

Present:

Chairman: Councillor David Brown  
Vice-Chairman: Councillor Sue Ransome

Councillors: Alison Austin, Michael Brookes, Colin Brotherton,  
Michael Cooper, Jonathan Noble, Barrie Pierpoint,  
Claire Rylott, Paul Skinner and Stephen Woodliffe

Officers: Development Control Manager, Senior Planning Officer,  
Corporate Director (Monitoring Officer), Senior Planning  
Officer and Democratic Services Officer

### **30 APOLOGIES**

Apologies for absence were tabled from Councillor Aaron Spencer with Councillor Michael Brookes substituting. Apologies were also tabled from Councillors Anton Dani and Yvonne Stevens with no substitute members.

### **31 MINUTES**

With the permission of the committee the Chairman signed the minutes of the previous meeting held on the 16 May 2017

### **32 DECLARATION OF INTERESTS**

A collective standing declaration of interest is noted in respect of Lincolnshire County Councillors Michael Brookes, Paul Skinner and Alison Austin who attended and participated in all items on the agenda

A collective standing declaration of interest is noted in respect of Councillors David Brown, Sue Ransome, Alison Austin, Michael Brookes, Colin Brotherton, Michael Cooper, Claire Rylott and Jonathan Noble in respect of their membership of the SELLP which is referenced within the meeting.

Prior to receiving notice by members of their declarations the Clerk confirmed that Lobbying Forms had been signed and lodged with the Council by all members of the committee, with the exception of Councillor Michael Brookes, in respect of planning application B 16 0141.

*Further declarations noted:*

Councillor Alison Austin declared that Parish Councillor Helen Staples speaking on planning application B 16 0141 was a good friend of theirs but that no discussion had taken place in respect of the planning application.

Councillor Alison Austin further declared that she was extremely well acquainted with Mr Borritt who was speaking on planning application B 16 0463 but that no discussions had taken place in respect of the application.

Councillor Paul Skinner declared in respect of planning application B 16 0141 that when he was in attendance at Fishtoft Parish Council in his role as a Parish Councillor, he had exited the room when the planning application had been tabled and he had taken no part in any of the discussions. Councillor Skinner further declared that whilst he had had nothing to do with Planning Application B 16 0436, he had tried to assist residents previously with a horticultural problem in the area.

Councillor Skinner's final declaration in respect of Planning Application B 16 0456 noted that he had known the applicants but had not seen them for a number of years.

Councillor Stephen Woodliffe declared in respect of Planning Application B 16 0141 that Parish Councillor Helen Staples was known to him and he further declared in respect of Planning Application B 16 0436 that Mr Borritt was also known to him as a former colleague at Boston Grammar School. Councillor Woodliffe stated that he had not taken part in any discussions with either Mrs Staples or Mr Borritt on their respective applications.

Councillor Barrie Pierpoint declared in respect of Planning Application B 16 0141 that he knew Parish Councillor Helen Staples purely socially through Council events.

**A point of information was then made by the Monitoring Officer:**

Stating she was mindful of the large number of public in attendance and that perhaps not all of those attending were clear on why the members were declaring they knew people who were speaking at the meeting. The Monitoring Officer advised that when a Councillor stated they knew somebody in attendance who was registered to speak, if they then remained at the committee table, they did so having determined that their knowledge of that person or association, was not sufficient enough to cloud their judgement when taking part or impact on their impartiality of their decision making.

The reason for Councillors making declarations was for transparency: it ensured that if a member of the public had knowledge that a Councillor sitting on the committee knew a member of the public who was taking part in the meeting, it was made clear to everyone in attendance.

Addressing the declarations in respect of Parish Councillor Mrs Helen Staples, the Monitoring Officer confirmed that by virtue of her role as a current Parish Councillor and historically as a Ward Councillor, most members of the committee were aware of who she was. The Monitoring Officer advised that unless the acquaintance was in the realm of friendship or the member had discussed the application with Councillor Staples, members did not need to be too concerned about the declaration but confirmed that she would be happy to give advice on that matter.

A number of members referenced their respective roles as either a Lincolnshire County Councillor and/or a member of the SELLP. Such items are noted as standing items.

**33 PUBLIC QUESTIONS**

No Public Questions were tabled.

**34 PLANNING APPLICATION B 16 0141**

**Full Planning Permission**

**Construction of 66 dwellings including 11 affordable dwellings, new vehicular access and estate road plus associated garages and infrastructure**

**Land off Sibsey Road/Wainfleet Road, Boston, Lincolnshire**

**Mrs Alison Lea, Larkfleet Homes**

Prior the presentation of the application the Monitoring Officer provided a point of clarification following queries by some committee members in respect of the application and their having determined the previous application on the site. Committee were advised that the application for consideration was a brand new application and as such, all members were permitted to determine the application provided they were confident they would do so with an open mind.

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

The first update advised that an additional letter of objection had been received from no. 27 Sibsey Road which reiterated the concerns already noted in respect of highway safety and traffic concerns.

The second update referred members to Condition 8 on Page 43 of the report. Members were advised that the condition would be amended to include road and play equipment alongside the landscaping.

Representation was received in objection to the application which included:

Concern was noted at the impact the development would have on existing neighbours; the loss of amenity to neighbouring houses and concern that the community of the development site would not integrate with the existing community around the site. The size of the development was over development of the site; would be out of character to the established area and was against the wishes of local residents: it was also agricultural land and should be left as that.

Further concerns raised included problems of highway safety at the entrance of the site; increased traffic congestion and concern at the ghost island and also that the pavement width was only 3m wide and according to Regulations should be a minimum of 3.4m wide.

Referencing neighbouring Burton Hall the objector stated that the development would result in a loss of a significant heritage building which had already built a hedge around it to protect it from the development, which has sadly resulted in the loss of sight of the historic building from Sibsey Road.

Concluding the objector noted flooding concerns which would result from an estate type development which would impact onto the neighbouring houses which could also then flood.

Representation was received by the applicant which included:

Committee were advised that Larkfleet Homes was a proven local housing provider which had won numerous awards in the industry and were part of the Larkfleet Group. Referring to the original application on the site for 76 homes which despite the extensive discussions held with all parties, had been refused on a single issue of highways objections, the applicant acknowledged that due to such an objection the committee had no option but to refuse it.

Briefly referencing the appeal decision the applicant clarified the Inspector's criticism of non-contributions for education or health – stating that no contributions had actually been requested. Furthermore he noted the Inspector's agreement that the Manual for Streets was the most appropriate standard to use and not, as Lincolnshire County Council Highways had used, the Manual for Bridges.

Addressing the revised application the applicant confirmed the reduction to 66 dwellings which allowed the area to the east of Burton Hall to be retained predominantly as parkland. Members were advised that the development would be hardly visible from Wainfleet Road which would preserve the hall setting. It would be a quality development in a very sustainable location with 40% of the site being open space: the overall impact on the area being significantly reduced against the first application. Concluding the applicant asked committee recognise the changes and most importantly the retraction of the objection by Lincolnshire County Council Highways.

Representation was received from the Parish Council which included:

Committee were advised that Fishtoft Parish Council had been left dumbfounded that the Secretary of State only mentioned Burton Hall in the report which had resulted in leaving a massive loophole to let re submission of the application. The new application with the reduction in housing did not satisfy Fishtoft Parish Council who still had grave concerns in respect of development of the site, especially in respect of the access and egress which was opposite a busy general hospital.

The ghost island could severely restrict emergency vehicle response times. Members were urged to preserve the beautiful setting of the site which formed part of the entry and exiting of the town and to agree that public safety and human life needed to be above any cost to the Council.

It was moved by Councillor Jonathan Noble and seconded by Councillor Barrie Pierpoint that the application be refused contrary to officer recommendation as the application contravened policies G1, H3 and CO1.

**Vote:** In Favour 5                      Against 5                      Abstention 1

The Chairman's casting vote was used to determine the motion deciding the motion as follows:

**Vote:** In Favour 5                      Against 6                      Abstention 1

**Resolved:** The Motion to refuse the application contrary to officer recommendation fell.

It was moved by Councillor Stephen Woodliffe and seconded by Councillor Michael Cooper that the application be granted in line with officer recommendation, subject to the conditions and reasons therein and subject to the amendment of Condition 8 in respect of the Landscape Management Plan.

**Vote:** In Favour 5                      Against 4                      Abstention 2

**RESOLVED:** That the application be granted in line with officer recommendation, subject to the conditions and reasons therein and subject to the amendment of Condition 8.

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 scale 1:2500 (1/30)
- Coach house design sheet Plot 13 ref L00/2225/DS/P13 (2/30)
- 2225 Coach house design sheet ref L00/2225/DS rev A (3/30)
- 2306 Design sheet ref L00/2306/DS Rev A (6/30)
- 2308 House type design sheet – ref L00/2308/DS (7/30)
- 2323 House type – ascot design sheet ref L00/2323/DS (8/30)
- 2324 House type design sheet ref L00/2324/DS (9/30)
- 2326 House type design sheet ref 2326/L00/DS/01 (10/30)
- 2326 House type design sheet ref 2326/L00/DS/02 (11/30)
- 2404 Design sheet ref 2404/L00/DS (12/30)
- House type 2407 –internal layout ref 01A (13/30)
- House type 2407 – elevations- ref 02A) (14/30)
- 2410 House type design sheet ref 2410/L00/DS(15/30)
- 2427 Design sheet ref 2427/L00/DS (16/30)
- 2428- Design sheet ref 2428/L00/DS (17/30)
- 2502-Layout plans design sheet ref 2502/L00/DS3 (18/30)
- 2502 Elevation design sheet ref 2502/L00/DS4 (19/30)
- House type 2507-layout -01 (20/30)
- House type 2507 02 (21/30)
- 2508- House type design sheet ref 2508/L00/DS/AS Rev A ( 22/30)
- 2509- House type design sheet ref 2509/L00/DS (23/30)
- Garages double ref L00/GAR/02 (24/30)
- Garages pair ref L00/GAR/03 (25/30)
- Garages single ref L00/GAR/01 (26/30)
- Garages triple ref L00/GAR/04 (27/30)
- Proposed layout ref PL-01 Rev G (28a/30)
- Proposed Ghost Island access ref NTW/2223/100-01 REV P7

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

3. No dwelling shall commence above slab level until a scheme for the provision of 11 affordable housing units as part of the development shall have been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2: Glossary of National Planning Policy Framework or any future guidance that replaces it. The scheme shall include:
- i) the type, tenure and location on the site of the affordable housing provision
  - ii) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
  - iii) the arrangements for the transfer of the affordable housing to an affordable housing provider;
  - iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
  - v) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

The affordable housing shall be retained in accordance with the approved scheme.

**Reason:** To provide affordable housing to accord with the objectives of the National Planning Policy Framework.

4. Operations that involve the destruction and removal of vegetation or buildings (or part of a building) shall not be undertaken during the month of March to August inclusive, except when approved in writing by the local planning authority, once they are satisfied that breeding birds will not be adversely affected.

**Reason:** In the interests of nesting and breeding birds and to accord with the Wildlife and Countryside Act and to accord with the objectives of the NPPF (2012).

5. No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and 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, unless agreed otherwise with the surface water receiving body, shall be restricted to 1.4 litres per second per hectare;
- 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:** This is a pre-start condition to ensure residents of the permitted development, neighbouring residents and neighbouring land 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.

6. No dwelling shall commence above slab level until full details of all landscaping and planting works have been submitted to and approved in writing by the local planning authority. The scheme shall include details of all boundary treatments, hard surface materials, planting schedules (tree and shrub species, size on planting and planting densities) including any existing trees to be retained and removed.

**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, H3 and H4.

7. All landscape works shall be carried out in accordance with the approved details during the first available planting season following substantial completion 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 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, H3 and H4.

8. A landscape management plan including management responsibilities and maintenance schedules of all areas of public open space, play equipment and roads shall be submitted to the local planning authority for approval before the 10th dwelling constructed on the application site is first occupied. 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. Prior to the commencement of the development hereby permitted, a Construction Management Plan shall be submitted to and approved by the local planning authority. The Construction Management Plan will prescribe how the construction of the site will be phased, 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.

10. The trees protected by Boston Tree Preservation Order No. 37 (2012) 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). 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 Adopted Local Plan Policy G2.

11. The development hereby approved shall be carried out in accordance with the approved Flood Risk Assessment (NTW/2223/FRA REV A dated August 2014) and in particular the following mitigation measures:

- The finished floor levels of all dwellings shall be set a minimum of 1m above existing ground level
- Flood resilient and resistant construction techniques shall be incorporated throughout the development

The mitigation measures shall be fully implemented prior to occupation or subsequently in accordance with the timing/phasing arrangements embodied within the scheme.

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

12. 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.

13. The first floor rear windows of the flat unit above garages on plot 13 (ref plan L00/2225/DS/P13 ) shall be fitted with obscured glazing before occupation of this residential unit and shall be retained in this form thereafter.

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

14. The areas of public amenity open space shown on the submitted layout plan ref PL-01 Rev G shall be laid out in a manner to be agreed in writing by the local planning authority and made available for use before the 33<sup>rd</sup> 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.

15. Before the occupation of any dwelling, a scheme to provide play equipment shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented before the 33<sup>rd</sup> dwelling is occupied.

**Reason:** To enable the delivery of play equipment for the future residents and to accord with the objectives of Local Plan policy H4.



16. Before occupation of any of the dwellings along the private drive, the drives and parking areas shall be provided with lighting in accordance with details, including the maintenance of the lighting, that have been 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.
17. No part of the development hereby permitted shall be commenced until such time as the Ghost Island Right-turn Lane junction, shown indicatively on drawing numbered NTW/2223/100-01 P7, dated 12 Jan 2017 has been constructed in accordance with details which shall first be submitted to approved by the Local Planning Authority.  
**Reason:** In the interests of providing safe and suitable access to the permitted development and to accord with the objectives of Local Plan policies G1 and G6.
18. No dwellings shall be commenced before the first 50 metres of estate road from its junction with the public highway, including visibility splays, as shown on drawing number PL-01 Rev G dated 09/01/2017 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 Sibsey Road and to accord with the objectives of Local Plan policies G1 and G6.
19. 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 to 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 policies G1 and G6.

## **35 PLANNING APPLICATION B 16 0436**

### **Outline Planning Permission**

**Outline planning application with all matters (scale, layout, access, landscaping and appearance) reserved for the demolition of the former scrap yard buildings and disused farm buildings and the erection of up to 180 dwellings, ancillary public open space/play area and swales**

### **Land east of Lindis Road (inc former Shooters Yard), Fishtoft, Boston**

The Senior Planning Officer presented the report and advised member of one update to the report tabled in that Condition 9 would be amended to read 0800 hours and not 0830 as within the condition.

Representation was received in objection to the application which included:

Committee were asked to undertake a site visit in order to see the residents concerns and opinion that the development would impact on the area.

Whilst the initial development had been for 224 dwellings and now reduced to 180, of which 100 would be build within the first five years, the size of the development would still possibly create an additional 200 vehicles movements a day and be subject to over 300 wheelie bins.

Further concerns included the fear of overlooking by 3 storey properties onto existing neighbouring houses. Referring to foundation design the committee were advised that a continuous thumping during construction could result in cases of reported cracking in homes. The approach onto the site from Lindis Road was not suitable for lorries and could create dangers for pedestrians using Lindis Road. Concern was stressed at the impact on the junction of Lindis Road, Eastwood Road, Woodville Road and Freiston Road which was already over laden at peak times and in particular when turning right onto Freiston Road which was nearly a blind turn.

The comment that pedestrians could use a Zebra Crossing on Freiston Road was queried as the objector advised there was no pedestrian crossing on Freiston Road. Committee were asked to agree that all the supermarkets were on the other side of town; most of the doctors' surgeries were on the other side and as such walking and cycling to amenities would not happen. Concluding committee were advised that the Wildlife assessment was out of date and more importantly the site did flood.

Representation was received on behalf of the applicant which included:

Advising that Cyden were a Lincolnshire based company who were recognised for their aware winning quality and had successful developments across the County. They had a track record for working with the community and pre application engagement had been well publicised with a drop in session held well in advance for the application being considered.

Following the drop in session the applicant had amended the initial plans to address the issues which had arisen and throughout the whole application process an open and honest dialogue had been maintained with the officers.

Committee were reminded that there were no statutory objections to the application, which underlined the robust in-depth professional assessments across all areas that the applicant had produced.

Furthermore members were reminded that a portion of the site still had an extant permission on it for a Scarp Yard and as such if that were in operation, that would significantly impact on the residents. Reminding members that the whole site had been identified as an allocation in the emerging SELLP which had initially identified a higher density of housing on the site, the applicant had identified the need to reduce the number of dwellings to allow the development to be in keeping with the surrounding area. Reassurance was provided that the applicant would further engage with residents prior to reserved matters stage.

Representation was received on behalf of the Parish Council which included:

A major concern of the Parish Council was the significant increase in traffic the development would create. Residents already struggled at peak time with 'Junction 9' which was continually busy and the right turn from Lindis Road onto Freiston Road was very dangerous.

The Parish Council questioned the traffic assessment carried out in 2016: a resident carried out a comparative assessment recently over the same period at the same times of the day and their figures proved to be 50% higher than the ones identified in 2016.

One suggestion the Parish Council had to alleviate the dangerous problems that would arise at Junction 9, was to use the current footpath which ran from the site direct onto Eastwood Road as a one way exit out of the site direct onto Eastwood Road: it would, the Parish Council felt be a very easy way to reduce the volume of traffic exiting the site onto Lindis Road and queuing to Junction 9 to turn left onto Eastwood Road.

Concluding the representation the Parish Council asked that if granted, then they supported Condition 7 and also requested that two further items be taken to reserved matters for agreement: the first was the egress of the site direct onto Eastwood Road and the second that a further (current) traffic assessment be carried out on Lindis Road as peak times and not during any holiday periods.

It was moved by Councillor Alison Austin and seconded by Councillor Michael Brookes that the committee having taken into consideration the petition submitted and subject to the satisfactory completion of the s106 Planning Obligation, grant the application in line with officer recommendation, subject to the conditions and reasons therein and, subject to the removal of condition 8; the amendment to condition 7 to read 0800 hours instead of 0830 hours and that the applicant provide a construction plan ahead of any start of works and that the development be subject to a maximum of 180 dwellings and that all reserved matters to be bought back to committee for final determination.

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

**RESOLVED:** that the committee having taken into consideration the petition submitted and subject to the satisfactory completion of the s106 Planning Obligation, delegate authority to the Development Control Manager to grant the application in line with officer recommendation, subject to the conditions and reasons therein and, subject to the removal of condition 8; the amendment to condition 7 to read 0800 hours instead of 0830 hours and that the applicant provide a construction plan ahead of any start of works and that the development be subject to a maximum of 180 dwellings. All reserved matters to be bought back to committee for final determination.

1. No development shall commence until details of access, appearance, landscaping, layout and scale (hereinafter called "the reserved matters") have been submitted to and approved in writing by the local planning authority.  
**Reason:** Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990.
2. Application for approval of all reserved matters shall be made not later than three years beginning with the date of this permission.  
**Reason:** Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990.
3. The development must be begun not later than the expiration of two years from the final approval of reserved matters, or in the case of the approval of reserved matters on different dates, the final approval of the last such matter to be approved.  
**Reason:** Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990.

4. If the submission of reserved matters is to be phased, a phasing plan defining the area for each reserved matters application shall be submitted alongside the first reserved matters application. Further reserved matters applications shall be made in accordance with this phasing plan.

**Reason:** The application is in outline form only and to comply with Section 92 of the Town and Country Planning Act 1990.

5. The application hereby approved shall relate to no more than 180 dwellings.

**Reason:** To define this permission in the interests of the amenities of the area and taking account of saved Local Plan Policy G1.

6. Prior to the commencement of the development hereby permitted, a Construction Management Plan (CMP) shall be submitted to and approved in writing by the Local Planning Authority. Development shall then be carried out in accordance with the approved CEMP. The CEMP shall include, though not necessarily be restricted to the following details;

- a) A Traffic Management Plan incorporating the routing of construction traffic and details of heavy vehicle movements patterns (including earliest and latest times and the suspension of trips during peak traffic times along Lindis Rd/Eastwood Rd;
- b) Measures to avoid disturbance to nesting birds and other wildlife;
- c) Measures to minimise and control noise, vibration, dust and fumes during the site
- d) Details of the on – site parking facilities of all vehicles of site operatives and visitors;
- e) The unloading and loading arrangements for heavy plant and machinery;
- f) The location, extent and duration of any stockpiling area;
- g) A Tree protection plan and measures to protect trees identified for retention during the construction which shall be in accordance with BS5837 Trees in Relation to Construction;
- h) Measures to prevent mud being deposited on the surrounding highway;
- i) A programme of implementation for items (a) – (h) above.

**Reason:** To minimise the impact of the impact of the development during the construction and to accord with saved Policy G1 of the adopted Boston Local Plan.

7. No construction activities shall take place outside the hours of 08:00 to 18:30 Mondays to Fridays and on Saturdays outside the hours of 09:00 and 14:00 hours and not at anytime on Sundays/Public/Bank Holidays.

**Reason:** To minimise the impact of the development during the construction and to accord with saved Policy G1 of the adopted Boston Local Plan.

8. No development including demolition shall, take place until a further bat survey has been carried and a report of its findings submitted to and approved in writing by the Local Planning Authority. The report shall include, where appropriate whether the presence of bats/bat roosts are established within the application site and recommend measures to safeguard the protected species. Such measures should be carried out in accordance with a programme to be incorporated in the report and agreed in writing with the Local Planning Authority.

**Reason:** This is a pre-commencement condition to accord with the interests of biodiversity and to comply with saved Policy G2 of the adopted Boston Local Plan and the aims and objectives of the National Planning Policy Framework.

9. No development comprising the erection of any dwellings units shall take place until details of finished site and ground floor levels in relation to the existing site levels, adjoining land and dwellings have been submitted to and approved in writing by the Local Planning Authority. The details shall include the proposed grading and mounding of land areas, cross sections through the site and relationship with the adjoining land form and buildings. The development shall thereafter be implemented in accordance with the approved details.
- Reason:** In order to secure the satisfactory development of the application site and to minimise the impact on surrounding occupiers and to accord with saved Policy G1 of the adopted Boston Local Plan.
11. Development shall not be commenced until a Travel Plan has been submitted to and approved in writing by the local planning authority. Those parts of the approved Travel Plan that are identified therein as being capable of implementation after occupation shall be implemented in accordance with the timetable contained therein and shall continue to be implemented as long as any part of the development is occupied.
- Reason:** In order that the local planning authority conforms to the requirements of the National Planning Policy Framework, a Travel Plan has been conditioned to ensure that access to the site is sustainable and reduces dependency on the car.
12. No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and 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 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:** In accordance with the details of the application and to ensure for the satisfactory, sustainable drainage of the site, to ensure that surface water run-off from the development will not adversely affect, by reason of flooding, the safety amenity and convenience of the residents of this site and vicinity and to accord with Adopted Local Plan Policies G1 and G6.
13. The development hereby permitted shall not be commenced until details of a comprehensive contaminated land investigation report has been submitted to and approved in writing by the Local Planning Authority (LPA) and until the scope of works approved therein have been implemented. The assessment shall include all of the following measures:
- a) A Phase I desk study carried out to identify and evaluate all potential sources of contamination and the impacts on land and/or controlled waters, relevant to the site. The desk study shall establish a 'conceptual model' of the site and identify all plausible pollutant linkages. Furthermore, the assessment shall set objectives for intrusive site investigation works/ Quantitative Risk Assessment (or state if none required). Two full copies of the desk study and a non-technical summary shall be submitted to the LPA.

- b) A site investigation shall be carried out to fully and effectively characterise the nature and extent of any land contamination and/or pollution of controlled waters. It shall specifically include a risk assessment that adopts the Source-Pathway-Receptor principle and takes into account the sites existing status and proposed new use. Two full copies of the site investigation and findings shall be forwarded to the LPA.
  - c) A methodology and timescale for the treatment or removal of the underground petrol filling station tanks which form a part of the development site.  
**Reason:** To ensure potential risks arising from previous site uses have been fully assessed and to accord with the intentions of the NPPF (2012). This is a pre-commencement condition because potential contamination on the site has not yet been fully assessed and agreed mitigation measures need to be agreed prior to the commencement of works.
14. Where the risk assessment (see preceding condition) 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 the intentions of the NPPF (2012).
15. 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 the intentions of the NPPF (2012).
16. 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 the intentions of the NPPF (2012).
17. 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 the intentions of the NPPF (2012).

**36 PLANNING APPLICATION B 16 0456**

**Outline Planning Permission**

**Outline application for residential development (up to 42 dwellings) with all matters reserved for later consideration**

**Land to the rear of nos. 1a - 15 Watery Lane, Butterwick, Boston, Lincolnshire, PE22 0HS**

**Mr & Mrs R F & J Warth**

The Development Control Manager presented the report confirming only one update to the report tabled in that extra representation had been received from the agent which was too late to be circulated to committee. It referenced the recent Supreme Court Judgement pointing out that Policies including CO1 although not for the 'supply of housing' were up to date. Further representation noted the 2011 HM Gov. Housing Strategy which stated for every new home, 2 new jobs were created and also reference was made to para.14 of the NPPF and the 'tilted balance' needed in deliberation in that there was no current five year supply and as such, committee needed to still work on the presumption in favour of development.

Representation was received by the agent which included:

Committee were asked to recognise the agents' expression of appreciation of the case officer for the application. Briefly referencing the Supreme Court decision the agent asked that whilst he acknowledged that the application did impact on CO1, the site did about the existing settlement of Butterwick and that although the local plan carried no statutory weight the site was identified in the SHLAA.

Members were asked to recognise that there had been no third party representation and that the 24% affordable housing allocation was significantly higher than the minimum statutory requirement.

Noting the mix of housing in the indicative layout, members were advised that the final mix was for determination at reserved matters stage and the layout was solely to confirm that the site could accommodate 42 dwellings.

Referencing the early objections by the Environment Agency in respect of flood risk members were advised it had arisen due to a belief that there would be bungalows on the site: the agent confirmed he felt that the problem could be addressed by using either dormer bungalows or bungalows with refuges in the attics.

Drawing committees' attention to point 7.5 of the report, the agent noted the unusual comment by the officer that in their opinion the developments would actually improve the character and visual impact of the area and bearing that in mind, committee needed to pay weight to the comment against CO1.

Furthermore the agent referenced 7.8 of the report and confirmed that the development was capable of delivering significant improvements to highway safety both outside the site and at the junction as the land was in the control of the applicant.

It was moved by Councillor Michael Cooper and seconded by Councillor Colin Brotherton that subject to the signings of the s106 Planning Obligation, the application be granted in line with officer recommendation, subject to the conditions and reasons therein and that all Reserved Matters be returned to committee for final determination.

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

**RESOLVED:** That the committee, subject to the satisfactory signing of the s106 Planning Obligation, delegate authority to the Development Control Manager to grant the application in line with officer recommendation, subject to the conditions and reasons therein and that all reserved matters be returned to committee for final determination.

1. No development shall commence until details of appearance, access, layout, landscaping and scale of the development (hereafter referred to as the “reserved matters”) have been submitted to and approved by the Local Planning Authority.  
**Reason:** This is an outline application only and such details must be approved before development commences in order to comply with the objectives of Local Plan policies G1 and H3 and required to be imposed pursuant to Section 92 of the Town & Country Planning Act 1990.
2. Application for approval of all reserved matters shall be made to the Local Planning Authority not later than the expiration of three years from the date of this permission.  
**Reason:** Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990.
3. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.  
**Reason:** Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990.
4. The development hereby permitted shall be carried out in accordance with the following approved plans –
  - Site Location Plan 16033-001-01 (1/3)
  - Flood Risk Assessment prepared by Sensus Architecture Ltd received by the LPA on 1 Nov 2016.**Reason:** To ensure the development is undertaken in accordance with the approved details and to accord with Adopted Local Plan Policies G1 and G3.
5. No more than 42 dwellings shall be erected on the site.  
**Reason:** To define the permission and to accord with Adopted Plan Policy G1.
6. No part of the development shall be occupied before works to improve the public highway, by means of the provision of a 1.8 metre wide footway on the south side of Watery Lane, from opposite the site entrance to a point at the junction of Watery Lane with Sea Lane, together with suitable dropped kerb crossings on each side of Sea Lane, have been completed in accordance with details to be submitted to and approved by the local planning authority.  
**Reason:** To ensure safe access to and from the site and each dwelling/building to the wider settlement in the interests of residential amenity, convenience and safety and to accord with Adopted Local Plan Policies G1 and G6.



7. The development permitted by this planning permission shall be carried out in accordance with the Flood Risk Assessment submitted by Sensus Architecture Ltd including the following mitigation measures:
- All dwellings shall be a minimum of 2 storeys, dormer or chalet bungalows being included in this definition
  - Finished floor levels shall be no lower than 1m above existing ground levels
  - Demountable defences to a height of 600mm shall be incorporated into the design
  - Flood resistance and resilience measures shall be incorporated as described

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

**Reason:** To reduce the risk and impact of flooding, in accordance with Adopted Local Plan Policy G3.

8. No drainage works shall commence until a surface water management strategy has been submitted to and approved in writing by the Local Planning Authority. No hard-standing areas to be constructed until the works have been carried out in accordance with the surface water strategy so approved unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To prevent environmental and amenity problems arising from flooding, in accordance with Adopted Local Plan Policy G3.

9. The development hereby permitted shall not be commenced until details of a comprehensive contaminated land investigation has been submitted to and approved by the Local Planning Authority and until the scope of works approved therein have been implemented. The assessment shall include all of the following measures unless the Local Planning Authority dispenses with any such requirements in writing:

A Phase I desk study carried out to identify and evaluate all potential sources of contamination and the impacts on land and/or controlled waters, relevant to the site. The desk study shall establish a 'conceptual model' of the site and identify all plausible pollutant linkages. Furthermore, the assessment shall set objectives for intrusive site investigation works/ Quantitative Risk Assessment (or state if none required). Two full copies of the desk study and a non-technical summary shall be submitted to the Local Planning Authority.

**Reason:** To ensure potential risks arising from previous site uses have been fully assessed and to with accord Adopted Local Plan Policies G1 and G3.

10. Where the assessment (see preceding condition) 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 Local Planning Authority. No works, other than investigative works, shall be carried out on the site prior to receipt of written approval of the remediation strategy by the Local Planning Authority.

**Reason:** To ensure the proposed remediation plan is appropriate and to with accord Adopted Local Plan Policies G1 and G3

11. 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 Adopted Local Plan Policies G1 and G3
12. On completion of remediation, two copies of a closure report shall be submitted to the Local Planning Authority. 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 Adopted Local Plan Policies G1 and G3
13. 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 LPA.  
**Reason:** To ensure all contamination within the site is dealt with and to accord with Adopted Local Plan Policies G1 and G3.
14. The detailed layout shall incorporate an area or areas of public amenity open space/children's play area comprising not less than 7.5% of the gross site area which maximises as far as possible its amenity value. The area(s) of public amenity open space which shall include the provision of play equipment shall be laid out in a manner to be agreed in writing by the Local Planning Authority and made available for use before 50% of dwellings constructed on the application site are first occupied. This area shall not at any time be incorporated within the curtilage of a dwelling.  
**Reason:** To provide a satisfactory level of publicly available amenity open space within the development and to accord with the objectives of Policy H4 of the Boston Borough Local Plan.
15. A landscape management plan including management responsibilities and maintenance schedules of the public amenity open and recreation space including play equipment shall be submitted to the Local Planning Authority before the 10th dwelling constructed on the application site is first occupied. 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.

**It is recorded that at this part in the proceedings at 1650 hours the Chairman sought Committee's approval to continue in session past the three hour standard meeting time to enable all the business of the day to be concluded. Committee unanimously agreed the continuation of the meeting.**

### **37 PLANNING APPLICATIONS B 16 0007 AND B 16 0011 PLANNING OBLIGATIONS**

The Development Control Manager presented the report confirming that the applicants had tabled a request to vary the terms of the planning obligations which had been agreed when committee had delegated powers to him to approve, subject to the planning obligations.

Since the delegation the developers on both sites had incurred significantly more costs than had been expected: both sites had subsequently gone into administration and being subject to still having to pay rates on the sites, the applicants had taken the decision to demolish both sites.

As the works to demolish both sites had progressed, the levels of asbestos on both sites and in particular the Norfolk Street site, had exceeded the applicants' expectations.

The agreed level of educational contributions across both sites had been £921k on the Magnadata Site and £169k on the Norprint site: the additional costs which had not been anticipated during the demolition had amounted to £625k to date and the applicants had stated that the costs now threatened the viability of the scheme.

Members were advised that they needed to agree any variation: the applicants had suggested removal of all educational contributions which would maintain the 15.8% affordable housing allocation: if members were not agreeable then any continuation could affect the affordable housing allocation or possible non continuation of the development.

The Development Control Manager provided a selection of options across both sites and asked committee for a decision in order to respond to the request for the variation.

A considerable amount of member discussion took place considering the options. Members all voiced strong concern at the lack of preparation by the applicants when scheduling their plan of works: the lack of identification of the obvious high levels of contamination that would be on the sites due to their former use, and more importantly, the level of demolition costs that would be required to clear them both.

Two key areas of agreement were identified with members agreeing that they did not want to see the sites abandoned and not built and that the priority of maintaining the agreed affordable housing provision outweighed the educational contributions.

It was moved by Councillor Paul Skinner and seconded by Councillor Claire Rylott

That the Committee agree:

- To keep all the affordable housing at present levels.
- That the terms of the s106 obligation are based upon a full open book exercise that has been independently verified to enable officers to negotiate the level of education contributions with the full knowledge of extra costs
- The standard condition on the outline approval for submission of reserved matters is amended to one year
- That all reserved matters be determined through committee.

The vote was unanimous in favour of the motion.

### **38 APPEAL DECISION REPORT**

Committee noted the Appeal Decision Report which was presented by the Development Control Manager

### **39 DELEGATED DECISION LIST 24 APRIL 2017 TO 26 MAY 2017**

Committee noted the delegated decision list.

The Meeting ended at 6.00 pm