

Present:

Chairman: Councillor Alison Austin

Vice-Chairman: Councillor Colin Brotherton

Councillors: Richard Austin, Michael Brookes, David Brown,  
Michael Cooper, Anton Dani, Maureen Dennis,  
Jonathan Noble, Sue Ransome, Brian Rush, Paul Skinner  
and Stephen Woodliffe

Officers: Development Control Manager, Senior Planning Officer,  
Monitoring Officer and Democratic Services Officer

**78 APOLOGIES**

Apologies for absence were tabled for Councillor Claire Rylott with Councillor Michael Brookes substituting.

**79 DECLARATION OF INTERESTS**

The clerk confirmed that signed lobbying forms had been submitted from Councillors David Brown, Maureen Dennis, Sue Ransome and Paul Skinner in respect of Planning Application B 16 0360.

Councillor David Brown advised that when planning application B 16 0457 was initially brought to the committee it had been inferred that people had felt he had already pre-determined the application: as such and for reasons of integrity Councillor Brown advised he would absent himself from the meeting for that item. Councillor Brown further declared that he was a member for the SELLP which was mentioned in planning application B 16 0360 and that he had been in attendance at Wyberton Parish Council when planning application B 16 0385 had been presented to that meeting by the applicant: Councillor Brown noted he took no part in the discussions nor made comment on the application at that Parish meeting.

Councillor Michael Brookes declared he was a member of SELLP which was referenced within planning application B 16 0360

Councillor Alison Austin declared she had been present when planning application B 16 0385 had been discussed at a meeting of Wyberton Parish Council but confirmed she had taken no part in the discussions. Furthermore Councillor Austin declared she had received representation in respect of planning application B 16 0360 but had not responded.

Councillors Stephen Woodliffe and Brian Rush declared they had received representation in respect of planning application B 16 0360 but had not made any response.

**80 MINUTES**

With the agreement of the committee the Chairman signed the minutes of the last planning meeting held on the 10 January 2017.

**81 PUBLIC QUESTIONS**

No public questions were tabled.

It is recorded that Councillor David Brown absented himself from the meeting at this point in the proceedings and took no part in either the deliberation or decision making on planning application B 16 0457

## **82 PLANNING APPLICATION B 16 0457**

### **Approval of Reserved Matters**

**Application for the approval of reserved matters for the construction of 26 dwellings including access, appearance, layout, landscaping and scale following the grant of outline planning permission for residential development ref B 15 0456 plus the discharge of conditions 5 (biodiversity), 9 (fire hydrant) and 10 (highway improvement works) attached to B 14 0456 and partial discharge of condition 4 (affordable housing).**

**Land adjacent to London Road / Drainside South Kirton Boston**

**Richard Reed (Builders) Ltd**

The Senior Planning Officer presented the report and advised members of two updates to the report tabled.

Referencing the first update members were advised that the addendum tabled in respect of affordable housing should be taken into consideration during their deliberation and decision making of the application consideration.

Committee were then directed to point 7.31 on page 22 of the agenda and advised that the applicant had submitted requested additional information as construction costs had increased by 15% due to problems in respect of surface water disposal that had not been identified at outline stage.

To overcome the additional costs, changes had been made to the layout which had resulted in a less developable area and a larger open space provision which was above policy requirements: the extension of the open space had resulted in a need to import more soil to meet flood risk requirements.

The local housing authority had been consulted on this and responded and said that although the reasons given began to make a case to consider a reduction in level of affordable housing contributions, it fell far short of substantiating it. Consequently they requested that the applicant produce a viability assessment in order to establish a viable level of contribution. Members were asked to take this information in consideration during their deliberation.

#### **Representation was received from the applicant's agent which included:**

Following the initial granting of the outline permission a considerable amount of time had been spent by the applicant discussing the best number of dwellings the site should accommodate. The discussions had been influenced to a great extent by the concerns raised by the committee members following the increase in numbers from the original submission of 16 up to 45 in the last application.

Members were asked to recognise that when the original outline had been granted the affordable housing allocation had been at 30% which the applicant had complied with: the interim affordable housing allocation agreed by the committee had been reduced to 15% and again the applicant was compliant with this in this application.

26 houses were proposed, 10 more than the original plan and 19 less than under the recently approved application. Of the 26 houses now proposed 4 would be affordable homes equating to 15% in accordance with the interim plan.

The development would be a low density scheme which would compliment the area: the build materials would be compatible to others in the vicinity and once completed would provide a landmark development when entering the village of Kirton.

New hedge planting would be sympathetic to the development and having worked with the ecologists, the applicant would be providing both bat and bird boxes around the site. Concerns noted in respect of the footway during the previous meeting had been addressed: it would run along the northern side of Drainside with the footpath now running through the site and not along London Road as original planned. Vehicle access would remain as outline with condition 10 in the Officer recommendation addressing issues in respect of crossing and the triangle at the entrance to Drainside.

It was moved by Councillor Brian Rush and seconded by Councillor Sue Ransome that the application be granted in line with officer recommendation and the conditions therein.

**Vote: In Favour 10. Against. 2. Abstentions 0.**

**RESOLVED:** That the committee having taken into consideration:

1. The Addendum and,
2. The Local Housing Authority's request that the applicant produce a viability assessment

resolve that the application be granted in line with officer recommendation and subject to the following conditions and that it discharges conditions 5,9 and 10 of outline planning permission B15 0457.

1. The development hereby permitted shall be carried out in accordance with the following approved plans and documents:
  - Location Plan ref 1170-02-LP01 (1/16)
  - Sketch proposed house type 1 ref 1170-2-SK-01 Rev B (2/16)
  - Sketch proposed house type 2 ref 1170-2-SK-02 Rev C (3/16)
  - Sketch proposed house type 4 ref 1170-2-SK-04 Rev C (4/16)
  - Sketch proposed house type 6 ref 1170-2-SK-06 Rev C (5/16)
  - Sketch proposed house type 7 ref 1170-2-SK-07 Rev B (6/16)
  - Sketch proposed house type 8 ref 1170-2-SK-08 Rev A (7/16)
  - Sketch proposed house type 9 ref 1170-2-SK-09 Rev A (8/16)
  - Sketch proposed house type 10 ref 1170-2-SK-10 Rev A (9/16)
  - Sketch proposed house type 11 ref 1170-2-SK-11 Rev A (10/16)
  - Sketch proposed garage (single and double) ref 1170-2-SK-12 (11/16)
  - Proposed site layout ref 1170-02-SL01 Rev I (12/16)
  - Drainage strategy plan ref 8881-107-1 (13/16)
  - Road and footway improvement works ref 8881-122 (14/16)
  - Drainage areas ref 8881-109 (15/16)
  - Site layout ref 8881-101 Rev A (16/16)
  - Brick and tile specification
  - Proposed landscaping and boundary treatment plan ref 1170-02-SL02 rev A.

**Reason:** To ensure the development is undertaken in accordance with the approved details and to accord with Adopted Local Plan Policy G1.

2. The trees subject to the Kirton, Sutterton and Algarkirk Tree Preservation Order No 1 shall be protected during construction work by chestnut pale fencing or similar fencing 1.5 metres in height erected around the tree(s) at a distance from the trunk(s) equal to the spread of the crown(s) of the tree(s) or in accordance with the root protection areas as shown on plan no. ref 1170-02-SL01 Rev I. The fence shall be retained until all construction works have been completed. Within the protected area no alteration to the ground level shall take place, no additional water shall be allowed to flow in, no vehicles shall be allowed to pass, no materials shall be stored, no waste tipped, no fires lit, no pruning of branches shall take place, no services shall be routed without the written permission of the local planning authority.

**Reason:** To protect the trees during construction work and to accord with the objectives of the NPPF (2012)
3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any amendment or successor), no extensions or outbuildings shall be built underneath the canopies of the trees on this site subject to the Kirton, Sutterton and Algarkirk Tree Preservation Order No 1 without the prior approval of the Local Planning Authority

**Reason:** To protect the health and stability of the protected trees and to accord with the objectives of the NPPF (2012)
4. All landscape works shall be carried out in accordance with the approved details within 6 months of the date of the first occupation of any building or completion of development whichever is the sooner. Any trees, plants, grassed areas which within a period of 5 years from the date of planting die, are removed or become seriously damaged or diseased shall be replaced in the first available planting season with others of similar size species or quality.

**Reason:** In the interests of visual amenity and in accordance with Section 197 of the 1990 Act which requires Local Planning Authorities to ensure, where appropriate, adequate provision is made for the preservation or planting of trees, and to ensure that the approved scheme is implemented satisfactorily. The condition accords with Adopted Local Plan Policy G1
5. Prior to the commencement of the development hereby permitted, a Construction Management Plan shall be submitted to the local planning authority for approval. The Construction Management Plan will prescribe how the construction of the site will be phased, where site accommodation and welfare facilities will be placed, hours of working, where site vehicles and the vehicles of site personnel will be parked and where materials will be delivered and stored within the site. Construction of the permitted development shall be undertaken in accordance with the approved Construction Management Plan.

**Reason:** In the interests of the safety and free passage of the public and to accord with the objectives of Local Plan policies G1 and G6. This is a pre-commencement condition due to the fact that the management of plant, site equipment etc needs to be agreed prior to the commencement of any development to ensure that neighbour's amenity and safety are respected
6. The proposed area of public open space in the north east corner of the site as shown on approved plan 1170-02-SL01 Rev I shall be laid out in a manner to be submitted to and agreed in writing by the Local Planning Authority and shall be made available for use before the 13th dwelling constructed on the application site is first occupied.

**Reason:** To provide a satisfactory level of publicly available amenity open space within the development and to accord with Adopted Local Plan Policy H4.

7. A landscape management plan including management responsibilities and maintenance schedules of the public open space and play equipment if applicable shall be submitted to the local planning authority before the occupation of any dwelling. The landscape maintenance plan shall be carried out as approved thereafter.

**Reason:** To ensure the long term maintenance of the public open space and play equipment, in the interests of the amenity of residents and to accord with the objectives of Local Plan policy H4.

8. Prior to the occupation of any dwelling hereby permitted, the footway improvement works on the south side of London Road, shown indicatively on the submitted drawing numbered 8881-122 dated Nov. 2016, shall be completed in accordance with those details.

**Reason:** In the interests of providing safe and adequate means of pedestrian access to the permitted development and to accord with the objectives of Local Plan policy G6.

9. Before each dwelling is occupied the roads and/or 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 Highways Maintainable at the Public Expense, 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 safe access to the site and each dwelling/building in the interests of residential amenity, convenience and safety and to accord with the objectives of Local Plan policy G6.

10. No dwellings shall be commenced before the first 60 metres of estate road from its junction with the public highway, including visibility splays has been completed to binder course level.

**Reason:** In the interests of safety of the users of the public highway and the safety of the users of the site and to enable site vehicles and material delivery vehicles to wait clear of the carriageway of London Road and to accord with the objectives of Local Plan policy G6.

11. Before any dwelling is commenced, 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 and approved by the local planning authority.

**Reason:** In the interests of safety of the users of the public highway and the safety of the users of the site and to accord with the objectives of Local Plan policy G6.

12. Before any dwelling is commenced a scheme to provide play equipment shall be submitted and approved in writing by the Local Planning Authority. The scheme as may be approved shall be implemented before occupation of the 13<sup>th</sup> dwelling on the site.

**Reason:** In the interests of the amenity and well being of the occupants of the development and to accord with the objectives of Local Plan Policy H3.

It is recorded that Councillor David Brown rejoined the meeting at this point in the proceedings.

It is recorded that Councillor Maureen Dennis felt prejudiced in taking part in planning application B 16 0385 by virtue of her membership of an organisation that utilised a building on the site. Councillor Dennis absented herself from the meeting and took no part in the deliberation or decision making.

### **83 PLANNING APPLICATION B 16 0385**

#### **Erection of wardens accommodation (mobile home unit)**

**Meadowvale Touring Park Five House Lane Wyberton Boston**

**Mr B Adams**

The Development Control Manager presented the report to the committee confirming there were no updates to the report tabled within the agenda.

#### **Representation was received from the Ward Member which included:**

Committee were advised that there was significant evidence of the need for more touring caravan pitches in the area of the application site. Referencing the variety of leisure pursuits, including walking, bird watching, fishing and golfing that were in the near vicinity of the site, the Ward Member asked committee to recognise that the site would strengthen the Council's drive to increase tourism.

Acknowledging the chequered history of the plot of land and also the concerns of nearby residents in that the site could turn into a low grade residential caravan park, the Ward Member stressed that all the conditions on the previous application must be adhered to, in order to ensure that the site became a top grade touring caravan park.

Referencing condition 5 within this application, members were asked to agree that the installation of the proposed mobile unit would not take place until the actual site was completed and in use as a recreational and tourist only facility.

As a point of order it is noted that Councillor Richard Austin having addressed the committee as Ward Member on the following application B 16 0385, duly absented himself from the meeting for the deliberation and decision making.

It was moved by Councillor Jonathan Noble and seconded by Councillor Michael Brookes that the application be granted in line with officer recommendation and the conditions therein: subject to amendments to Condition 5 to address committees concerns that the site be completed and fit for purpose before the wardens mobile unit is installed on the site.

**Vote: In Favour 11. Against. 0. Abstentions 0.**

**RESOLVED:** That the committee resolve that the application be granted in line with officer recommendation, subject to the conditions therein.

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 91 of the Town and Country Planning Act 1990.
2. The development hereby permitted shall be carried out in accordance with the following approved plans:
  - Location plan 1: 2500 (1/3)
  - General site plan ref 1368-960-7a (2/3)
  - Internal layout plan ref 1368-960307-14 (3/3)
  - Photographs 1 and 2 showing external appearance of the mobile unit**Reason:** To ensure the development is undertaken in accordance with the approved details and to accord with Adopted Local Plan Policy G1.
3. The development hereby approved shall be carried out in accordance with the recommendations contained within the submitted Flood Risk Assessment and shall include the following measures:
  - The mobile home shall be secured to the ground using an adequate mechanism such as chains and /or ground anchors before occupation and shall be retained in that form thereafter.
  - The finished floor level of the mobile home shall be set no lower than 5.0m AOD.**Reason:** To define this permission and to reduce the risk of flooding to the proposed development and future occupiers. This condition accords with the requirements of the NPPF (2012).
4. The residential accommodation shall only be occupied by the warden of Meadowvale Touring Park for the purposes of the essential managerial presence in accordance with the details of the application and occupation shall cease and the accommodation removed from the site within 2 months of Meadowvale Touring Park no longer being used for recreational/tourism purposes.  
**Reason:** In accordance with the details of the application, to prevent unrestricted residential development in the countryside and to accord with the objectives of the NPPF (2012).
5. The mobile unit shall not be brought onto the site and occupied until the caravan site known as Meadowvale Touring Park is used and operational as a recreational/tourist facility.  
**Reason:** The works associated with the touring caravan site have not yet been completed and the recreational/tourism use has not yet commenced. This condition has been imposed to ensure that the warden's accommodation is located on the site only when there is a genuine managerial need for a warden to be on site. This condition accords with the objectives of the NPPF (2012)

It is noted that Councillors Maureen Dennis and Richard Austin rejoined the meeting at this point in the proceedings.

It is noted that on conclusion of public representation in respect of Planning Application B 16 0360 Councillor Brian Rush declared he was conflicted having spoken with one of the presenters: tabling his apology for not realising earlier he absented himself from the meeting at that point and took no part in the deliberation or decision making on that item.

## **84 PLANNING APPLICATION B 16 0360**

### **Full Planning Permission**

#### **Construction of 17no. affordable dwellings (previously 25 affordable dwellings) and associated infrastructure.**

#### **Land at Riverside Boston**

#### **Mrs Rebecca Archer Chestnut Homes Ltd**

The Senior Planning Officer presented the report to the committee and confirmed 2 updates to the report tabled.

The first update related to submissions of representation and committee were advised that a further four letters of objection had been received: this made a total of 11 letters received in objection to both the original and amended schemes.

The four additional letters received after issue of the agenda were from numbers 74, 78, 78a and 80 Tattershall Road and cited a variety of objections including loss of amenity; flood risk issues and the impact on wildlife and the loss of trees. A request had been received that the committee undertake an official site visit prior to determining the application as residents felt that the development would have a significant impact on the character of the area; would cause significant noise and disturbance and was contrary to both national and local planning policies.

The second updated related to consultation and committee were advised that Lincolnshire County Council Highways; the local housing provider and the Canal and River Trust, along with the NHS, had all tabled no objection to the development.

#### **Representation was received in objection to the application which included:**

Although he accepted the need for affordable housing the objector had several factors of objection. Having lived in the area for 38 years, the objector took issue with the impact statement and felt it of little value in respect of the comments relating to no lack of loss of wildlife: committee were advised that a variety of birds including Green Woodpeckers, Jays' and Magpies used the site, along with Deer, Fox, Badgers and Hedgehogs.

A further cause of objection noted a loss of privacy to the objecting residents: their gardens would be clearly visible from the Riverbank resulting in a serious lack of amenity and also potential loss of security to their homes due to the lack of landscaping.

Recognising the need for flood risk conditions, concern was noted that whilst the houses were only 2 storey the ridge height would be 30ft, towering to a possible 36ft taking into account the 2 metre slab. Citing the established 4 storey block already built, members were advised it was a monstrous intrusion when the trees were bare: objectors homes would be subject to a similar intrusion once the houses were built as they would be on the skyline.



Traffic concerns were noted with the probable addition of a further 17 vehicles on the site which would exacerbate existing traffic problems at Sluice Bridge; along Tattershall Road and off Witham Town under the bridge.

The objector felt that a more appropriate site for the development would be the land next to Lambs Row which was not only a Brownfield site, but was already derelict and larger: as such it would provide the developer with the option to build a larger number of houses.

Committee were asked to defer any decision to permit an official site visit to take place prior to deciding the application.

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

Confirmation was provided that the Riverside Housing project had commenced in 2011 and had provided 140 properties offering a mix of affordable & market houses. The development had regenerated the Witham Town area of Boston and had created a stunning backdrop from both the river and cycle way: it had also provided housing with some of the best views in Boston. The site had no statutory basis as a wildlife site and committee were assured that a significant portion of the land would be retained for wildlife.

The constrained site under consideration was an unkempt and under used parcel of land which would provide 100% affordable housing and would round off the Riverside frontage scheme. The applicant had worked hard with planning officers to address and overcome the objections by neighbouring residents in respect of loss of amenity. There was over 50 metres between any of the proposed new dwellings and the established housing: the new site was also further away from the objectors' homes and a lot lower in height, than the 4 storey block already built.

Significant changes included a reduction in the number of units from 24 down to 17 which in turn would result in a reduction in vehicles: a reduction in height to 2 story dwellings and not 3 storey and finally by locating all the dwellings at one end of the site in would permit a stronger landscaping belt adjacent to the rear gardens of the objectors. Substantial landscaping would reduce impact on the rear gardens.

Committee were asked to recognise the applicant's opinion that the development did provided an appropriate balance between beneficial viable housing use and the need to protect existing resident amenity. It would provide much needed affordable housing to the Borough which was a key priority to the Council.

It was moved by Councillor Jonathan Noble and seconded by Councillor Anton Dani that the application be granted in line with officer recommendation, subject to the conditions therein

**Vote: In Favour 11. Against. 0. Abstentions 1.**

**RESOLVED:** That the Planning Committee resolve that they are Minded to Approve this application subject to conditions and authority is delegated to the Development Control Manager to grant after the expiration of the extra consultation period (10 February 2017), unless new matters not already addressed are raised.

- 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 91 of the Town and Country Planning Act 1990.
- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:
  - Site layout ref RWB/01 Rev D (1b/8)
  - Location Plan ref RWB/02 (2/8)
  - Plots 1-5 Floor plans ref RWB/21 (4/8)
  - Plots 1-5 elevations ref RWB/22 (5/8)
  - Plots 6-17 elevations ref RWB/24 (6/8)
  - Plots 6-17 Floor layouts ref RWB/23 (7/8)
  - Wall and fencing details- detail 6 Rev I (8/8)**Reason:** To ensure the development is undertaken in accordance with the approved details and to accord with Adopted Local Plan Policy G1.
3. All of the dwellings hereby approved shall be provided as affordable housing as defined in the National Planning Policy Framework (including all relevant updates and amendments).  
**Reason:** In accordance with the details of the application in order to ensure the provision of affordable housing and for it to remain so in perpetuity to accord with the applicants' stated intentions.
4. Where the risk assessment identifies any unacceptable risk or risks, a detailed remediation strategy to deal with land contamination and/or pollution of controlled waters affecting the site shall be submitted and approved by the LPA. No works, other than investigative works, shall be carried out on the site prior to receipt of written approval of the remediation strategy by the LPA.  
**Reason:** To ensure the proposed remediation plan is appropriate and to accord with Local Plan Policy G1.
5. Remediation of the site shall be carried out in accordance with the approved remediation strategy (see preceding condition). No deviation shall be made from this scheme without the express written agreement of the LPA.  
**Reason:** To ensure site remediation is carried out to the agreed protocol and to accord with Local Plan Policy G1.
6. On completion of remediation, two copies of a closure report shall be submitted to the LPA. The report shall provide validation and certification that the required works regarding contamination have been carried out in accordance with the approved Method Statement(s). Post remediation sampling and monitoring results shall be included in the closure report.  
**Reason:** To provide verification that the required remediation has been carried out to the required standards and to accord with Local Plan Policy G1.

7. 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 Local Plan Policy G1.

8. No development shall be commenced above ground level 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:** To ensure that the new buildings are in keeping with the character of the area and to accord with Adopted Local Plan Policies G1 and H3.

9. Before each dwelling is occupied the roads and/or 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 Highways Maintainable at the Public Expense, 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 safe access to the site and each dwelling, in the interests of residential amenity, convenience and safety and to accord with the objectives of Local Plan policy G6

10. No development shall take place until a surface water drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall:

- a) 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;
- b) Provide attenuation details and discharge rates which shall be restricted to 5 litres per second;
- c) Provide details of the timetable for and any phasing of implementation for the drainage scheme; and
- d) 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.

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

**Reason:** to ensure residents of the permitted development and adjacent properties are not adversely affected, by reason of flooding, by the construction of the permitted development and to accord with the objectives of Local Plan policy G3.

- 11 The development hereby approved shall be carried out in accordance with the approved Flood Risk Assessment (Revision P1 dated 17<sup>th</sup> June 2016) and in particular the following mitigation measures detailed within the FRA:
- Finished floor levels shall be set no lower than 4.8m AOD
  - The dwellings shall be a minimum of two storey
  - Flood resistant and resilient construction measures shall be incorporated throughout the development as stated within the FRA

The mitigation measures shall be fully implemented prior to occupation.

**Reason:** To reduce the risk of flooding to the proposed development and future occupants and to accord with the NPPF (2012).

12. In addition to the recommendations contained within the submitted extended phase 1 habitat survey and Japanese Knotweed Survey report, before any dwellings are constructed above slab levels details of additional measures to enhance biodiversity on the site shall be submitted to and approved in writing by the Local Planning Authority. These details shall include the design, location and timing of habitat enhancement as may be approved and such works shall be carried out as approved before occupation of the dwellings or in accordance with the timing arrangements contained within the scheme.

**Reason:** In the interests of the enhancement of biodiversity and to accord with the objectives of the NPPF.

13. Prior to the first occupation of any dwellings, details of the design and appearance of the demountable bollards to be installed in the locations shown on plan RWB/01 Rev D shall be submitted to and approved in writing by the Local Planning Authority together with a timetable for their installation. The bollards shall be installed in accordance with the approved details and timetable and shall be retained thereafter.

**Reason:** In the interests of minimising the risk of vehicles entering the adjacent River Witham and adversely affecting the waterway infrastructure or the safety of waterway users. This condition accords with the NPPF (2012).

14. Prior to the first occupation of any dwellings, a detailed external lighting scheme showing the type of lighting appliances to be used, their location, degree of illumination height and management shall be submitted to and approved in writing by the Local Planning Authority. All external lighting shall be installed before any occupation in accordance with the approved details and shall be retained thereafter.

**Reason:** In the interests of crime prevention and in order to minimise any adverse impacts arising from unnecessary glare or light spillage on local wildlife and the character of the area. This condition accords with the objectives of Local Plan policies G1 and G10.

15. No dwellings on plots 1-5 shall be occupied until the new 1.8m high fence along the rear boundaries of these dwellings as shown on plan RWB/01 rev D has been erected. The 1.8m high fence shall remain in place and retained in that form thereafter.

**Reason:** In the interests of residential amenity and to accord with the objectives of Local Plan policy G1.

16. No development shall commence until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the approved foul water strategy.

**Reason:** In the interests of satisfactory drainage and to accord with the objectives of Local Plan policy G3 and the NPPF (2012).

17. No development shall take place until full details of hard and soft landscaping works have been submitted to and approved in writing by the local planning authority, these works shall be carried out entirely in accordance with the approved details. The scheme shall include

- a) boundary treatment
- b) hard surface materials
- c) minor structures
- d) planting schedules (species, sizes densities)
- e) existing trees to be retained/removed

**Reason:** This is a pre-commencement condition because the landscaping scheme, in terms of biodiversity enhancement and to protect residential amenity is essential to the delivery of a quality and acceptable scheme. This condition is also in the interests of visual amenity and in accordance with Section 197 of the 1990 Act which requires Local Planning Authorities to ensure, where appropriate, adequate provision is made for the preservation or planting of trees, and to ensure that the approved scheme is implemented satisfactorily. The condition accords with Adopted Local Plan Policy G1 and H3.

18. All landscape works shall be carried out in accordance with the approved details within 6 months of the date of the first occupation of any building or completion of development whichever is the sooner. Any trees, plants, grassed areas which within a period of 5 years from the date of planting die, are removed or become seriously damaged or diseased shall be replaced in the first available planting season with others of similar size species.

**Reason:** In the interests of visual amenity and in accordance with Section 197 of the 1990 Act which requires Local Planning Authorities to ensure, where appropriate, adequate provision is made for the preservation or planting of trees, and to ensure that the approved scheme is implemented satisfactorily. The condition accords with Adopted Local Plan Policies G1 and H3.

19. A landscape management plan including management responsibilities and maintenance schedules, including the area reserved as a wildlife habitat as shown the submitted layout plan shall be submitted to the local planning authority before the occupation of any dwelling. The landscape maintenance plan shall be carried out as approved thereafter.

**Reason:** To ensure the long term maintenance of the public open space and play equipment, in the interests of the amenity of residents and to accord with the objectives of Local Plan policies H3 and G1.

20. The area reserved for wildlife habitat located at the north western end of the site and along the rear boundary of the site shared with properties which front onto Tattershall Road Boston shall be retained as a wildlife habitat and shall not be used as a public open space or incorporated within an garden areas which form part of this development.

**Reason:** In the interests of biodiversity and to accord with the objectives of the NPPF (2012).

21. Notwithstanding the submitted details, before any dwelling is built above slab level measures to enhance biodiversity on the site shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out as approved.

**Reason:** In the interests of biodiversity and to accord with the objectives of the NPPF (2012).

It is noted that Councillor Brian Rush returned to the meeting at this point in the proceedings.

Committee adjourned at 1535 hours and reconvened at 1545 hour.

## **85 PLANNING APPLICATION B 16 0106**

### **Full Planning Permission**

**Construction of 86 affordable dwellings (formerly 87 dwellings) plus roads, open space and associated works.**

### **Land North of Puritan Way Boston**

**Mr M Gosling, Mrs M Leggate and Mrs R Wicks**

The Senior Planning Officer presented the report advising committee of and update to the report tabled.

1 further letter of objection had been received from The Lodge on Fenside Road which now gave a total of 9 letters of representation received across the original and amended applications. The representation cited concerns on the impact on wildlife and a request for a wildlife ecological survey should be carried out. It was noted within the representation that the objector had seen Orange-red bellied newts and the site. Having consulted Lincolnshire Wildlife the Senior Planning Officer confirmed he had been advised that there was a low risk to wildlife on the site and that arable fields did not provide a good habitat for newts: as such he was advised that it was not recommended the applicant provide a survey.

### **Representation was received from the applicant's agent which included:**

Referring members to an earlier permission on the site for the construction of a new Marina, the agent advised that his client had received no interest possibly due to sites nearer the town in view of the future barrier proposal.

Consequently, in consultation with the planning officers a fully affordable housing scheme had been produced for the site which was contemporary in design within a traditional framework and would provide an exciting development to uplift whole area.

The site was on Grade 2 land, not grade 1. A soft frontage would be produced with materials in a mix of red and orange and with rustic bricks: it was not a bland council house development. Tree planting and landscaping would also be provided to soften the edges.

The development had been welcomed by all of the housing associations and would contribute significantly to the Council's housing allocation: the land to the east of the site was owned by Boston Mayflower and was potentially another development to link up to this one. The section 106 contribution for education had been reduced from £535k to £100k which was far more in line with a fully social housing scheme.

There would be semi circular green area which would include a play area and that would be overlooked for safety purposes by a crescent of houses. The semi-circular area butted up to the plot of land on the east of the site, which if developed would complete a natural circle of green space. It was intended that the play area would be for all children in the area, not just on the development site itself, to encourage greater integration in the area and the space would become a focal point for the community.

The car parking provision was just under 2 per dwelling and vehicles would be hidden to avoid a car dominated environment.

Following concerns from overlooking the applicant had reduced the number of dwellings to permit a gap and a view for Woodland House which was positioned close to the boundary of the site. This had taken away any cause for overlooking due to the positioning of the established dwelling.

Finally committee were advised that the applicant was eager to commence development and looking to start in September 2017 should the application be granted.

It was moved by Councillor Michael Cooper and seconded by Councillor Anton Dani that the committee be minded to grant the application in line with officer recommendation.

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

**RESOLVED:** That the committee resolve that they are minded to approve the application subject to the conditions within the original report together with the amendment to condition 14 to include the requirement for a wheel washing facility for plant vehicles exiting the site, and that;

- a) any permission is not released until the applicants have entered into a section 106 planning obligation with the Council relating to a financial contribution for education of £100,000 and all of the dwellings being affordable units in line with the proposals, and
- b) No objections are received from the Canals and River Trust as a result of additional publicity
- c) authority is delegated to the Development Control Manager to approve this application upon satisfactory completion of the planning obligation. If the obligation is not concluded within six months of instructions, the application will be returned to Committee.

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 91 of the Town and Country Planning Act 1990.

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

- Proposed site plan ref 14/2221-02 rev F (2c/27)
- House type proposals – plots 2 and 3 ref 14/2221-27 rev A (3b/27)
- House type proposals- plots 4-6 ref 14/2221-04 (4/27)
- House proposals – plots 7-8 ref 14/2221-05 (5/27)
- House type plots 9-12, 43-46, 80-83 ref 14/2221-06 (6/27)
- Proposals plots 13-14 and 57-58 ref 14/2221-07 rev A (7a/27)
- House type proposals- plots 15-17 ref 14/2221-08 rev A (8a/27)
- House type proposals- plots 18-21 ref 14/2221-09 (9/27)
- Proposals: plots 22-24, 64-66, 72-74 ref 14/2221/10 rev A (10a/27)
- House type proposals –plots 25-29 ref 14/2221-11 (11/27)
- House type proposals- plots 30-32 ref 14/2221-12 rev A (12a/27)
- House type proposals- plots 33-35 ref 14/2221-13 (13/27)
- Proposals –plots 36-40 ref 14/2221-14 rev A (14a/27)
- House proposals- plots 41- 42 ref 14/2221-15 (15/27)
- Proposals –plots 47-48, 55-56 ref 14/2221-16 (16/27)
- Proposals - plots 49-50, 53-54 ref 14/2221-17 (17/27)
- House type proposals -plots 51-52 ref 14/2221-18 (18/27)
- House type proposals - plots 67-68 ref 14/2221-19 rev A (19a/27)
- House type proposals – plots 69-71 ref 14/2221-20 rev A (20a/27)
- House type proposals – plots 75-77 ref 14/2221-21 rev A (21a/27)
- House type proposals- plots 78-79 ref 14/2221-22 (22/27)
- House type proposals- plots 84-85 ref 14/2221-23 rev A (23a/27)
- House proposals- plots 86-87 ref 14/2221-24 Rev A (24A/27)
- Public open space-play equipment ref 14/2221-POS (25/27)
- Proposals plots 62 – 63 ref 14/2221-26 (26/27)
- Proposals –plots 59-61 ref 14/2221-25 (27/27)

**Reason:** To ensure the development is undertaken in accordance with the approved details and to accord with Adopted Local Plan Policy G1.

3. No development shall take place within the site until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.

**Reason:** This is a pre-commencement condition in order to ensure that satisfactory arrangements are made for the investigation, retrieval and recording of any possible archaeological remains on the site before construction work begins and to accord with the objectives of the NPPF (20120

4. No development shall commence above slab level on the dwellings hereby approved until details of all external facing materials proposed to be used have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

**Reason:** To ensure that the new buildings are in keeping with the character of the area and to accord with saved Local Plan Policies G1 and H3.



5. The first property shall not be occupied until full details of hard and soft landscaping works have been submitted to and approved in writing by the local planning authority. The details shall include :
  - i. hard surfacing materials
  - ii. minor structures/ planters
  - iii. planting schedules (species, sizes, planting densities, maintenance proposals)

**Reason:** In the interests of visual amenity and in accordance with Section 197 of the 1990 Act which requires Local Planning Authorities to ensure, where appropriate, adequate provision is made for the preservation or planting of trees, and to ensure that the approved scheme is implemented satisfactorily in accordance with saved Local Plan Policies G1, G2 and H3.
  
6. The approved hard and soft landscaping works shall be implemented in full In accordance with timescales to be submitted to and approved in writing by the Local Planning Authority before  

**Reason:** In the interests of visual amenity and in accordance with Section 197 of the 1990 Act which requires Local Planning Authorities to ensure, where appropriate, adequate provision is made for the preservation or planting of trees, and to ensure that the approved scheme is implemented satisfactorily in accordance with saved Local Plan Policies G1, G2 and H3.
  
7. The proposed area of equipped public open space in the northern part of the site as shown on plan Proposed site plan ref 14/2221-02 rev F (2c/27)) shall be laid out in a manner to be submitted to and agreed in writing by the Local Planning Authority and shall be made available for use before the 40th dwelling constructed on the application site is first occupied.  

**Reason:** To provide a satisfactory level of publicly available amenity open space within the development and to accord with Adopted Local Plan Policy H4.
  
8. A landscape management plan including management responsibilities and maintenance schedules of the public open space and play equipment shall be submitted to the local planning authority before the occupation of any dwelling. The landscape maintenance plan shall be carried out as approved thereafter.  

**Reason:** To ensure the long term maintenance of the public open space and play equipment, in the interests of the amenity of residents and to accord with the objectives of Local Plan policy H4.
  
9. Before occupation of any of the dwellings hereby approved, the external parking areas shall be provided with lighting in accordance with details, including the maintenance of the lighting, to be submitted to and agreed in writing by the Local Planning Authority.  

**Reason:** To provide adequate lighting of the private driveway in the interest of crime prevention and community safety and in accordance with Adopted Local Plan Policy H3.

14. Prior to the commencement of the development hereby permitted, a Construction Management Plan shall be submitted to the local planning authority for approval. The Construction Management Plan will prescribe how the construction of the site will be phased, hours of working, where site accommodation and welfare facilities will be placed, where site vehicles and the vehicles of site personnel will be parked and where materials will be delivered and stored within the site. Construction of the permitted development shall be undertaken in accordance with the approved Construction Management Plan.

**Reason:** In the interests of the safety and free passage of the public and to accord with the objectives of Local Plan policies G1 and G6. This is a pre-commencement condition due to the fact that the management of plant, site equipment etc needs to be agreed prior to the commencement of any development to ensure that neighbour's amenity and safety are respected.

15. Notwithstanding the submitted details, before any development is commenced above slab level details of a wall and fencing scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of when the walls and fencing are erected, their height, design, materials and position in relation to finished ground levels of the site following development and the ground levels of the neighbouring properties to the west. The scheme shall be carried out as approved.

**Reason:** In the interests of the visual amenities of the area and to accord with Policy G1 of the Adopted Local Plan.

16. Prior to the commencement of the development, details relating to the treatment of the transitional area between the proposed raised land levels along the western boundary of the site and existing ground levels of the neighbouring land and to include site sections shall be submitted to and approved by the Local Planning Authority, and the development shall be built in accordance with the approved scheme. The details shall also include the boundary treatment and the means to ensure that surface water from this raised land does not cause flooding onto neighbouring land.

**Reason:** No such details have been submitted, in the interests of satisfactory drainage and residential amenity and to accord with the objectives of Local Plan policies G1 and G3.

17. No development shall commence until a foul water strategy has been submitted and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the approved foul water strategy.

**Reason:** This is a pre-commencement condition to ensure that there is satisfactory drainage provision to serve the proposed development. This condition accords with the objectives of Local Plan policy G3.

18. The development hereby approved shall be carried out in accordance with the approved Flood Risk Assessment (RM Associates versiuon 2 dated April 2016) and in particular the following mitigation measures as detailed within the FRA:

- Finished floor levels of the dwellings shall be set no lower than 3.5m AOD
- Flood resistant and resilient mesures shall be incorporated throughout the development as stated

The mitigation measures shall be fully implemented prior to occupation.

**Reason:** To reduce the risk of flooding to the proposed development and any future occupants and to accord with the objectives of the NPPF (2012).

19. The ground floor of plots 59, 60, 61, 62 and 63 shall be available for garaging, utility, w/c and storage only and at no time shall it be used for any other purpose.

**Reason:** To define this permission and to reduce the impacts of flooding on the development and future occupants and to accoord with the objectives of the NPPF (2012).

20. Before each dwelling is occupied the roads and /or 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 Highways Maintainable at the public expense, less the carriageway and footway surface courses.

The carriageway and footway surface courses shall be completed within 3 months from the date upon which the erection is commenced of the penultimate dwelling.

**Reason:** To ensure safe access to the site and each dwelling/building in the interests of residential amenity, convenience and safety and to accord with the objectives of Local Plan policy G6.

21. No dwellings shall be commenced before the first 50 metres of estate road from its junction with the public highway, as shown on drawing number 14/2221-02 Rev. F has been completed.

**Reason:** In the interests of safety of the users of the public highway and the safety of the users of the site and to enable calling vehicles to wait clear of the carriageway of Puritan Way. This condition accords with the objectives of Local Plan policy G3 and the NPPF (2012).

22. No development shall take place until a detailed surface water drainage scheme for the site, based on an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority.

The scheme shall:

- a) 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;
- b) Provide attenuation details and discharge rates which shall be restricted to a rate to be agreed with the surface water receiving body;

- c) Provide details of the timetable for and any phasing of implementation for the drainage scheme; and
- d) 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.

**Reason:** To ensure that there is satisfactory drainage provision to serve the proposed development and is necessary to ensure residents of the permitted development, adjacent properties and adjacent land are not adversely affected, by reason of flooding, by the construction of the permitted development. This condition accords with the objectives of the NPPF (2012).

23. The development shall be carried out in accordance with the approved drainage scheme and no dwelling shall be occupied until the approved scheme has been completed or provided on the site in accordance with the approved phasing. The approved scheme shall be retained and maintained in full in accordance with the approved details.

**Reason:** To ensure that there is satisfactory drainage provision to serve the proposed development and is necessary to ensure residents of the permitted development, adjacent properties and adjacent land are not adversely affected, by reason of flooding, by the construction of the permitted development. This condition accords with the objectives of the NPPF (2012).

## **86 REPORT ON APPEAL DECISIONS**

The Development Control Manager presented the report on appeal decisions in respect of 15 Mentmore Gardens Boston and 50 Brothertoft Road Boston.

**RESOLVED:** That Committee noted the report.

## **87 DELEGATED DECISION LIST 19 12 16 TO 13 01 17**

Committee noted the report.

The Meeting ended at 4.30 pm