[THE MEETING WAS ADJOURNED AT 12.20 PM AT THIS POINT IN THE PROCEEDINGS AND WAS RECONVENED AT 2 PM]

51 PLANNING APPLICATION B.19.0283

Single storey extension to side and rear, demolition of existing conservatory and erection of detached garage

70, Linden Way, Boston, PE21 9DS

Applicant: Mr Coventry

The Principal Planning Officer presented the report. Members confirmed that they had received the submission from the owner of 43 Allington Garden, received following the publication of the agenda pack, which included a photograph demonstrating the impact of the proposed garage.

Miss E Astbury addressed the Committee in objection to the application explaining that she lived at 43 Allington Garden, which was located behind the application site with the fence as the boundary, and that she was also speaking on behalf of her mother, the owner, and 3 other neighbours, and made the following points, in summary. Their main objection concerned the proposed detached garage on grounds relating to Policy 2 of

the SELLP: noise, odour, disturbance and visual impact; the size and scale of the proposal, which was excessive compared to the bungalow and other garages in the area, giving rise to concerns about its intended purpose; and the impact of the dark, slate roof, which they would like to see reduced in size and changed to a flat or lower pitch. Also, it would not be possible to maintain the boundary fence because of the proposed location of the garage and there would be an adverse effect on water run-off, not considered in the Flood Risk Assessment.

Miss Astbury added that, as the applicant had a collection of classic motorbikes, neighbours were concerned about potential noise and fumes and the possibility that the garage might be used for commercial purposes or for living accommodation. Therefore, they asked if the application for the garage could be rejected or its proposed size reduced to that allowed under permitted development rights and for conditions to be added to permission to prevent it being used for commercial use or living accommodation.

Speaking as Ward Member, Councillor Yvonne Stevens addressed the Committee from the public gallery and spoke of the impact on neighbours of noise from the number of people living in the application property and the excessive number of cars parked outside. Also, the applicant would need to have permission to access the garden of 43 Allington Garden for maintenance purposes, but if the proposed garage was moved 1m away from the boundary fence this would not be necessary. The proposed garage was also excessively high and its size did give rise to concerns that it might be rented out. In conclusion, Councillor Stevens asked that for a condition to be added if permission was granted for the garage to prevent its use as living accommodation and that it be moved away from the boundary.

[Councillor Stevens left the room at this point and did not return until after the debate and vote on this application had been completed.]

The Growth Manager provided advice to the Committee following the public speaking and reminded them of relevant material planning considerations. This was supplemented by comments of the Legal Advisor.

It was proposed by Councillor Brian Rush that planning permission be granted, as recommended by the Planning Officers, but this was not seconded at this point.

It was then proposed by Councillor Jonathan Noble that planning permission be refused on the grounds that the proposals were contrary to Policy 2 and 3 of the South East Lincolnshire Local Plan in terms of size and scale, visual intrusiveness, inappropriate design in terms of materials, and the impact on residential amenity. This was seconded by Councillor Peter Watson.

The Growth Manager provided further advice to Councillor Noble and the committee more widely in relation to the concerns that were being raised and the potential need to consider the component parts of the scheme – i.e. the extension and alteration of the bungalow and the outbuilding.

A further debate took place and an amendment was then proposed by Councillor Tom Ashton that planning permission be granted for the extension, as recommended by the

Planning Officers, and that planning permission be refused for the garage on the grounds of Policy 2 and 3 as stated.

Further advice was taken from the Growth Manager and the Legal Advisor on this point.

Following this, Councillor Peter Bedford seconded Councillor Rush's proposal that planning permission be granted as recommended by the Planning Officers, and Councillors Jonathan Noble and Peter Watson withdrew their proposal to refuse planning permission.

The Growth Manager sought clarification from Councillor Ashton regarding the reasons for refusal relating to the garage/outbuilding element of the scheme. These related to scale, massing, proximity to the common boundary and the impact on neighbouring properties. The Growth Manager also requested Delegated Authority to amend the conditions proposed for the element to be approved – this was agreed.

The Growth Manager accepted the reasons presented by Councillor Ashton and then cited the following as the potential reason for refusal:

The proposed outbuilding, by virtue of its scale, massing and proximity to the common boundary, would have an unacceptable impact on the amenities of neighbouring properties (in particular 43 Allington Gardens) by virtue of its un-neighbourly relationship and dominant form which results in an overbearing impact. As such, the proposal is considered to be contrary to policies 2 & 3 of the SELLP.

The amendment was the put to the vote.

Vote: 8 for, 2 against.

The amendment thereby became the substantive motion and was put to the vote.

Vote: 8 for, 2 against.

RESOLVED that:

A. Planning permission be GRANTED for a single storey extension to side and rear 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 51 of the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers:

- Location Plan – Drawing No. 3316-008 – Uploaded 19/07/2019
- Proposed Section & Floor Plan – Drawing No. 3316-005 – Uploaded 11/07/2019

- Proposed Elevations and Block Plan – Drawing No. 3316-004 – Uploaded 11/07/2019
- Proposed 3D Views – Drawing No. 3316-003 – Uploaded 11/07/2019
- Proposed Elevations, Sections and Block Plan – Drawing No. 3316-002 – Uploaded 11/07/2019

Reason: To ensure the development is undertaken in accordance with the approved details, in the interest of residential amenity and to comply with Policies 2 and 3 of the South East Lincolnshire Local Plan (2011-2036).

B. That planning permission be REFUSED for the erection of a detached garage for the following reasons:

The proposed outbuilding, by virtue of its scale, massing and proximity to the common boundary, would have an unacceptable impact on the amenities of neighbouring properties (in particular 43 Allington Gardens) by virtue of its un-neighbourly relationship and dominant form which results in an overbearing impact. As such, the proposal is considered to be contrary to policies 2 & 3 of the SELLP.

INFORMATIVES

In determining this application the Local Planning Authority has taken account of the guidance in Paragraph 38 of the National Planning Policy Framework 2019 in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the Borough.

Where Surface Water is to be directed into a Mains Sewer System the relevant bodies must be contacted to ensure the system has sufficient capacity to accept the additional Surface Water. If there is any change to the surface water or treated water disposal arrangements stated in the application, please contact the Drainage Board.

52 PLANNING APPLICATION B.19.0215

Installation of a children's play area

131 Sleaford Road, Boston, PE21 7PE

Applicant: Mr Simon Long

The Principal Planning Officer presented the report.

It was proposed by Councillor Michael Cooper and seconded by Councillor Alison Austin that planning permission be granted as recommended by Planning Officers in their report.

Vote: Unanimous

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 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans/documents:

- Dimensions of Play Equipment – received 19th June 2019
- Site Location Plan – received 9th July 2019

Reason: To ensure the development is undertaken in accordance with the approved details, in the interest of residential amenity and to comply with Policies 2 and 3 of the South East Lincolnshire Local Plan (2011-2036).

In determining this application the Local Planning Authority has taken account of the guidance in Paragraph 38 of the National Planning Policy Framework 2019 in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the Borough.

The Meeting ended at 3.05 pm