


# Public Document Pack

	Boston Borough Council Chief Executive PHIL DRURY MCIAT, ACIOB	Municipal Buildings Boston Lincolnshire PE21 8QR Tel: Tel 01205 314226 Fax:
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My ref: PE/KR/Planning

Please ask for: Karen Rist, Democratic Services Officer (Direct number Tel 01205 314226)

Monday, 3 February 2020

## **NOTICE OF MEETING OF THE PLANNING COMMITTEE**

Dear Councillor

You are invited to attend a meeting of the Planning Committee

**on Tuesday, 11 February 2020 at 10.00 am**

in the Committee Room, Municipal Buildings, West Street, Boston, PE21 8QR



**PHIL DRURY**  
**Chief Executive**

Chairman: Councillor Tom Ashton

Vice Chair: 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

### ***Note(s) for Members of the Committee:***

In order to vote on a planning application committee Members must be present for the entire presentation and discussion on the item.

When an official site visit is undertaken which forms part of the decision-making at Committee, only Members who have attended the site visit and received full representation will be able to debate and decide the application.

**Members of the public are welcome to attend the committee meeting as observers except during the consideration of exempt or confidential items.**

**This meeting may be subject to being recorded.**

# A G E N D A

## PART I - PRELIMINARIES

### **A APOLOGIES**

To receive apologies for absence and notification of substitutes (*if any*).

### **B MINUTES**

1 - 14

To sign and confirm the minutes of the last meeting.

### **C DECLARATION OF INTERESTS**

To receive declarations of interests in respect of any item on the agenda.

### **D PUBLIC QUESTIONS**

To answer any written questions received from members of the public no later than 5 p.m. two clear working days prior to the meeting – for this meeting the deadline is 5 p.m. on Thursday 6<sup>th</sup> February 2020.

## PART II - AGENDA ITEMS

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

15 - 28

Erection of 4 dwellings and associated access

Land at Park Lane, Freiston, Boston

Greenfinch Homes

### **2 RECEIPT OF APPEAL DECISIONS**

29 - 34

A report by the Growth Manager in respect of:

B/18/0456 Blue Bungalow, Pode Lane, Old Leake, Boston, Pe22 9NB

B/19/0026 The Old Smithy, Highgate, Leverton, Boston, PE22 0AJ

**Note: A planning decision comes into effect only when the decision notice and associated documents are despatched by the Local Planning Authority and not when the Committee makes its decision.**

**Notes:**

**The Human Rights Act 1998**

It is implicit in these reports that the recommendations to and the consideration by Committee will take into account the Council's obligations arising out of the Human Rights Act and the rights conferred by Articles 6,8,14 and Article 1 of the First Protocol of the European Convention on Human Rights (ECHR). These are the rights to a fair hearing, respect for family and private life, the prohibition against discrimination and the peaceful enjoyment of possessions, respectively. The ECHR allows many to be overridden if there is a sufficiently compelling public interest.

In simple terms the Act requires a person's interest be balanced against the interests of the community. This is something that is part of the planning system and that balancing is a significant part of the consideration of issues identified to Committee by officer reports. Provided that those issues are taken into account, the Convention will be satisfied.

The person to contact about the agenda and documents for this meeting is Karen Rist, Democratic Services Officer, Municipal Buildings, Boston, Lincolnshire, PE21 8QR, Tel 01205 314226, e-mail: karen.rist@boston.gov.uk.

Council Members who are not able to attend the meeting should notify Karen Rist, Democratic Services Officer as soon as possible giving the name of the Council Member (*if any*) who will be attending the meeting as their substitute.

**Alternative Versions**

Should you wish to have the agenda or report in an alternative format such as larger text, Braille or a specific language, please contact Democratic Services on direct dial (01205) 314226

**Emergency Procedures**

**In the event of a fire alarm sounding all attendees are asked to leave the building via the nearest emergency exit and make their way to the Fire Assembly Point located in the car park at the rear of the Municipal Buildings.**

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## PLANNING COMMITTEE

14 JANUARY 2020

Present:

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

Councillors: Peter Bedford, Paul Goodale, Jonathan Noble, Brian Rush,  
Paul Skinner, Yvonne Stevens, Peter Watson and  
Stephen Woodliffe

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

### 60 APOLOGIES

It is recorded that prior to moving into the preliminary items of the meeting the Chairman asked his appreciation be noted to Councillors Michael Cooper and Jonathon Noble for standing in for himself and the vice chairman in their respective roles at the previous meeting. The Chairman further requested his personal appreciation be recorded to Councillor Michael Cooper whom he noted was a very experienced member of the planning committee and he thanked him for all his support and commitment of the committee over a number of years.

Apologies for absence were tabled for Councillor Alison Austin with Councillor Judith Welbourn substituting.

### 61 MINUTES

With the agreement of the Committee Members the Chairman signed the minutes of the previous meeting held on the 10 December 2019.

### 62 DECLARATION OF INTERESTS

Standing declarations of interest are recorded within these minutes for:

Councillors Tom Ashton and Paul Skinner in their respective roles as Councillors for Lincolnshire County Council.

Councillor Tom Ashton and Peter Bedford in their respective roles as members of the South East Lincolnshire Joint strategic Planning Committee and Councillor Jonathan Noble as a Substitute Member on the said committee.

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

Councillor Jonathan Noble declared an interest in respect of planning application B 19 0317 in that he stated he was a self-employed teacher who worked at the Thomas Middlecott Academy in Kirton. The reason for the declaration was that the previous application on the site had been subject to a section 106 agreement and as such a material consideration in that it was referred to in the papers for the current application.

Councillor Yvonne Stevens declared an interest in respect of planning application B 19 0409 in that her son was a site manager for Larkfleet Homes on that application site.

Councillor Paul Skinner declared an interest in planning application B 19 0409 in that whilst his wife Councillor Judith Skinner had called the application in to committee, he was waiting to be convinced either way before determining the application.

Councillor Peter Watson declared an interest in respect of planning application B 19 0317 in that he was a member of Kirton Parish Council.

### **63 PUBLIC QUESTIONS**

No public questions were tabled.

### **64 PLANNING APPLICATION B 19 0317**

#### **Erection of 31 dwellings. New access and infrastructure following demolition of existing dwelling.**

**Land off Station Road Kirton Boston**

**D and R Homes (Kirton) Ltd**

The Senior Planning Officer presented the report to committee and confirmed there were no update matters to table following issue of the agenda. Committee were reminded that the application was determined on Heads of Terms which were not consistent with the adopted policy due to the schemes viability position, which had resulted in no contributions being proposed by the applicant. Members were asked to recognise the importance of the history of the site and to take it into consideration during deliberation: the initial refusal by committee in 2016 had been allowed at appeal and the site still had an extant permission for 30 dwellings.

Referencing the key issues considered by the Inspector the Senior Planning Officer reaffirmed that Highway Safety; planning obligations and the impact on the TPO's had all been found to be acceptable. The findings of the Councils' own independent assessment of the applicant's viability assessment had acknowledged the challenges faced to develop the site, specifically flood risk; piled foundations and relocation of an overhead line. The assumptions identified were reasonable and the scheme would be unviable should it be subject to any provision for affordable housing or any financial contributions.

Representation was received from Mr Roberts in objection to the application which included the following comments:

Committee were advised Mr Roberts had resided on Station Road since 1986 with his residence being approximately 40 metres from the site. He noted he knew the locality very well and stressed he did not object to development of the site in principle: his concern was the proposed access and the removal of two lime trees which were subjected to Tree Preservation Orders.

Mr Roberts voiced serious concerns on both the existing traffic volumes along the A16 and the significant increases the development would cause. He noted the effect such a significant increase would have on pedestrians, along with the impact on local amenity and increased congestion at the nearby roundabout, which already experienced ongoing queuing throughout the day. Movements of both HGV and agricultural traffic had increased significantly in the area due to industry on Washdyke Road. Additional traffic had also been experienced through increases in visitors to the RSPB at Frampton Marsh and also in usage of the nearby Graves Park social facility with car boot sales; social evenings and various events.

Committee were asked to recognise the option of an alternative access to the site from Wash Road as had been identified in the original application in 2016: Mr Roberts stated that by moving the access it would reduce traffic queuing on the A16; improve pedestrian safety and improve the amenity of residents on site.

Representation was received from the Agent Mr Smith on behalf of the applicant which included:

Stating that the site was now allocated within the Local Plan Mr Smith provided a brief overview of the layout of the houses on the site and confirmed that the retained trees would integrate naturally in to the development.

Committee were further asked to note that the proposed access was the same as the application which had been allowed on appeal; that no objections had been raised by Environmental Health during the Geo Environmental report subject to the one additional condition in respect of contamination on the site, and that no statutory consultee with the exception of the Parish Council, had tabled any objection.

Mr Smith advised that the houses proposed within the development would be aimed at the affordable end of the market. Referencing the viability of the site, confirmation was given that the original application by the land owner had not been subject to a financial appraisal, however one had been carried out by the developer of this application. That appraisal had identified that no sustainable drainage was on the site, that piled foundations would be needed and that the overhead line would need to be relocated. All the costs identified had been considered reasonable and had proved the site to be unviable, should it be subject to any affordable housing allocation or any financial contributions. Concluding committee were advised that should the application be granted, the applicant had indicated they could deliver completion of the build within 18 months.

Representation was in received by Parish Councillor Sharp on behalf of Kirton Parish Council which included:

Members were advised that Kirton Parish Council continued to object to the application as it had concerns in respect of a lack of any affordable housing contribution; issues in respect of access from the narrow road resulting in endangering highway safety and also at the loss of the TPO's.

The Parish Council questioned why the previous application had been subject to an affordable housing contribution; why the SELLP which the site was allocated in required an affordable housing contribution and yet the application contained none: the Council Parish felt it to be contradictory in addressing the common need.

Reiterating comments made by the objector, the Parish agreed that the increased volumes in HGV movements due to businesses along Skeldyke Road including 'Ripe Now', together with the increases agricultural movements would severely impact on the A16 and in particular on the roundabout with increases in queuing. The parish felt access from south side of Wash Road would be preferable: stating most households had two cars the site had the potential for 62 vehicles exiting the site directly onto Station Road at peak times of the day, causing significant queuing at the roundabout and serious increases in pedestrian safety. Further concerns noted the removal of the 3 trees impacting on the existing amenity of the area with the Parish Council feeling any replacement with small trees would not mitigate the loss of the established trees. In conclusion committee were asked, should they grant the application, to request both developer contributions and an affordable allocation of houses.

Member deliberation followed which included the following questions and comments:

A number of member concerns echoed many of those made by members of the public who had already addressed the meeting, speaking in objection to the application. They included concerns about the lack of affordable homes; the lack of any contributions and a range of issues in respect of the access to the site including impact on pedestrian safety, issues in respect of queueing at the roundabout and dangers at the access point for larger vehicles including waste vehicles and delivery vehicles. Further concerns agreed the loss of the trees. The suggestion was made for an alternative access off Wash Road with a one way in and one way out system being operated within the site.

A member stated he felt the application contravened policy 18 due to the lack of any affordable housing; policy 6 at the lack of any contributions and policy 3 due to the design of the fenestration's proposed. The member further noted that it appeared the proposal was contrary to the Inspectors findings, with point 42 of the appeal stating that the Council was unable to demonstrate a five year housing supply, which clearly it now could. Advice was given to the Committee from the Legal Adviser and the Growth Manager regarding these issues.

Further questions raised for clarity were answered by the Senior Planning Officer including:

Parking spaces were dedicated parking spaces accessed from the street for each dwelling in parking bays at the front of the dwellings or on a parking court.

There had been no access from Wash Road onto the site in the previous application and the apparent access on a map was in fact a pedestrian access only, across the rear of the terraced houses.

Raised floor levels would be 3.9 above O.D

The Growth Manager confirmed that the application tabled for determination was a new planning application and was a totally separate application to the last one. Although that application as a 'fall-back' was a significant material consideration. He stressed that issues being tabled in respect of highways had all been considered by the Inspector during the appeal, and the appeal notice within the agenda itemised the outcomes between point 10 and 26 of the notice, which concluded that the access was found to be appropriate.

He further reminded committee that whilst the previous applicant had not undertaken a financial appraisal on the site, the new developer had and that had raised a number of costly actions that needed to be addressed to progress the site.



Having had the appraisal independently assessed, the costs identified had been found to be reasonable and had proven the site to be unviable for any affordable housing allocation or financial contribution. The fact that the original application had been subject to both requirements was irrelevant and was not for consideration in the new application. In addition, both policies of the SELLP and the NPPF did allow for a reduction or removal of both affordable housing allocations and section 106 contributions when evidenced.

Following further discussion on the lack of both affordable housing and financial contributions, the Legal Officer addressed the committee and stated that members needed to be very mindful of the importance of the viability assessment which had proven legally sound reasons to allow the application to come forward without the need for any section 106 contribution or affordable allocation.

Councillor Bedford addressed the committee, advising that in his view and experience the Council would be wide-open at Appeal if this application were to be refused. He found the access to be acceptable and preferable to a new access onto Wash Road which would require people to turn right across the A16. He also felt a one-way route, had potential to become a racetrack and was not appropriate. Design he concluded was in 'the eye of the beholder'. Overall, he was supportive of the application.

Councillor Goodale queried whether the affordable housing could be dealt with by condition or legal agreement, citing the discussion within the previous Appeal. Advice was provided by the Growth Manager that the approach can change depending on the circumstances, but in relation to this application was not a significant consideration as no contributions or affordable housing was proposed.

The Chairman addressed the meeting and whilst agreeing many of the committee's concerns in respect of the access and the design and fenestration, he reaffirmed the legal position in respect of the viability assessment and expressed his concern that should committee refuse the application on any of the reasons allowed within the appeal or within the financial appraisal, then officers would be unable to defend any such decision at appeal.

It was moved by Councillor Tom Ashton and seconded by Councillor Paul Skinner that committee grant the application in line with officer recommendation, subject to the conditions, reasons and informatives therein.

It is noted that a second motion by Councillor Noble and seconded by Councillor Woodliffe tabled a negation of the move to grant citing policies 6, 18 and 3 of the SELLP: the original motion to grant was taken to the vote first.

Vote: 9 in favour. 3 against. 0 abstention.

**RESOLVED: That committee grant the application in line with officer recommendation subject to the following reasons, conditions 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 approved shall be carried out in accordance with the following approved plans:

- Ref: 1308-4\_PL\_LP01 Rev A – ‘Location Plan’
- Ref: 1308-4\_PL\_SP02 Rev B – ‘Proposed Site Plan’
- Ref: 1308-4\_PL\_SP03 Rev B – ‘Proposed Site Plan in context’
- Ref: 1308-4\_PL\_SP04 – ‘Access Detail Plan’
- Ref: 1308-4\_PL\_GA01 – ‘Proposed Plans and Elevations (house type 1)’
- Ref: 1308-4\_PL\_GA02 – ‘Proposed Plans and Elevations (house type 3)’
- Ref: 1308-4\_PL\_GA03 – ‘Proposed Plans and Elevations (house type 4)’
- Ref: 1308-4\_PL\_GA04 – ‘Proposed Plans and Elevations (house type 5)’
- Ref: 1308-4\_PL\_GA05 – ‘Proposed Plans and Elevations (house type 6)’
- Ref: 1308-4\_PL\_GA06 – ‘Proposed Plans and Elevations (house type 7)’
- Ref: 1308-4\_PL\_EL01 – ‘Proposed Elevations (house type 2)’
- Ref: 1308-4\_PL\_PL01 – ‘Proposed Plans (house type 2)’
- Ref: 1308-4\_PL\_PL02 – ‘Proposed Roof Plans’

And read in conjunction with the various recommendations of the supporting documents which accompany the application unless varied by other conditions attached to and forming part of this decision.

**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)

3. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) dated July 2019 completed by RM Associates and the following mitigation measures detailed within the FRA including:

- Finished floor levels to be set no lower than 3.9m above Ordnance Datum (AOD)
- All dwellings to be at least two storey

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 Polices 2, 3, 4 and 31 of the South East Lincolnshire Local Plan (2011-2036) and the intentions of the National Planning Policy Framework (2019).

4. 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)

5. 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).

6. Prior to the construction of any building above damp proof course, 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).

7. No development shall take place above damp proof course, until details of the materials proposed to be used in the construction of the external surfaces have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

**Reason:** No details of materials have been submitted, these details are required in the interests of the amenity of the area and to ensure that the new buildings are in keeping with the character of the area to accord 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).

8. Prior to the construction of any building above damp proof course, full details of both hard and soft landscaping works shall be submitted to and approved in writing by the Local Planning Authority. The details shall include:
- a) boundary treatment
  - b) hard surface materials
  - c) minor structures
  - d) soft landscaping details for proposed trees and hedgerows including planting schedules (species, sizes densities etc)
  - e) existing trees to be retained/removed and details of replacements
  - f) biodiversity mitigation and enhancement measures

The approved works carried out in accordance with the approved details

**Reason:** In the interests of visual amenity and in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan (2011-2036).

9. All landscape works relating to each completed part of the development shall be carried out in accordance with the approved details within months of the completion of that part of the development. 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 to ensure an effective landscaping scheme is delivered, including planting of trees, 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).

10. Prior to the occupation of any dwelling a landscape management plan including management responsibilities for any areas of open space, private drives and shared surface parking areas shall be submitted to and approved in writing by the Local Planning Authority.

**Reason:** To ensure the long term maintenance of the these areas and to accord with policies 2 and 3 of the South east Lincolnshire Local Plan (2011-2036).

11. The development hereby approved shall be carried out fully in accordance with the Tree constraints and Protection Report (ref:722/18d v2), and in particular Section 3 (Tree Protection Detail) containing the schedule of works for affected trees including their root protection areas.

**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.

12. Prior to the construction of any building above damp proof course, a detailed surface water drainage scheme shall be submitted to the Local Planning Authority for agreement in writing.

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 a level that shall be submitted to and agreed by the Local Planning Authority
- 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, and all surface water measures relating to that phase and dwelling have been completed. 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. 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 Policies 2 and 3 of the South East Lincolnshire Local Plan (2011-2036).

14. No dwellings shall be commenced before the first 50 metres of the estate road from its junction with the public highway, including visibility splays, has been completed to binder course level.

**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 Policies 2 and 3 of the South East Lincolnshire Local Plan (2011-2036).

15. 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 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).

16. No development shall take place until a Construction Management Plan and Method Statement has been submitted to and approved in writing by the Local Planning Authority, which shall include;

- Phasing of the development to include access construction
- The parking of vehicles of site operatives and visitors
- Loading and unloading of plant and materials
- Storage of plant and materials used in constructing the development
- Wheel washing facilities
- The routes of construction traffic to and from the site
- Strategy stating how surface water run off on and from the development will be managed during construction and protection measures for any sustainable drainage features. This should include drawings showing the drainage systems connect to an outfall during construction.

The Construction Management Plan and Method Statement shall be strictly adhered to throughout the construction period.

**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 development during construction and to ensure that traffic routes are agreed, and in the interests of protecting neighbour's amenity. This condition accords with Policies 2, 3 and 4 of the South East Lincolnshire Local Plan (2011-2036).

17. If, during development, contamination not previously considered is identified, then the Local Planning Authority 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 Local Planning Authority.

**Reason:** To ensure all contamination within the site is dealt with in accordance with Policy 30 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. Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.
4. Protection of existing assets - A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contact Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water.
5. Building near to a public sewer – No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact Development Services Team on 0345 606 6087.

The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact our Development Services Team on 0345 606 6087 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements.

## **65 PLANNING APPLICATION B 19 0409**

### **Erection of electronic gates at site entrance**

**Land off Sibsey Road Boston PE21 9RN**

### **Charlotte Drew Larkfield Homes**

The Senior Planning Officer presented the report to committee and advised an update following issue of the agenda.

Members were advised that the applicant had made a significant change to the report and had withdrawn the electronic gates from the application: all that remained was the piers and the wall. As such, members were advised of amendments to the report:

1. Condition 2 would be amended to include reference to the amended plan.
2. An additional condition would be added restricting any future alterations to the walls to be subject to planning committee or officer delegation decision making.

Representation had been requested by Fishtoft Parish Council and Parish Councillor Armstrong addressed the committee but stated that the only objection that Parish Council had was in respect of the electronic gates: as the gates had been withdrawn from the application, no further representation would be made.

General committee deliberation agreed the removal of the electronic gates as being positive although concerns were noted in respect of the wall being a visual barrier, parking issues on the site and potential future changes to the access which could include gates being positioned. Issues in respect of bin collection were also raised along with a suggestion of removal of the piers to allow footpath access on both sides. The Growth Manager confirmed that committee only needed to determine the application tabled and issues of bin collections and parking issues were not for consideration.

A member voiced concern at the wrong information detailed on the amended plan which identified the location as Wainfleet Road and not Sibsey Road, and also stated the siting of the wall as an 'entry' when it should have read wall. The member asked for the wrong information to be rectified and agreed to delegated powers being given to the Growth Manager to make the amendments to correct the errors identified within the amended plan.

It was moved by Councillor Paul Skinner and seconded by Councillor Stephen Woodliffe that committee grant the application in line with officer recommendation, subject to the conditions and reasons therein; subject to the amendment to condition 2; subject to the additional condition and subject to delegated powers to the Growth Manager to rectify the errors within the amended plan.

Vote: 10 in favour. 2 against. 0 abstention.

**RESOLVED:** That committee grant the application in line with officer recommendation, subject to the following conditions and reasons and subject to the Growth Manager being given delegated powers to rectify the errors identified within the amended plan.

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 30-Sep-2019 and in accordance with the associated plans referenced:

Entrance wall location plan ref L161/EWP/01 rev A

Entrance wall- plan and elevation- preliminary ref L161/ENTRY/02 rev A

**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. No development shall take place above ground level until details of the materials to be used on the external surfaces 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:** In the interests of the visual amenity and to accord with the objectives of Policies 2, 3 and 23 of the South East Lincolnshire Local Plan (2011-2036).

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no future extension or alterations, including the insertion of any gates, shall be made to the walls and piers hereby approved without the formal approval of the Local Planning Authority.

**Reason:** To define this permission and to ensure the development is carried out in accordance with the amended plans, in the interests of highway safety and the amenity of the area. This condition accords with the objectives of policies 2 and 3 of the South East Lincolnshire Local Plan (2011-2036).

The Meeting ended at 11.50 am

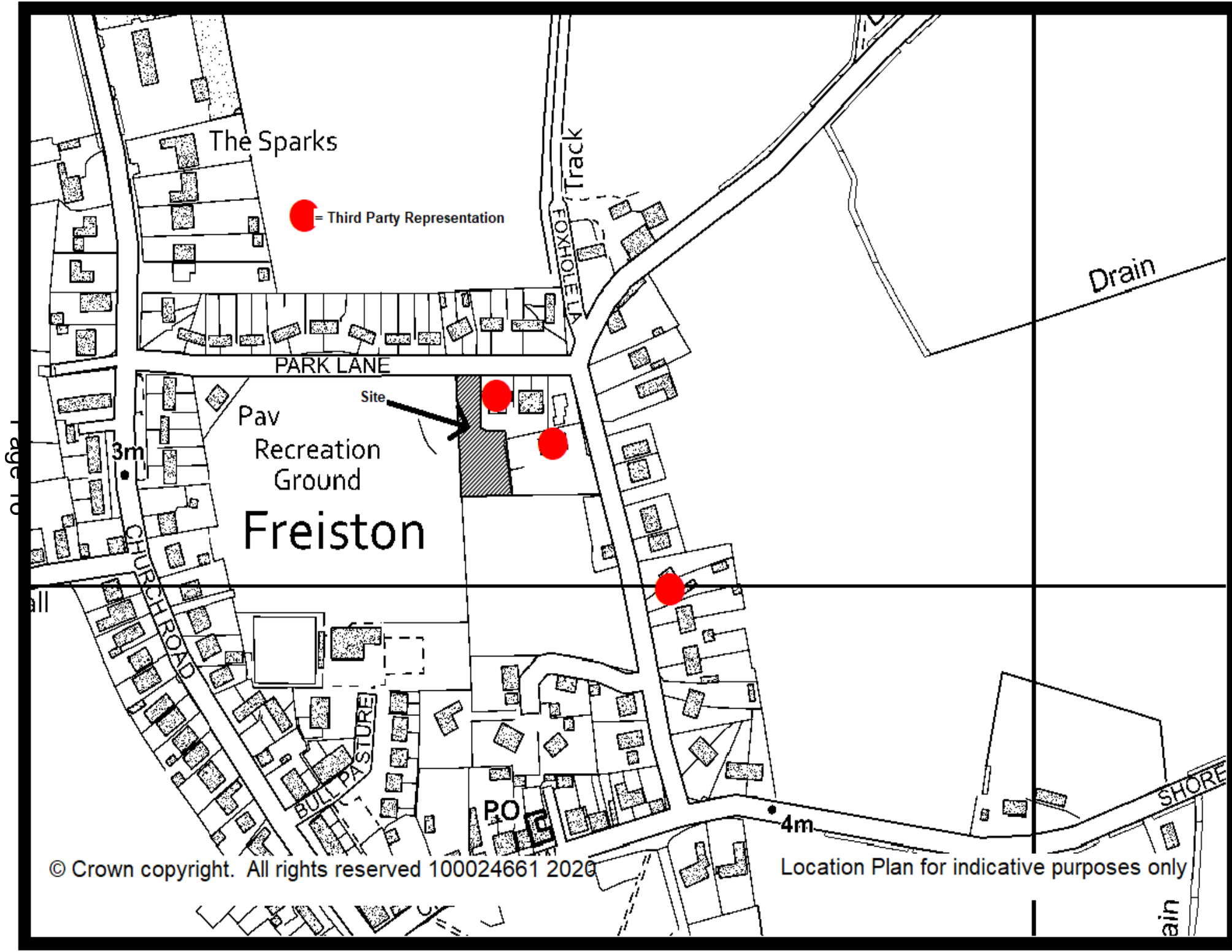
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# **PLANNING APPLICATION B/19/0375**

Erection of 4 dwellings and associated  
access

Land at Park Lane, Freiston, Boston

Applicant:  
Greenfinch Homes



# BOSTON BOROUGH COUNCIL

## Planning Committee - 11 February 2020

Reference No: B/19/0375

Expiry Date: 06-Dec-2019

Extension of Time: 04-Jan-2020

Application Type: Full Planning Permission

Proposal: Erection of 4 dwellings and associated access

Site: Land at Park Lane, Freiston, Boston

Applicant: Greenfinch Homes

Agent: Rick Smith Design

Ward: Coastal

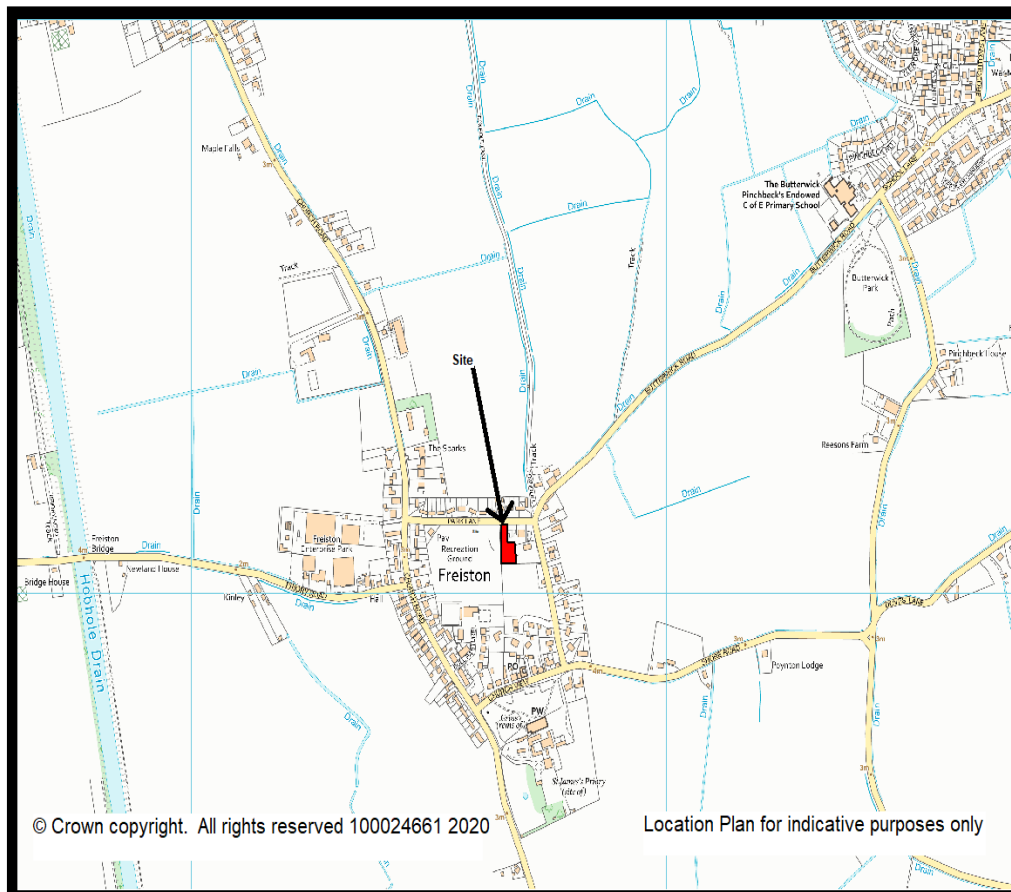
Parish: Freiston Parish Council

Case Officer: John Taylor

Third Party Reps: Four received

Link to application: [B/19/0375](#)

**Recommendation: GRANT subject to conditions.**



## **1.0 Reason for Report**

- 1.1 The application has been 'called-in' to Planning Committee at the request of Councillor Peter Bedford who raises concerns regarding over-intensification, sewerage, loss of light affecting the living standards of a neighbour and the effect on the children's play area and the adult equipment on the adjacent recreation ground.

## **2.0 Application Site and Proposal**

- 2.1 The site is located within the settlement boundary of Freiston with the front of the plot facing onto Park Lane. An established area of recreational open space (football pitches/cricket etc.) runs along the full length of the western boundary and to the east is the rear garden boundary of a dwelling known as Kingstone. To the northeast are the rear gardens of no's 29 and 30 Park Lane with an undeveloped area of open land to the south.
- 2.2 The entrance to the site would be off Park Lane and the dwellings would be sited at the rear of the plot slightly behind the footprint of no's 29 and 30. It is noted that on the frontage of Park Lane are 4 relatively new properties, and a further property fronting Butterwick Road.
- 2.3 A number of mature trees are positioned along the boundary of the site and the area of open space (to the west). Although these trees are not protected they do contribute to the visual amenity of the area.
- 2.4 This proposal seeks full planning permission for the erection of 4 dwellings and associated access. The dwellings would be arranged as 2xsemi-detached pairs, with ridge heights of 6.8m and eaves of 4.4m. Each pair would measure 9.75m x 9.5m, and they would be constructed of brick under tiled roof. All of the units would be accessed via a private driveway, leading to a parking court with 2 spaces per unit provided along with turning space. Rear gardens would be provided to the south of the units.

## **3.0 Relevant History**

- 3.1 B/17/0465 – Erection of two bungalows – approved on 28/02/2018.
- 3.2 B/16/0057 – Outline consent for 5 dwellings – Allowed on appeal on 22/11/2016.

## **4.0 Relevant Policy**

- 4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that determination must be made in accordance with the plan unless material considerations indicate otherwise.

### **South East Lincolnshire Local Plan (2011-2036)**

The following policies are considered to be the most relevant to this proposal:

- Policy 1 – Spatial Strategy
- Policy 2 – Development Management
- Policy 3 – Design of New Development

- Policy 4 – Approach to Flood Risk
- Policy 30 – Pollution
- Policy 31 – Climate Change and Renewable and Low Carbon Energy
- Policy 32 – Community, Health and Well-being
- Policy 36 – Vehicle and Cycle Parking
- Appendix 6 – Parking standards
- Appendix 7 - Local Plan implementation

### **National Planning Policy Framework (2019)**

- Section 2 – Achieving Sustainable Development
- Section 4 – Decision Making
- Section 5 – Delivering a Sufficient Supply of Homes
- Section 8 – Promoting Healthy and Safe Communities
- Section 11 – Making Effective Use of Land
- Section 12 – Achieving Well-designed Places
- Section 14 – Meeting the Challenge of Climate Change, Flooding and Coastal Change

## **5.0 Representations**

5.1 As a result of the publicity four letters of representation were received from

- Outgate (Leverton): ‘Threeways Cottage’
- Butterwick Road: no.11 & ‘Kingstone’
- Park Lane: no.30

A summary of the concerns raised are:

- Detrimental effect on the area
- Loss of sunlight to neighbours
- Trees will be damaged as a result of the development
- Feel uncomfortable using the play area if houses are developed as the play area will be overlooked
- Area feels more urban than rural as a result of the houses
- Impact on highway safety and more cars would contribute to deterioration of the road
- Overdevelopment
- Danger to children crossing the road
- Too much traffic already using the roads
- Concerns over foul drainage connections
- Poor access into site
- Encourage more parking on Park Lane
- Totally out of character for area
- Tranquillity and visual appearance of area affected
- Increase in noise and emissions
- Contribute to flooding in area

## **6.0 Consultations**

6.1 County Highways Authority – No objections but informatives provided.

6.2 Parish council – Object on the following grounds:

- (i) overdevelopment of the plot;
- (ii) development too close to neighbouring bungalow;
- (iii) disposal of sewerage is still a concern;
- (iv) a management plan for the private road and grassed amenity area should be provided;
- (v) the drive should be widened to allow for overspill car parking;
- (vi) an acoustic fence should be installed on the boundary near the play area;
- (vii) existing trees would affect the properties; and
- (viii) the PC also point out that there is a speed bump outside the entrance to the site.

6.3 Environmental Health – No objections but recommend a condition relating to unforeseen contamination found during construction.

6.4 Witham Fourth Internal Drainage Board – Only advise applicants to contact the Board if there is a change in the method of surface water and treated water disposal.

6.5 Environment Agency – No objections subject to conditions ensuring that development proceeds fully in accordance with the submitted flood risk assessment.

## **7.0 Planning Issues and Discussions**

7.1 The key planning issues in the determination of this application are:

- Previous appeal decision - 5 dwellings
- Principle of development
- The layout, design, scale and size of the development and its impact on the character and appearance of the area
- Impact on residential amenity
- Highway issues and car parking
- Flood risk and drainage
- Refuse collection
- Impact on trees
- Other matters
- Planning Conditions

### Previous appeal decision – 5 dwellings (covering larger site)

7.2 An outline application for 5 dwellings on a larger site that included the application site for this proposal was refused by the council and was the subject of an appeal; the appeal was allowed by the Inspector (B/16/0057). The key issues considered by the Inspector were the impact on the character and appearance of the area, the impact on the amenities of neighbours and whether the proposal would be a sustainable location for new residential development. The conclusion by the Inspector was that the development would contribute to a sustainable pattern of development, limited harm would arise to neighbours as a result of the development and that the development of the under-used paddock land would not cause more than moderate harm to the character of the area.

7.3 Whilst this proposal is for only the remaining part of that appeal site that is yet to be developed (situated to the southwest and west of the newly constructed houses fronting onto Park Lane), it is considered that the development at the rear of the site is unlikely to give rise to other matters that were not considered by the Inspector at



the time of that decision. The appeal decision has to be given significant weight, as it allows for development on the application site, as does the subsequent approval of 2 bungalows under ref: B/17/0464. The core considerations for this application will be the same as those found acceptable within the Appeal scheme, the main issue being whether the increase in numbers (to a total of 4 dwellings) would still ensure that the resultant development would be of an acceptable, and consistent with the Inspectors previous conclusions.

#### Principle of development

- 7.4 Policy 1 of the SELLP, which identifies Freiston as an 'other service centre and settlement' would generally support the redevelopment of the site for housing as it is located within the settlement boundary of Freiston and would help support Freiston's role as a service centre. Furthermore, the principle of housing on this site has been established through both the Appeal decision (5 units) and more recently with the granting of planning permission for 2 bungalows (Ref: B/17/0464).
- 7.5 Although the policy context has changed since the previous approvals (with the adoption of the SELLP), the proposals would be consistent with the objectives of the SELLP in principle and would secure additional dwellings which would contribute to the needs for the village and the wider Borough. It is therefore considered that, subject to all other matters being acceptable, the principle of residential development on this site would accord with Policy 1 (Spatial Strategy).

#### The layout, design, scale and size of the development and its impact on the character and appearance of the area

- 7.6 The four dwellings would be presented as two pairs of semi-detached properties all of which will be set over two floors with dormer style windows that extend from the upper elevations into the roofline. Each house would provide a 3-bed dwelling.
- 7.7 The ridge height of the dwellings would be set at 6.8 metres with the eaves at 4.4 metres. This relatively low ridge height would assist in reducing the overall visual impact from the new development on the surrounding area. Whilst the development would be visible from public areas (including the park) this visual change is not, of itself, harmful. This impact is further reduced given the line of mature trees along the western boundary of the plot that would provide visual relief from the development from public vantage points. Although the number of properties would be higher than previously approved, and may be somewhat unusual for what is in essence a backland position, the key test is whether the development (taken as a whole) can be appropriately accommodated within the available space without any significant adverse impacts. In this case, whilst the development may appear on plan as being tight, it is considered that in the context of the various other forms found within this immediate part of the village, the positioning of the dwellings would have minimal overall harm upon the character and appearance of the area.
- 7.8 In terms of scale of the proposed dwellings they would be sited behind the existing two-story properties and their scale would not be inconsistent with these road frontage properties. A single storey dwelling exists to the east of the proposed houses but the ridge height of the bungalow is again similar to the proposed dwellings.
- 7.9 The design of the properties shows half dormer windows protruding onto the roof slope and porches to each dwelling. The materials are specified as Istock western

red multi-bricks with Dark Grey dual Calderdale Sandtoft roof tiles. These materials are considered suitable for this location and the whole scheme would result in an attractive development that is highly unlikely to adversely impact upon the general character and appearance of the area.

- 7.10 For these reasons it is considered that the proposal would accord with Policies 2 and 3 of the SELLP.

#### Impact on residential amenity

- 7.11 The nearest dwellings to the proposed houses are the two-story properties to the north east that front onto Park Lane and the existing bungalow to the east. Separation distances between the front elevation of the proposed dwelling and the rear elevation of the existing dwellings to the north east would be approximately 25 metres. The distance between the gable end of the property facing the bungalow would be over 22 metres.
- 7.12 Although concerns have been raised by the Parish Council and from neighbours about the close relationship between the new dwellings and the existing bungalow to the west, the separation distance proposed between the new build and the bungalow to is considered more than adequate to prevent any significant harm by way of overshadowing and loss of light. Although an element of visual intrusion and shadowing may occur, as well as a minor increase in noise and disturbance that would arise as a result of this development, any harm to the amenity of the occupiers of the adjacent bungalow and other nearby dwellings is likely to be minor in nature rather than substantial.
- 7.13 It is therefore considered that, on balance, the proposal accords with Policies 2 and 3 of the SELLP.

#### Highway issues and car parking

- 7.14 The main vehicular access into the site would be taken off Park Lane between the Recreation Ground/children's play area and no.30. The driveway would be a gravelled private drive that would not be adopted by the County Highways Authority. This access arrangement is broadly similar to that previously found to be acceptable by the Inspector and by the Council in granting the previous permission for 2 dwellings.
- 7.15 No objections have been raised by the Local Highway Authority subject to a number of informatives provided for the attention of the applicant.
- 7.16 Policy 36 'Vehicle and Cycle Parking' provides minimum parking standards for various types of development. Annex 6 of the SELLP provides details on the level of car parking and cycle parking expected within new residential developments. It indicates that two parking spaces should be provided to serve properties of up to three bedrooms and that a garage can count as one space if it has an internal dimensions of 2.6m by 5.6m with an additional 1m at its end to park cycles.
- 7.17 All dwellings would have 2 parking spaces and thus would accord with the minimum parking levels set out in Annex 6. It is further considered that given the garden sizes proposed, there would be sufficient external space for appropriate storage. As such, the scheme would accord with the requirements of policy 36.

### Flood risk and drainage

- 7.18 The application site is located within flood zone 3 of the Environment Agency's flood zone maps and according to the EA flood hazard maps (1 in 200 year) the site is in a 'danger for all' flood hazard area.
- 7.19 The application is accompanied by a Flood Risk Assessment and the Environment Agency has been consulted. Their response is one of no objections subject to a condition ensuring that the development proceeds in accordance with mitigation measures outlined in the FRA including that finished floor levels shall not be set lower than 1 metre above existing ground level and that all dwellings shall be a minimum of two storeys.
- 7.20 Advice provided by the Witham Fourth IDB states that the IDB should only be consulted if the method of disposal of surface water changes from soakaways.
- 7.21 Based on the above assessment it is considered that, subject to imposing a compliance condition, the proposal would accord with Policy 4 of the SELLP and the intentions of Section 14 'Meeting the challenge of climate change, flooding and coastal change' of the NPPF.

### Refuse collection

- 7.22 The proposed four dwellings would be served by a private drive taken from Park Lane. As refuse lorries would not be able to use the private drive to access refuse bins a bin collection point area should be provided adjacent to the highway. In the absence of details showing this collection area it is recommended that a condition be imposed requesting final details of this bin collection point. This would ensure that refuse matters are appropriately dealt with within the scheme thus satisfying the relevant criteria within Policies 2 and 3 of the SELLP.

### Impact on trees

- 7.23 According to the submitted arboricultural report some of the trees along the western boundary will require some method of root protection during construction of the houses and/or the driveway. During the construction phase trees T4 and T5 have construction at the edge of the root protection areas (RPAs) and this part of the development could be managed by the recommendations set out in the arboricultural method statement; this should be conditioned accordingly. This would ensure that these trees are protected during the construction. Trees T2 and T3 would have the proposed new driveway within their RPAs and it is also recommended that a condition be imposed to ensure a no-dig surface construction method is used for the driveway. Tree T6 has foundations within its RPA and the report recommends that the layout is slightly adjusted to account for this. However, the submitted report does acknowledge the previous history for the site where Inspector's conditions relating to tree protection were used within the previous appeal decision for the site that was allowed on appeal (ref: B/16/0057). It is considered that subject to imposing a suitably worded condition to safeguard the trees on the neighbouring land the proposal would be acceptable and thus accord with Policies 2 and 3 of the SELLP.

### Other matters

- 7.24 The Parish Council and neighbours have raised concerns about the disposal of foul water for the scheme. The applicants have indicated that the disposal of foul water would be via the existing mains sewer and this method appears reasonable for the four dwellings proposed within this scheme. No concerns have been raised by the Internal Drainage Board.
- 7.25 A suggestion has also been raised within the objections received that the driveway should be widened to accommodate overspill parking. However, given that suitable levels of parking for future occupiers of the proposed houses have been accommodated within the scheme it would be difficult to justify such a condition requiring increased levels of parking in this instance. Such a condition would also fail the conditions tests set out within the NPPF.
- 7.26 The Parish Council have also suggested that an acoustic fence should be installed along the western boundary of the driveway to reduce noise and overlooking into the site from the children's play area, and from future occupiers of the site looking onto the play equipment and the adult training equipment located within this area of the recreation ground. However, this proposal would not result in any direct overlooking from the proposed dwellings into this area, and any noise and disturbance that may arise from this development is likely to be minimal rather than substantial. It is therefore considered that such a condition would be difficult to be justified and thus would fail to meet the 'necessary and reasonable' conditions tests set out within the NPPF. Furthermore, the relatively oblique relationships that would exist between the recreation ground and the new properties would not be substantially different to those of other properties which share a common boundary with, or general relationship with the park. As such, in land-use terms, the two can coexist acceptably.
- 7.27 In respect of the concerns raised about the trees affecting future occupiers of the dwellings, it is the officer's view that this would be a matter of consideration for future purchasers of the properties to consider rather than using the issues to restrict future development on this site.
- 7.28 The concerns raised within the objections received have been taken into account. However, these would not be sufficient to outweigh the merits of this proposal where a moderate contribution would be made to the Borough's housing land supply in a sustainable location where the principle of new residential development is accepted.

### Planning conditions

- 7.29 In addition to the standard conditions which limit the life span of the planning permission and lists the approved plans, conditions are recommended which relate to drainage and flood risk, tree protection works, refuse collection and potential contamination.

## **8.0 Summary and Conclusion**

- 8.1 The proposal would result in the development of underused land for residential purposes within a settlement described as an 'other service centre and settlement' within the SELLP. The scheme would provide a moderate contribution to the housing supply within the Borough.

8.2 The concerns raised within the third party objections received and those raised by the Parish Council have been taken into account in the determination of this application. The site is suitable for residential development and the primary issues in the determination of the application have been fully assessed as identified above and found to be acceptable or would be acceptable subject to the imposition of the conditions recommended below. It is therefore recommended that the application be approved.

## 9.0 **Recommendation**

9.1 GRANT Planning Permission subject to the following condition(s) and reasons:-

### **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 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 (2011-2036).

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).

### **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.

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## B O S T O N B O R O U G H C O U N C I L

REPORT TO:	Planning Committee
DATE:	11 <sup>th</sup> February 2020
SUBJECT:	Receipt of Appeal Decisions
PORTFOLIO HOLDER:	Councillor Nigel Welton
REPORT AUTHOR:	Mike Gildersleeves - Growth Manager
EXEMPT REPORT?	No

### **SUMMARY**

The purpose of this report is to advise members of the receipt of appeal decisions received since the previous report.

2 decisions have been received:

- 1 Allowed - Blue Bungalow, Pode Lane, Old Leake, Boston, PE22 9NB
- 1 Dismissed - The Old Smithy, Highgate, Leverton, Boston, PE22 0AJ.

### **RECOMMENDATION**

The Committee are asked to note this report.

### **REASONS FOR RECOMMENDATION**

To address the Service Plan 2019/20.

## **1.0 INTRODUCTION**

- 1.1 It is established practice that all appeal decisions are reported to Planning Committee as part of performance monitoring and to consider if any particular decisions raise issues which might influence practice or future decision making.
- 1.2 All applicants have a right of appeal against the decision of the planning authority, over a refusal, an approval with conditions (if the conditions are unacceptable to the applicant) and in cases of 'non-determination' where the authority has not issued a decision within the prescribed 8 or 13-week period without an agreed 'extension of

time'. The right of appeal applies to all categories and types of applications – including Enforcement and other Notices where there are defined categories or grounds of appeal which an appellant has to follow.

## 2.0 APPEAL DECISIONS

<b>Location</b>	Blue Bungalow, Pode Lane, Old Leake, Boston, PE22 9NB
<b>Reference</b>	B/18/0456
<b>Proposal</b>	Outline application with all matters (layout, scale, appearance, access and landscaping) reserved for the construction of up to 5 dwellings
<b>Delegated / Committee</b>	Committee
<b>Appeal Decision</b>	Allowed
<b>Appeal Date</b>	03/01/2020

- 2.1 The above decision follows the refusal of the application by the Planning Committee, the reasons for refusal cited over-development by virtue of the number of dwellings proposed and the impact on the character of the area.
- 2.2 The Inspector recognised the change in policy (the adoption of the SELLP) since the refusal, and recognised the outline nature of the proposal (with all matters reserved) with the indicative plans being afforded some limited weight, accepting that a Reserved Matters application would be necessary to fix matters such as layout and scale.
- 2.3 The Inspector highlighted the edge of settlement nature of the site and the changing density and form of nearby development. They noted that the indicative plans showed development comparable to that to the east, but that the Reserved Matters could dictate the final layout and number of dwellings, along with their scale and appearance.
- 2.4 The Inspector concluded that the scheme was an improvement on the previous iteration for 6 units and that it would better assimilate with its surroundings. The Inspector advised that subject to conditions the proposal would comply with policies 2 and 3 of the SELLP.
- 2.5 Under other matters the Inspector highlighted the Councils 5YHLS, and discussed other concerns raised by various parties, imposing conditions where appropriate.
- 2.6 It is noted that condition 5 prevents no more than 5 dwellings on the site, including the existing if that is to be retained.

### **Growth Manager comments:**

- 2.7 Although disappointing that the Council have 'lost' this Appeal decision, the outcome is not entirely surprising. The previous iteration and the dismissed Appeal as reported in July 2019 clearly indicated that there was potential for a revised scheme to come forward.

- 2.8 Equally, in November 2019, permission was granted in outline form for 3 dwellings under Delegated Powers.
- 2.9 As such, it is clear that there was agreement from both the Council and the Inspectorate that the site was suitable for housing. The onus being now on the applicants/developers of the site to bring forward a suitable scheme under the Reserved Matters which would be duly assessed against the policies of the Local Plan. Subject to an acceptable scheme being presented, there is the ability for up to 5 dwellings to come forward on this site.

<b>Location</b>	The Old Smithy, Highgate, Leverton, Boston, PE22 0AJ
<b>Reference</b>	B/19/0026
<b>Proposal</b>	Application for Prior Approval change of use from agricultural building to dwelling house (Class C3)
<b>Delegated / Committee</b>	Delegated
<b>Appeal Decision</b>	Dismissed
<b>Appeal Date</b>	13/01/2020

- 2.10 This application related to a Prior Approval to change the use of an agricultural building to a dwellinghouse, under Class Q of Part 3 of the GDPO 2015. The application was refused on technical grounds relating to the previous use of the building, and the size of the dwellinghouse proposed, both of which failed to comply with the relevant aspects of the legislation.
- 2.11 The Inspector agreed the building did not appear to have been solely used for agriculture, and that there was a lack of evidence to the contrary. As such the scheme did not comply with Class Q.
- 2.12 Further, he noted that there were concerns regarding the extent of curtilage, but this could be defined within the decision if the scheme had met all other requirements of Class Q. As it did not, no further consideration was given.
- 2.13 The Inspector concluded that the scheme was not permitted development, and thus dismissed the Appeal.

**Growth Manager comments:**

- 2.14 There are no comments to make on this decision as it related purely to technical considerations relating to compliance with the legislation.

**3.0 CONCLUSION**

- 3.1 The Council has received 16 decisions from 1<sup>st</sup> April 2019 to 28<sup>th</sup> January 2020, of which 7 were allowed and 9 were dismissed.
- 3.2 The Ministry of Housing, Communities and Local Government (MHCLG) monitors authorities in relation to the number of major and non-major applications overturned (i.e. allowed) at appeal. The threshold is for fewer than 20% of all major applications determined overturned at appeal over a rolling two-year period (i.e. the total number of major decisions divided by the total number overturned). For authorities who exceed

this target, they will be classed as 'poorly performing' and applications for major developments may be made by developers directly to the Planning Inspectorate. MHCLG also monitor the threshold for quality of decisions for non-major applications, the threshold for which is 10%. Like the major threshold this is the total number of non-major applications overturned at appeal compared to the total number of non-major decisions made.

- 3.3 The following tables set out the Councils position in relation to the rolling two year period. In this case between 31<sup>st</sup> January 2018 to 28<sup>th</sup> January 2020:

<b>2 year - Appeals performance - Majors</b>			<b>2 year - Appeals performance - Non-Major</b>	
Total number of decisions	87		Total number of decisions	778
Total number of Appeals	3		Total number of Appeals	24
Dismissed	2		Dismissed	12
Allowed	1		Allowed	10
Withdrawn	0		Withdrawn	2
<b>% indicator (majors allowed / total number of decisions)</b>	<b>1.1%</b>		<b>% indicator (non-majors allowed / total number of decisions)</b>	<b>1.28%</b>

- 3.4 Given the aforementioned performance, the Council is therefore significantly within government's target and not at risk of being classed as poorly performing.

**FINANCIAL IMPLICATIONS**

None

**LEGAL IMPLICATIONS**

None

**ANY OTHER IMPLICATIONS**

None

**CONSULTATION** None undertaken

**BACKGROUND PAPERS**

Background papers used in the production of this report are listed below: -

**Document title**

Application file including Appeal documents –

**Planning References:**

- B/18/0456
- B/19/0026

**Where the document can be viewed**

All application documents are available via the Councils website using the relevant details.

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