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Dear Councillor

PLANNING COMMITTEE - TUESDAY, 5TH MARCH, 2024

Please find attached additional supplementary information in respect of the following Planning Application, for consideration at the Planning Committee on Tuesday, 5th March, 2024.

No Item

1 PLANNING APPLICATION B/22/0366 (Pages 1 - 6)

Full Planning Permission:

Erection of 70 dwellings including associated landscaping, an electric substation, walls, fencing, provision of car parking courts, construction of vehicular and pedestrian access, internal roads, associated landscaping and the extension of an attenuation basin and provision of surface and foul water drainage comprising Phase 5 Heron Park, Boston in accordance with amended plans and additional documents received by the Local Planning Authority on 08 Aug 2023.

Land to the north of Slippery Gowt Lane, Boston, north of previous phases of the Heron Park development

Chestnut Homes

ROB BARLOW
Chief Executive

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B/22/0366 - SUPPLEMENT TO THE AGENDA

1. On Friday 23rd February 2024 the applicant submitted amended plans for this scheme. They were received too late to be referenced in the main committee report. The conditions section of the report was therefore removed and appears in this supplementary with the amended plans being included in the list shown in recommended condition 2.

The initial amendments affect two areas. Firstly, house type 103 is removed from the scheme. This does not have a material impact on the proposal or on the recommendation, and hence no modification is necessary to the relevant sections of the main report.

The second area covers the waste collection strategy and the details set out in drawing no. HWB5/14. Commenting in April 2023 on the version originally submitted the Council's refuse team expressed concern about an area of block paved roadway, which was not felt to be adequate to bear the weight of refuse freighters, and also drew attention to the need for bin collection points to serve groups of dwellings not fronting the adoptable highway to which freighters are normally restricted. This comment is referenced in section 7.4 of the main report.

The amended plan shows the block paving having been removed, and the entire surface of the public roadway being completed to adoptable standards. The amended plan also shows specific bin storage points for dwellings on private drives. A further amended plan was received on Thursday 29th February adding additional details to the refuse collection plans

The refuse team has been consulted on the amendment. No response has been received at the time of writing, but and the details shown in the amended plans are considered to be satisfactory. No condition requiring further details (as was envisaged when the main report was prepared) is therefore considered necessary.

2. Correspondences was received from a neighbour inquiring as to the definition used of 'windfall' sites. Quoting a definition from a Parliamentary source the objector argues that the application cannot be regarded as 'unexpected', a word used in the Parliamentary definition. The writer also expresses the belief that the principle of development has been established on the site for full text see the planning file and website.

The definition of windfall used in this case is that appearing in the glossary to the Local Plan. Whether the northern part of the site is defined as 'windfall' or not, it is unallocated and technically open countryside. The matter of planning principle regarding the site is discussed in detail in the main report, and having carefully considered the points made by the objector no amendment to the report or recommendation is considered necessary.

3. On Thursday 29th February the applicant submitted further amended plans, and detailed comments relating to the text of draft recommended conditions including striking out some conditions and modifying others. The applicant also sought to deal with the matters of the education contribution and affordable housing by condition rather than a Section 106 legal agreement, and reiterated concerns about the County Council's education funding request.

The plans have been logged to the case file, and the plan numbers and receipt dates appear below in recommended Condition 2. One such plan amends the drainage plan to ensure that the

drain designed to intercept any flows off the site into the rear gardens of Wyberton Low Road neighbours was extended to the full length of that boundary in line with a request from the Internal Drainage Board - this satisfies the one outstanding matter regarding the drainage plan, and flood risk and drainage matters are now considered to be acceptable.

The applicant's concerns with the LCC request are acknowledged, and the document submitted on that matter is appended in full to this report. However officers remain of the opinion that the use of the Secretary of State's protocol is a fair and reasonable means of ensuring that appropriate planning gain is obtained if justified whilst protecting the interests of the applicant against the possibility of inaccurate forecasts. The recommendation therefore remains unchanged. The applicant also expresses the view that a six week period is inadequate to complete a Section 106 agreement for education. Officers have carefully considered the matter, and are of the opinion that six weeks is adequate to agree a timescale given that the key details are already enshrined in the protocol itself.

Officers also consider that the use of a Section 106 agreement is appropriate to deal with affordable housing.

With regard to the other conditions which the applicant had sight of in draft form, the submitted comments and suggested amendments have been carefully considered. However officers are of the opinion that the conditions as drafted were appropriate and reasonable, and they are appended below in this supplementary report. Members should note that there is one pre-commencement condition relating to the requirement for a Construction Management Plan. The applicant's correspondence does not object to this and it is therefore assumed that it is agreed - only pre-commencement require applicant agreement, and the requirement for a Construction Management Plan is a standard matter.

4. B/22/0366 – Recommended Conditions

1. The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this permission.

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

2. The development hereby permitted shall only be undertaken in accordance with the following approved plans:

- Drawing No. HWB5/01 Location Plan received by the LPA on 23-Feb-2024
- Drawing No. HWB5/02 Site Layout received by the LPA on 23-Feb-2024
- Drawing No. HWB5/03 Site Sections received by the LPA on 23-Feb-2024
- Drawing No. HWB5/04 Proposed Highway & SUDS received by the LPA on 23-Feb-2024
- Drawing No. HWB5/05 Planning History Plan received by the LPA on 08-Aug-2023
- Drawing No. HWB5 / 14 Rev C A Refuse Strategy received by the LPA on 29-Feb-2024
- Drawing No. HWB5/15 Rev B Open Space Assessment received by the LPA on 08-Aug-2023
- Drawing No. HWB5/16 Phase 5 Site Layout Overlaid with Hybrid Masterplan received by the LPA on 08-Aug-2023
- Drawing No. Type 104-V1 (3 Block) 01 - Floor Plans received by the LPA on 07-Sep-2022
- Drawing No. Type 104-V1 (3 Block) 02 - Elevations Plans received by the LPA on 07-Sep-2022

- Drawing No. Type 104 V1 01 Rev A Floor Plans and Elevations Plans received by the LPA on 07-Sep-2022
- Drawing No. Type 104-V1-105-V1 (op) - Floor Plans & Elevations Plans received by the LPA on 05-Apr-2023
- Drawing No. Type 105-V2 (3 Block) 01 - Floor Plans received by the LPA on 07-Sep-2022
- Drawing No. Type 105 -V2 (3 Block) 02 - Elevations received by the LPA on 07-Sep-2022
- Drawing No. Type 105-V2 01 Rev A - Floor Plans and Elevations received by the LPA on 07-Sep-2022
- Drawing No. Type 105-V2 Detached (op) 02 Plans and Elevations received by the LPA on 07-Sep-2022
- Drawing No. Type 105-V2 Detached 01 Plans and Elevations received by the LPA on 07-Sep-2022
 - Drawing No. 12541-WMS-P5-XX-D-C-39201-S3-P2-DRAINAGE_STRATEGY received by the LPA on 29-Feb-2024
- Drawing No. 16-225-01 Rev D Topographical Survey received by the LPA on 07-Sep-2022
- Drawing No. Type 908-V1 - 01 Floor Plans and Elevations received by the LPA on 07-Sep-2022
- Drawing No. HER-DCE-XX-XX-DR-C-5000 Preliminary Drainage Strategy Sheet 1 of 1 received by the LPA on 07-Sep-2022.

Reason: To ensure that the development is undertaken in accordance with the approved details, in the interests of residential amenity and to comply with Policies 2 and 3 of the South East Lincolnshire Local Plan (2019).

3. The development hereby permitted shall be carried out in accordance with the following documents:

- Roy Lobley Consulting Flood Risk Assessment Phase dated 5 August 2022 and received by the LPA on 07-Sep-2022
- Drawing No. Drawing No. 12541-WMS-P5-XX-D-C-39201-S3-P2-DRAINAGE_STRATEGY received by the LPA on 29-Feb-2024
- Drawing No. HER-DCE-XX-XX-DR-C-5000 Preliminary Drainage Strategy Sheet 1 of 1 received by the LPA on 07-Sep-2022
- Drawing No. HWB5/04 Proposed Highway & SuDS received by the LPA on 08-Aug-2023

Prior to any works above slab level, an amended version of drawing 12541-WMS-P5-XX-D-C-39201-S3-P1 Phase 5 Drainage Strategy showing the western boundary filer drain extended to include the areas behind nos. 188, 190 and 192 Wyberton Low Road shall be submitted to and approved in writing by the Local Planning Authority.

The drainage systems set out in the above document and drawings and all mitigation measures shall be fully installed and operational in advance of first permitted dwelling being occupied and shall be so maintained at all times thereafter.

Reason: To reduce the risk of flooding or pollution to the proposed development, its future occupants and neighbours to the site in accordance with Policies 2, 3 and 4 of the South East Lincolnshire Local Plan and paragraph 167 of the National Planning Policy Framework.

4. Finished floor levels of all dwellings hereby permitted shall be set no lower than 4.0m above Ordnance Datum (AOD), or no lower than 3.4m AOD for dwellings equipped with flood doors or barriers to a height of 600mm to cover all ground floor doorways and French windows.

Reason: To reduce the risk of flooding or pollution to the proposed development and future occupants in accordance with Policies 2, 3 and 4 of the South East Lincolnshire Local Plan and paragraph 167 of the National Planning Policy Framework.

5. The dwellings hereby permitted shall be built using flood resilient construction principles and techniques as set out in the Government document 'Improving the Flood Performance of New Buildings Flood Resilient Construction' (DCLG, 2007).

Reason: To reduce the risk of flooding to the proposed development and future occupants in accordance with Policies 2, 3 and 4 of the South East Lincolnshire Local Plan and paragraph 167 of the National Planning Policy Framework.

6. Within one calendar month of being first occupied each dwelling in the development hereby permitted shall sign up to the Environment Agency flood alert system and to the Flood Warning & Evacuation Plan forming part of this application and the premises shall remain signed up to those protocols thereafter.

Reason: To reduce the risk of flooding to the proposed development and future occupants in accordance with Policies 2, 3 and 4 of the South East Lincolnshire Local Plan and paragraph 167 of the National Planning Policy Framework.

7. Prior to commencement of the development hereby approved a detailed construction management plan shall be submitted to and approved in writing by the Local Planning Authority. The construction management plan shall include:

- Method statement detailing how construction traffic, site personnel vehicles, materials deliveries and site accommodation will be managed to safeguard highway safety and residential amenity including wheel washing facilities;
- Phasing of development to include access construction, parking and construction compounds;
- Details of measures to minimise disturbance during the site clearing and construction process through noise, dust, vibration and smoke;
- Details of proposed means of ensuring adequate drainage during the construction phase and means of ensuring water from the site does not adversely impact existing neighbours;
- Proposed hours and days of working.

The development shall thereafter be carried out in accordance with the approved construction management plan.

Reason: In the interests of the amenity of local residents in accordance with Policies 2, 3 and 4 of the South East Lincolnshire Local Plan (2019).

8. 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 adequate and appropriate remediation of the site in accordance with Policy 30 of the South East Lincolnshire Local and paragraphs 183 and 184 of the National Planning Policy Framework.

9. Prior to any works above slab level on the development hereby permitted a final schedule of all external materials to be used shall be submitted to and approved in writing by the Local Planning Authority. The development shall proceed in accordance with the details so approved.

Reason: In the interests of the architectural and visual integrity of the development and of the character of the locality and to accord with Policies 2 and 3 of the South East Lincolnshire Local Plan (2019).

10. Prior to the occupation of the first dwelling on site details of the proposed arrangements for future management and maintenance of the proposed streets within the development shall be submitted to and approved by the local planning authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under Section 38 of the Highways Act 1980 regarding streets to be adopted by the Highways Authority or a private management and maintenance company has been established which shall be responsible for any other streets within the development or shared private drives.

Reason: In the interests of highway safety and the amenity of the public and users of the site and to accord with Policies 2, 3 and 33 of the South East Lincolnshire Local Plan (2019).

11. Prior to the first dwelling hereby permitted being occupied, details of the play and public amenity equipment to be installed in the play area shown in drawing HWB5/02 Site Layout received by the Local Planning Authority on 08-Aug-2023, and the timescale for its installation (which shall be no later than the completion of the 35th dwelling) shall be submitted to and approved in writing by the Local Planning Authority. The development shall proceed in accordance with the details so approved.

Reason: In the interests of the amenity of local residents and to ensure the timely installation of a facility contributing to the residential amenities of residents. This condition is imposed in accordance with Policies 2, 3 and 4 of the South East Lincolnshire Local Plan (2019).

12. Prior to the occupation of the first dwelling on site a final schedule of which foul and surface water drainage assets are to be adopted by a statutory body and which are to remain under the control of the site, together with a management plan for those assets not to be adopted, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be managed in accordance with the details so approved.

Reason: In the interests of ensuring that the site is properly drained in the future and of the amenity of local residents. This condition is imposed in accordance with Policies 2, 3 and 4 of the South East Lincolnshire Local Plan (2019).

13. Prior to the occupation of the first dwelling on site a management plan (including management responsibilities, maintenance schedules and any proposals for future adoption by a statutory authority) for the areas of publicly accessible open space and any outdoor play areas, any streets, shared drives or footways not to be adopted by the Highways Authority shall be submitted to and approved in writing by the Local Planning Authority. The management of these areas shall be carried out in accordance with the details so 11 approved.

Reason: In the interests of the amenity of local residents. This condition is imposed in accordance with Policies 2, 3 and 4 of the South East Lincolnshire Local Plan (2019).

14. The development shall proceed in accordance with the recommendations of the document 'Preliminary Ecological Appraisal' received by the Local Planning Authority on 07-Sep-2022 and forming part of the approved application.

Reason: This condition is imposed in accordance with Policies 2, 3 and 28 of the South East Lincolnshire Local Plan (2019).

15. Notwithstanding the details shown on the approved plans, prior to any works above slab level, a landscaping and biodiversity plan incorporating the principles shown in approved drawing HWB5/02 Site Layout received by the Local Planning Authority on 08-Aug-2023 shall be submitted to and approved in writing by the Local Planning Authority. This shall include full details of the species to be planted (grasses as well as trees and shrubs), details of bird and bat nesting sites, hedgehog access and other ecology measures, and a timetable for the implementation of those works. The development shall then be implemented in accordance with the agreed details.

Reason: This condition is imposed in accordance with Policies 2, 3 and 28 of the South East Lincolnshire Local Plan (2019).

16. Notwithstanding the details shown on the approved plans, prior to any works above slab level details shall be submitted to and approved in writing by the Local Planning Authority which demonstrate that refuse collections can be properly made and refuse freighters maneuvered in appropriate locations and on appropriate load bearing road surfaces.

Reason: to ensure that practicable arrangements for the collection of waste and recycling are made in the interests of the residential amenities of occupants of the development, and to accord with Policies 2 and 3 of the South East Lincolnshire Local Plan (2019).