

Present:

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

Councillors: Alison Austin, Peter Bedford, Michael Cooper, Paul Goodale,  
Jonathan Noble, Brian Rush, Chelcei Sharman,  
Paul Skinner, Yvonne Stevens, Peter Watson and  
Stephen Woodliffe

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

**66 APOLOGIES**

No apologies for absence were tabled

**67 MINUTES**

With the agreement of the committee members the Chairman signed the minutes of the previous meeting held on the 14 January 2020

**68 DECLARATION OF INTERESTS**

Standing declarations of interest are tabled within these minutes for:

Councillors Tom Ashton, Alison Austin and Paul Skinner in their respective roles as Lincolnshire County Councillors.

Councillors Tom Ashton, Alison Austin and Peter Bedford in their respective roles as members of the South East Lincolnshire Joint Strategic Planning Committee and Councillor Jonathan Noble in his role as a substitute member of the committee.

Councillors Tom Ashton, Peter Bedford and Frank Pickett in their respective roles as members of the Internal Drainage Boards.

No further declarations of interest were tabled.

**69 PUBLIC QUESTIONS**

No public questions were tabled.

At this point in the proceedings, the Chairman welcomed Councillor Michael Cooper back onto the committee.

## **70 PLANNING APPLICATION B/19/0375**

### **Erection of 4 dwellings and associated access.**

#### **Land at Park Lane Freiston Boston Borough Council**

##### **Greenfinch Homes**

The Senior planning officer presented the report to committee and confirmed there had been no additional information received in respect of the application following publication on the agenda. The senior planning officer provided a brief overview of the history of site and members advised that in November 2016 an outline consent for 5 dwellings on the site, had been allowed on appeal, establishing the principle of housing on the site, and then in February 2019 the erection of two bungalows had been approved on the site. The committee were also advised that the separation distance between the gable-end of the property that would face the existing bungalow would be approximately 22 metres and the overall ridge height would be 7.8m.

Lincolnshire County Council had raised no concern and the car parking provision was compliant with the local plan with two spaces per dwelling.

Concerns noted in respect of refuse disposal had been had been addressed under condition 6 of the report and objections submitted in respect of the loss of trees / damage to trees during development had been addressed under condition 5 of the report.

Representation was received in objection to the application by Ms. Sam Williams which included:

Confirming that her property was the existing bungalow, on the site that was closest to the proposed development, Ms. Williams questioned the ridge height of the proposed dwellings as being similar to that of her own property. She advised she had measured her own property to the flat roof and it measured 2.7 metres and to the ridge height which was 5.8m, 2 metres shorter than the proposed houses: Ms. Williams further questioned the distance between the nearest property and her own a being 22m. Further concern noted the changing number of proposed doors and windows to the proposed dwellings, which appeared to have increased from the original application. Committee were further asked to recognise that the surrounding properties were bungalows and that semi-detached houses would be out of character. Referencing the changes in the number of dwellings, from the first application, members were asked to agree the site would be over-development, which would impact on existing residents and on the leisure facilities, which were established beside it. Ms. Williams further questioned the need for the 4 houses, stating that there was already 12 empty properties for sale within the village, along with significant development in the neighbouring village of Butterwick with around 100 new homes, having already been built.

Representation was received by the Chairman of Freiston Parish Council, Councillor Marshall which included:

Stating that the Parish Council wanted to protect the well-used playing field, Councillor Marshall voiced concern at the increase in development from the original 5 dwellings to the possible 9 should the application be granted and also at the lack of any funding the development would contribute to the village amenities including the Danny Flear Centre and the car park. He further stated he felt it to be over development of the site. Additional concerns noted, included the loss of daylight at Ms. Williams property; the impact of potential noise from the playground on the residents of the new houses and any issues that may follow. At this point in the proceedings, Councillor Marshall asked that in the event that the application should be granted, that an additional condition be included to require the provision of an acoustic fence between the playing field and the houses.

Referencing the entrance to the site, Councillor Marshall advised members that the entrance to the playing field was located directly beside it. He further drew members' attention to the lack of any footpath and to the fact that there was a speed hump located opposite the site entrance: both issues he felt could prove dangerous to pedestrians crossing the road. Park Lane was already a very busy road and was regularly used as a cut-through to Butterwick and when diversions were in place,

Offering points of clarity in respect of the representation received the Senior Planning Officer advised

- that the ridge height noted was for the development agreed under the previous application.
- that concern of overdevelopment needed to be considered in context. All four dwellings had suitable gardens and parking facilities and all had suitable separation distances. The site was capable of accommodating four additional dwellings.
- that the combined number of homes built and potential new homes would not trigger any requirement for funding for affordable contributions or for service contributions.
- that the issue of noise nuisance would probably be during the day time including residents from the new homes, and as such it would be difficult to justify any condition requiring installation of an acoustic fence.
- that the lack of any footpath was an existing problem; Lincolnshire County Highways had raised no objection to the application and as speed humps were used to slow traffic down then it was doubtful they could be removed in any way.

Committee deliberation:

General committee debate varied in respect of the application with a number of members feeling conflicted in making their decisions.

A number of members voiced support and empathy for the objectors and echoed issues they had raised, including concern at the overdevelopment of the site and the loss of daylight to existing dwellings. A member questioned how an 80% increase in homes on the site was acceptable with 5 existing homes added with a further 4 resulting in 9 on the actual site. The member further advised that the builder, who had constructed the first 5 properties on the site, had stated that the dispersal of the sewerage could not be

linked to the private sewerage system already on the site. Members agreed the need for the acoustic fence to protect residents on the site, stating that the playing field was used on a regular basis, both in the day and in the evening with a large numbers of children enjoying the amenities, together with the adults using the gym equipment.

Speaking in support of the application, members noted its compliance in respect of Policies 2 and 3 of the local plan. Furthermore, the Inspector had already agreed the site was suitable; it was allocated within the SELLP and the site was also within the settlement boundary of the village. Access to the site appeared adequate and the Growth Manager confirmed that the width was 25m on entry before spreading out into the site. The footprint of the proposed houses was small and the actual loss of light would be over a short period only. A comparative appeal decision in a similar location was referenced along with a previous decision on an urban site with similar dwellings.

As a point of clarification in response to some confusion by members in respect of condition 7 which noted water use of 110 litres per person per day, and how it could be monitored, the Growth Manager advised that it was a requirement of planning to include such a condition which actually crossed over between planning regulations and building regulations. The condition was a minimum requirement and acted as a trigger to ensure that the developer would install low water use goods. The new policy directed that all new residential property met the requirement.

Following concerns in respect of the private road running through the estate and issues around who would maintain it and how they would be enforced, the Legal Officer provided a point of clarification.

Members were advised that the informative was strict and that a private road was totally acceptable. The only issues was the removal of household waste from the bins, which was addressed under Condition 6.

Noting concern at the lack of any confirmed management of the green areas within the site a member asked that an additional condition should be agreed, requiring a management plan for the green areas. It would ensure that the Parish Council were not left with the responsibility of it. It was agreed that an additional informative be incorporated into the final decision notice relating to maintenance of the green areas within the site.

In summary, the Chairman echoed a number of comments by members and acknowledged the concerns of the objectors. Members were referred to an appeal decision within the subsequent agenda report, which had been allowed and which had been of similar design and plot size to the one under consideration. The Chairman urged caution on replicating such reasons for refusal on such a similar application: he further stressed the importance of having planning policy reasons for any refusal against officer recommendation to allow officers the opportunity to defend the decision. The Chairman further stated he was pleased to see the protection agreed for the trees and the tree roots.

*Motion 1:*

It was moved by Councillor Jonathan Noble and seconded by Councillor Michael Cooper that committee resolve to grant the planning application, in line with officer recommendation, subject to the conditions, reasons and informatives therein and subject to:

- an additional condition no. 11 to require the provision of a 2-metre acoustic fence running along the hard standing between the site and the playing fields, reducing to 1.5 metres after the hard standing.
- an additional informative to advise the developer of the need to maintain the green areas of the site.

*Motion 2:*

It was moved by Councillor Peter Bedford and seconded by Councillor Yvonne Stevens that the application be refused.

As the second motion was a standard negation, the first motion was taken to the vote first:

That committee resolve to grant the planning application, in line with officer recommendation, subject to the conditions, reasons and informatives therein and subject to:

- an additional condition no. 11 to require the provision of a 2-metre acoustic fence running along the hard standing between the site and the playing fields, reducing to 1.5 metres after the hard standing.
- an additional informative to advise the developer of the need to maintain the green areas of the site.

**VOTE: 9 in favour. 3 against. 1 abstention.**

**RESOLVED: That committee grant the planning application in line with officer recommendation, subject to the following conditions and reasons, and subject to the following 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 10-Sept-2019 and in accordance with the associated plan referenced:

- Ref:192272/02 – ‘Location Plan’
- Ref:192272/01 – ‘Proposed Plans, Elevations and Section’
- Ref:192272/03 – ‘Proposed Site Plan’

**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) by Rick Smith Design, and the following mitigation measures detailed within the FRA:
- Finished floor levels to be set no lower than 1.0m above existing ground level
  - The dwellings to have at least two storeys
  - 600mm demountable defences or 'Flood Angel' doors to be installed on all dwellings
  - Flood resilience and resistance measures to be incorporated to a minimum of 300mm above predicted flood depths

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 South east Lincolnshire Local Plan (2011-2036).

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

**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).

5. The development hereby approved shall be carried out fully in accordance with the Tree Report prepared by John Wilcockson (dated 11/10/2019), and in particular Sections 6 (Arboricultural Implications), 7.2 (Phase I – Undertake Arboricultural Works), 7.3 (Phase II – Tree Protection/Method Statement for Construction during Construction) and 7.4 (Services).

**Reason:** To ensure that protected trees and their root systems are not unduly harmed during construction of the development and to accord with policies 2, 3 and 28 of the South East Lincolnshire Local Plan.

6. No development shall take place above damp proof course until final details of the bin collection area for the development, which shall be situated close to the adopted highway, has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details prior to the first occupation of any unit and the bin storage area shall be retained for that purpose thereafter.

**Reason:** No details of this area has been submitted and refuse lorries will not be able to access the private drive area and therefore bins need to be presented at the adopted highway. This condition accords with the objectives of Policies 2 and 3 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. Prior to the occupation of any of any dwelling hereby approved by this consent the vehicle parking area associated with that dwelling, and the communal turning area, shall be made available for use and retained in that form thereafter.

**Reason:** To ensure that dedicated parking is made available for future occupiers of the dwelling within the site and to accord with Policies 2, 3 and 36 of the south East Lincolnshire Local Plan (2011-2036).

9. Prior to the occupation of the last dwelling hereby approved by this consent the access shall be constructed of bound material (tarmac/block paving) for a distance of 5m from the highway boundary and the parking area identified.

**Reason:** To ensure no loose material is dragged on to the highway in the interests of highway safety and to accord with Policies 2 and 3 of the South East Lincolnshire Local Plan (2011-2036)

10. The landscaping and fencing scheme as shown on the proposed site plan (ref:192272-03) shall be fully implemented before the occupation of any dwelling hereby approved.

**Reason:** In the interests of residential amenity and to ensure an attractive residential environment is created. This condition accords with Policies 2 and 3 of the South East Lincolnshire Local Plan (2011-2036).

11. Non withstanding the details shown on the approved plans, no development above slab level shall be constructed until details of the western boundary for the site (between the development and the park) have been submitted to and approved in writing by the Local Planning Authority.

The details shall include:

- A detailed specification and plans for the acoustic fence – of 2 metres high from the new (southern) site boundary to the northern edge of the parking/turning area, reducing to 1.5 metres in height for the remainder of its length to the frontage on Park Lane.

- A detailed planting schedule for a Hawthorne hedge to be planted along the full length of this boundary on the western side of the fence.

The fence and hedge shall then be erected/planted before the occupation of any of the dwellings approved by this consent and shall be retained in that form thereafter.

**Reason:** In the interests of the residential amenities of future occupiers of the approved dwellings and in the interests of protecting users of the adjacent recreation ground, in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan 2011 - 2036

### **Informatives**

1. The permitted development requires the formation of a new/amended vehicular access. These works will require approval from the Highway Authority in accordance with Section 184 of the Highways Act. The works should be constructed in accordance with the Authority's specification that is current at the time of construction. For approval and specification details, please contact [vehiclecrossings@lincolnshire.gov.uk](mailto:vehiclecrossings@lincolnshire.gov.uk)
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 road serving the permitted development is approved as a private road which will not be adopted as a Highway Maintainable at the Public Expense (under the Highways Act 1980). As such, the liability for the future maintenance of the road will rest with those who gain access to their property from it.
4. The road serving the permitted development is approved as a private road which will not be adopted as a Highway Maintainable at the Public Expense (under the Highways Act 1980). As such, the liability for the future maintenance of the road will rest with those who gain access to their property from it.

## **71 RECEIPT OF APPEAL DECISIONS**

### **Blue Bungalow Pode Lane Old Leake Boston PE22 9NB**

The Growth Manager presented the report to the committee confirming that the Inspector, who had taken into consideration the changes in policy since the refusal, had allowed the appeal.



The Growth Manager confirmed that whilst it was disappointing to lose the appeal, the dismissal appeal from July 2019 had clearly indicated that there was potential revised scheme to come forward.

The Inspector had recognised the nature of the application in that it was outline only with all matters reserved, which would allow final determination of matters including layout and scale by committee. The Inspector had noted that the edge of settlement nature of the site was changing in its density and its form, and the indicative plan was comparable to that at the east of the site. In conclusion, the Inspector had decided the scheme to be an improvement on the previous submission for 6 units and that subject to conditions the proposal would comply with policies 2 and 3 of the SELLP. On a positive note the Inspector had recognised Boston now had a five year land supply

**The Old Smithy Highgate Leverton Boston PE22 0AJ:**

The Growth Manager presented the report to the committee confirming that the Inspector who had agreed that the building did not appear to have been used solely for agricultural purposes had dismissed the appeal and with no evidence, to the contrary it did not comply with Class Q. Referencing the concerns noted by committee in respect of the extent of the curtilage, the Inspector had stated that had the scheme met all other requirements the issue could have been defined within the final decision: as it had not, then no further consideration was given and the conclusion was the scheme was not permitted development.

Noting his role as the Ward Member for Old Leake the Chairman recognised the decision of the officers in making the decision table the second application on Blue Bungalow

Committee noted the report.

The Meeting ended at 11.40 am