

Present:

Chairman: Councillor David Brown

Vice-Chairman: Councillor Sue Ransome

Councillors: Alison Austin, Michael Cooper, Anton Dani, James Edwards, Paul Gleeson, Jonathan Noble, Barrie Pierpoint, Claire Rylott, Yvonne Stevens and Stephen Woodliffe

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

112 APOLOGIES

Apologies for absence were tabled by Councillor Peter Bedford with Councillor Paul Gleeson substituting. Apologies were also tabled by Councillor Paul Skinner with no substitute member.

113 MINUTES

With the agreement of the committee the Chairman signed the minutes of the previous committee meeting held on the 9 January 2018

114 DECLARATION OF INTERESTS

The clerk confirmed that standing declarations of interest would be recorded for Councillors Alison Austin as a member of Lincolnshire County Council; in respect of Councillors David Brown, Michael Cooper, Sue Ransome and Claire Rylott as members of the South East Lincolnshire Local Plan and in respect of Councillors Michael Cooper and Claire Rylott as representatives of Internal Drainage Boards.

Councillor Stephen Woodliffe declared that he would absent from planning application B 17 0317 due to being conflicted in respect of his long standing association with Boston Grammar School who were identified as potential beneficiaries of monies within the request for a Section 106 obligation for funding, identified within the application. Councillor Woodliffe further declared the same abstention from planning application B 17 0404 for the same reason in that potential monies would be provided to Boston Grammar School via a Section 106 obligation.

Councillor Barrie Pierpoint declared an interest in planning application B 17 0442 in that the applicant was known to him as a representative of his own dental practitioners.

Councillor Alison Austin declared she would absent from planning application B 17 0317 and speak as a member of the public on the application. She confirmed she had a prejudicial interest in respect of the location of her own property to the application site and stated that on once she had made her representation she would withdraw from the meeting for the determination of that application. Furthermore Councillor Alison Austin declared that she had been a guest at the recent Chestnut Homes Open Day and received some hospitality.

Councillor Michael Cooper declared that the application for planning application B 17 0442 was known to him through the Conservative Association but confirmed it would not have any bearing on his ability to make a clear and unbiased decision on the application.

Furthermore Councillor Michael Cooper declared that he had been a guest at the recent Chestnut Homes Open Day.

Councillor David Brown declared an interest in planning application B 17 0317 advising he had attended a fact finding tour of the site with former Parish Councillor John Chester alongside the current Chairman of Wyberton Parish Council Mrs Pat Cooper which had taken place on Friday 5th January 2018. Councillor David Brown stated he had made it quite clear that he had attended purely to listen and not make comment: he confirmed that whilst he made one comment he remained open minded stating pre-disposition yes, pre-determination no and therefore felt himself able to deliberate the application without prejudice.

115 PUBLIC QUESTIONS

No public questions were tabled.

At this point in the proceedings the clerk provided a point of information.

An official planning committee site visit had taken place at 0930 hours at the location of planning application B 17 0442. Only members' who undertook an official site visit, could determine it at the meeting proper and the clerk confirmed all members had been in attendance throughout the site visit.

116 PLANNING APPLICATION B 17 0442

Erection of two storey side and rear extension and two storey front extension.

79 Pilley's Lane Boston, Lincolnshire PE21 9RA

Mrs Ayesha Virk

The Interim Development Manager presented the report confirming that he would provide a full overview of the application, which had been deferred from the last committee meeting to permit the site visit, in order for Councillor Paul Gleeson who had not been in attendance at the previous meeting, to receive a full presentation.

Representation was received in objection to the application by Mr Howarth which included:

Thanking committee for undertaking the site visit Mr Howarth reiterated that the principle objection remained the awesome size of the proposed extension which was overbearing, overlooking and dominant in nature and directly impacted on the vast chunk of light in the south east quadrant that would be lost to us forever, not just sunlight but natural light would be lost.

The extension facing their home would be the size of three double-decker buses parked side by side with three single decker buses parked on top of them. Mr Howarth stated he felt that to be grotesque. Members were asked to recognise that the objectors had elected to live in the countryside and not in a city.

Mr Howarth stated he felt very much on the back foot in the process with the onus on him to try to justify why he did not want his home to be encroached upon and cast into permanent shadow. He stated that as a lay person he had found it extremely difficult to find persuasive evidence to put before the committee to show that they were likely to suffer substantial harm. He noted that it appeared nobody could explain what substantial harm was, although many experts were willing to say what it was not. Mr Howarth stated that he had been advised he had no further opportunity to make further: following a telephone conversation from the clerk it appeared he did indeed have although he only had a couple of days to do so. He referenced the 25 45 degree rule of thumb which was part of the guidance to good practice developed by the world recognised buildings research establishment. Whilst the rules were not set in stone they were used by many planning authorities and accepted as expert testimony in the courts. It lent some objectivity to the vexatious question of light and he himself had demonstrated that the proposed extension failed in the respect of light into his first floor bedroom. The 25 degree rule failed spectacularly in respect of his kitchen window which faced the west wall of the extension and as in many homes, he stressed that the kitchen was the heart of his home. If built it would be totally eclipsed.

Representation was received by the applicant Mrs Virk which included:

The application was to permit an extension to their property to allow the applicants young family to expand and grow, following their move to Boston. Referencing the NPPF the applicant stated that it dictated that permission should be granted unless adverse impact significantly and demonstrably out-weighed the benefit. Planning policy should not stifle innovation; originality or initiative. Members were advised that the property was a standard 1950's build which allowed the applicant a blank canvas. No. 81 was 2.5 metres from their boundary with no. 77 being 1.5 metres from the boundary. All properties on Pilley's Lane were individual in style with some set along the road and some set back. All had south facing gardens and therefore there was no significant impact on light to neighbours. The applicant confirmed they had spoken to two architects in respect of the light elements: both had agreed that no. 81 would not be affected but no. 77 could be affected. As such, the applicant stressed that only a single storey was being implemented on that side to cause minimal impact. From an innovative point of view it was the intent to produce an eco friendly house suitable for a growing family. Once built the property would still have in excess of 42 metres of garden. The neighbour at no.81 already had a single storey extension which superseded the applicants' extension. Committee were asked to recognise that if built, the extension would only go out a further 6 metres as it included the existing single storey extension into an open plan living room. No. 75 already had an open balcony: the applicants proposed balcony was fully enclosed with walls both sides and an opaque balustrade so as not to impact on anybody's privacy.

Following member commenting which agreed the benefit of the site visit, the Interim Development Manager referred committee to Policy H10 which had been quoted by a member during the debate. Members were reminded that Policy H10 was not applicable as the application site was not within the settlement: as such no weight could be paid to it within the determination.

It was moved by Councillor Claire Rylott and seconded by Councillor Yvonne Stevens that the application be granted in line with officer recommendation and subject to the conditions and reasons therein.

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

RESOLVED: That planning permission be granted in line with officer recommendation and subject to the following conditions and reasons:

CA31 – Statutory time limit.

1. The development hereby permitted shall be carried out in strict accordance with the application received 1st November 2017 and in accordance with the associated plans referenced: -

1/1 Site Location Plan, Site Plan, Floor Plans and Elevations

Reason: For the avoidance of doubt, in the interests of proper planning and to accord with the objectives of Local Plan Policy G1.

117 PLANNING APPLICATION B 17 0248

Erection of 5 no. three bedroom town houses to the rear of existing dwelling

67 Sleaford Road, Boston, Lincolnshire, PE21 8EX

Mr S Epton

The Senior Planning Officer presented the report and advised three updates to the report tabled.

The first update was in respect of representations and committee were advised that one further representation had been received from the occupier of no.69 Sleaford Road citing concerns in respect of the proposed removal of trees within the site and the need for additional fencing to safeguard amenity.

The second updated confirmed that County Highways had responded and confirmed they had no objection to the application subject to condition which related to alterations to the existing access onto Sleaford Road.

The final update confirmed members would be asked to agree an additional condition was recommended which would relate to surface water disposal and third party flooding.

No representation was received in respect of this application.

It was moved by Councillor Michael Cooper and seconded by Councillor Jonathan Noble that the application be refused contrary to officer recommendation as proposed development undermined the amenity and character of the area and would be contrary to the objectives of Local Plan policies H2, H3 and G1.

In Favour: 12. Against: 0. Abstentions: 0. Unanimous Decision.

RESOLVED: That the application be refused contrary to officer recommendation for the following reasons:

1. The siting of the proposed development behind the host property is out of character with the pattern of development in the area and the design of the proposed terraced block is unsympathetic to the architectural form, appearance, style and proportions of the host property and other residential properties in the area. The proposed development will therefore undermine the amenity and character of the area and will be contrary to the objectives of Local Plan policies H2, H3 and G1. The development also does not meet the objectives of the NPPF.
2. The proposed development, by virtue of its design, height, window location and its relationship with neighbouring properties to the east and west of the site in particular, will result in overlooking and erode privacy and the living conditions of neighbouring residents and the occupiers of the flats within the host property. The development will substantially harm the amenity of the neighbouring residents and the proposed development is therefore contrary to Local Plan policy G1.
3. The density of the proposed development coupled with the 9 flats within the host property is significantly high compared to the density, form and character of the surrounding area. The proposed development therefore represents over-development, resulting in an alien and incompatible form of development which will be contrary to the objectives of Local Plan policies H2 and H3.
4. The proposed provision for the storage and collection area for wheelie bins which will serve the proposed 5 dwellings and the 9 flats within the host property and will be located near to the south and western boundaries will result in visual harm to the amenity and character of the area, contrary to the objectives of Local Plan policy G1.
5. The proposed number of car spaces is insufficient to accommodate the proposed development and the flats within the host property. The development will therefore result in on-street parking and will compromise highway safety, contrary to Local Plan policies G1 and G6.

It is recorded that Councillors Alison Austin and Stephen Woodliffe absented from the meeting at this part in the proceedings.

Councillor Yvonne Stevens declared that she had received lobbying in respect of planning application B 17 0317 but she had not responded

118 PLANNING APPLICATION B 17 0317

Hybrid outline application for residential development (up to 200 dwellings) consisting of:

- **Construction of 71 dwellings (phase 1) and associated infrastructure including access, layout, scale, landscaping and appearance**
- **Construction of up to 129 dwellings including access with all matters reserved for later approval**

Land off Wyberton Low Road, Wyberton, Boston, PE21 7SF

Mrs Rebecca Archer- Chestnut Homes Ltd

The Senior Planning Officer presented the report and advised 1 main update to the report tabled in that additional representation had been received in the form of five additional letters including one from Ward Member Cllr Richard Austin with all members having been sent a copy of the letter. The remaining four letters were from the occupiers of Ashtree Cottage at Rawsons Lane; 178 Wyberton Low Road; 184 Wyberton Low Road and 154 Wyberton Low Road.

The Ward Member and the neighbours all voiced concerns that the application could jeopardise future industrial development and development of the household waste recycling centre. Further concerns cited the impact upon the road infrastructure by the increased traffic generated and the ability of the highway network to accommodate the increase. Concerns were also tabled in respect of education and medical provision and some residents' questioned if there was a need for such a large development within that area. Safety concerns in respect of the depth of the surrounding drains were raised alongside littering issues within the drains and the damage and danger to wildlife.

At this point in the proceedings the Monitoring Officer requested that clarification of a comment made during the officers' representation be recorded. Councillor Richard Austin referenced within the update information had not corresponded in his capacity as Ward Member for Wyberton but purely at Richard Austin resident of Wyberton.

Representation was received in objection to the application:

1. Mrs Austin which included:

Committee were advised that the main issues by residents all related to the unsustainability of the location. Concerns included the lack of amenities; the need for a car; road network and traffic flood risk and drainage. An 18 minute walk to the corner shop was unrealistic: the nearest bus route on London Road was a mile away and there was no other public transport with Call Connect being akin to a taxi service.

It was a false argument more school places would not be required as starter homes would attract young couples. The only facility in walking distance was St. Thomas's school which had no space for expansion. Wyberton school was over a mile away on the opposite side of the A16. Referencing the non objection by Highways, members were referred to the adequate car parking space identified in the development and asked to realise that the 128 parking spaces for Phase 1 could mean up to 360 cars in total. Addressing the dykes which boarded two sides of the site, Mrs Austin stated they were extremely deep and confirmed that by law the Black Sluice required a clear 9 metres access strip for maintenance: committee were asked to recognise that Children would play on the strips alongside the dykes which could prove dangerous. A further consideration was the impact on Heron Way; the character of the area and the proximity of the Industrial Estate. Residents on Heron Way were concerned that houses in Phase 2 would overlook their bungalows and gardens. Boundary treatments had not been is not referenced nor had the maintenance of the dyke behind the two properties at stables and a variety of wildlife would likely be displaced to accommodate Phase 2. The open fields in Phase 1 formed a buffer between existing housing and the industrial estate and would be best left undeveloped. Concluding Members were asked to recognise that the development had ignored both the new power station which was near completion and also new household waste recycling centre.

Furthermore acknowledgment of the much needed affordable housing was agreed but the site was questioned as without the use of a car residents could feel very isolated and vulnerable. The site was not safe for pedestrians and cyclists and consideration needed to be given to deliberately housing families so close to industrial activity.

2. Mr John Chester which included:

Stating he did not wish to repeat the former speaker Mr Chester advised he had significant knowledge of the history of site. He stated that the plan showed site Phase 1 was owned by Baptist Trust Farms. The site had been applied for years ago and refused. Stating he had been a Parish Councillor for 30 years in Wyberton Mr Chester reiterated he knew quite a bit about the history of place. He advised that when Marsh Lane was originally planned by the Council that was a buffer zone stopping all development. He stated that he thought that Phase 2 had already got outline planning permission of industrial use anyway and said that also when traffic surveys were carried out it was had been at times when most people had gone to school or work. Even though they had been given opportunity by the planning officer to change the time and still it had been changed but not properly, so as a resident who has lived there for 60 years Mr Chester felt that the traffic survey was a joke. Mr Chester then stated that the first planning of the industrial site idea was to put a road through Marsh Lane right through to the new A16 at that time which was a railway line and no houses were in the way of the road.

Representation was received on behalf of the applicant by Mrs Rebecca Archer which included:

Boston had been and continued to be Chestnut Homes main trading area. The Quadrant was now well underway delivering market and affordable housing along with infrastructure benefits to the town. Although predominantly market housing providers the applicant understood affordable housing was a key part to creating a broad mix of housing to suit various housing needs across the borough. The Quadrant construction on 62 of 100 affordable homes was underway and the applicant had been delighted to hand over the first 22 homes to Boston Mayflower last week. The balance of 62 would be handed over during the year and the remaining 38 would be built within the next phase of the development.

Chestnut Homes had an excellent track record delivering affordable homes not only under Sect. 106 obligations but also in identifying suitable land and also in working in partnership with local housing associations to deliver schemes.

They had successfully delivered affordable homes at the former Jewson's Yard site in Boston in partnership with Waterloo Housing and were presently building 17 affordable rented homes adjacent to the Riverside development for Boston Mayflower. Also nearing completion were 175 affordable homes at Skegness for Waterloo Housing, all completed under an accelerated construction programme of 2 years. Confirming the application tabled was a hi-bred application with full details submitted for the first 71 with the balance of the site in outline form, the applicant advised it was their intent to deliver close to 100% affordable housing on the site. The applicant already had some 400 market homes on the quadrant but would require flexibility should funding or viability become an issue on the site, hence the minimum 60% commitment in the officers report.

Members were advised that a recently completed scheme at Lincoln had seen market housing built to in effect, cross subsidise the affordable housing which had worked well but was not the applicants preferred option. With housing being a key priority of the Government, Chestnut Homes was an investment partner with Homes England and had an excellent record of securing funding. The applicant had already had good interest in the application site from local housing associations and if approved, then work on the site would begin in the current year.

Representation was received on behalf of Wyberton Parish Council by Parish Councillor Mrs Pat Cooper which included:

Wyberton Parish Council unanimously did not agree the application and objected to it as the road network was inadequate and it was in an unsustainable location. The nearest bus stop being on London Road a distance of about 1 mile away. The nearest convenience store at Newtons Corners about same distance. The nearest school St.Thomas Primary full to capacity with no room for expansion. The next nearest school is Wyberton School at a distance of about 1.1/4 mile away. Walking routes via Low Road or Tytton Lane East both had very hazardous sections without footways.

All assumptions in the report are most traffic uses Wyberton Low Road. In reality Tytton Lane East, Low Road and Slippery Gowt Lane are used because of congestion and parking issues near to St. Thomas's School and to avoid pinch points on the A16 and Marsh Lane. Low Road in effect was a fast widening lane without a footway for about 1000 yards in its most dangerous section. Councillors continually got complaints about speeding along it. Tytton Lane East had an even worst reputation in particular at school times with fast moving and heavy traffic the worst section winding lane about 500 yards with no footway or grass verge for a walker to move out of the path of oncoming traffic. Also it meant a main road to cross without any pedestrian crossing and a child has already been killed trying to cross the road. The nearest main shopping store and post office was in Parthian Avenue a distance of about 1. ½ mile. The nearest Doctors was Liquorpond about 1. ½ miles away. Most food outlets and leisure facilities are about 1. ½ miles away although there are two pubs about a mile away. The access along 500 years of Slippery Gowt Lane is unlit narrow winding without footway and bordered by a deep dyke used as a rat run. High volumes of fastmoving cars use it making it dangerous for walking and cycling in the dark and when wet. There could well be over 300 cars and vans on this estate. The Parish Council is aware the local road network is heavily used at peak times. Several other sites were available locally that were far more sustainable than the one under consideration.

It was moved by Councillor Jonathan Noble and seconded by Councillor Paul Gleeson that the application be granted in line with officer recommendation and subject to the provisos, conditions and reasons therein.

In Favour: 5. Against: 4. Abstention: 1.

RESOLVED: That the Planning Committee resolve that they are Minded to Approve the application subject to conditions and:

- any permission is not released until the applicants have entered into a section 106 planning obligation with the Council requiring a minimum of 60% of the dwellings being affordable units with 50% of this delivered as rented affordable housing in line with the proposals, and type and tenure of units to be agreed with the LPA prior to construction commencing on any dwelling within a phase

- authority is delegated to the Development Manager to approve this application upon satisfactory completion of the planning obligation.
- No representations or objections are received from National Grid which would warrant the re-consideration of the application by the Planning Committee.

Note: For the purposes of this permission, phase 1 means the area defined on plan HWB/001 rev B as the site for 71 dwellings for which 'reserved matters' relating to the appearance, access, scale, layout and landscaping have been submitted and approved as part of this permission. 'Later phase(s)' means the areas of land not forming part of phase 1.

- 1 The development of defined phase 1 hereby approved 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 forming phase 1 of this development shall be carried out in accordance with the following approved plans:

- Site location plan ref HWB/0030P rev B (1a/28)
- Planning layout ref HWB/001 rev B (2A/28)
- Type 101-V1 Floor plans ref 101 -V1-01 (5/28)
- Type 101-V1-Elevations ref 101-V1-02 (6/28)
- Type 104-V1 Floor plans and elevations ref 104-V1 (7A/28)
- Type 104V1 and 105-V1 01 (block C) floor plans ref block (-01 (9a/28)
- Type 104 V1and 105-V1 02 (block C) Elevations ref 104/105- V1 (block C)-02 (10A/28)
- Type 105 -V1 Floor plans ref 105-V1 -01 Rev A (11A/28)
- Type 105-V1Elevations ref 105-V1-02 Rev A (12A/28)
- Type 105-V2 (Block B) Floor plans ref Block B -01 (13A/28)
- Type 105 - V2 (Block B) Elevations ref block B -02 (14A/28)
- Type 105-V2 Floor plans ref 105-V2-01 Rev A (15a/28)
- Type -105- V2 Elevations ref 105-V2-02 (16/28)
- Type 106 -V3-Floor plans and elevations (opp) ref 106-V3-01 Rev A (17a/28)
- Type RP1 Floor plans ref RP1-01 (18/28)
- Type RP1 Elevations ref RP1-02 (19/28)
- Type SF6 Floor plans ref SF6-01 (20/28)
- Type SF6 02 Elevations ref SF602 (21/28)
- Type SF8 (3 block) Floor plans ref SF 8(3 block) 01 (22/28)
- Type SF8 02 (3 block) elevations ref SF8 (3 block) 02 (23/28)
- Type SF8 floor plans ref SF8 01 (24a/28)
- Type SF8 02 Elevations ref SF8-02 (25A/28)
- Wall and fencing ref Detail 6 rev I (27/28)
- Type SF 14 Floor plans and elevations ref SF14 (28/28)

And the recommendations contained within the Preliminary Ecological Appraisal and water vole survey report – Deltasimons July 2017

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

- 3 Phase 1 of the development shall be carried out in accordance with the approved Flood Risk Assessment (FRA) dated November 2017, including the mitigation measures detailed within section 5.8 of the FRA for each form of dwelling. Specifically:

- For two/three storey houses with habitable rooms on ground floor, and apartments above ground floor, finished floor levels shall be raised to no lower than 3.4m AOD, with water resistant external doors, water resisting airbricks, backwater valves, non-return valves and all electrical installation to be above 4.0mODN; or
- Finished floor levels shall be set no lower than 4.0mODN.

Reason: To reduce the risk and impact of flooding to people and property and to accord with the objectives of the NPPF (2012)

- 4 Prior to the commencement of each phase of development hereby granted outline permission, an updated Flood Risk Assessment (FRA) shall be submitted to and approved in writing by the local planning authority, in accordance with the scope of the FRA submitted in support of the outline application.

The FRA shall be undertaken in accordance with the requirements of national planning policy and associated guidance and make use of the best available information on flood risk. The FRA shall include details of finished floor levels and mitigation measures for all built development.

Development shall proceed in accordance with the updated and approved FRA.

Reason: To ensure that flood risk to the development and occupiers is properly assessed and appropriate mitigation is included to ensure the development is safe for its lifetime, and to accord with the objectives of the NPPF (2012)

- 5 Before the development of the later phase(s) are commenced details of the scale, appearance, layout and landscaping of each phase as may be applicable (hereafter called reserved matters) shall be submitted to and approved by the Local Planning Authority. Each of the reserved matters shall include details of finished floor and site levels.

Reason: This is , in part, an outline approval only and such details must be approved before the later phases commences in order to accord with the objectives of Local Plan policies G1 and H3 and required pursuant to section 91 of the Town and Country Planning Act 1990

- 6 Application for the approval of reserved matters with regard to the later phases 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.

- 7 The development of the later phases 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.

- 8 No development shall take place before a scheme has been agreed in writing by the local planning authority for the construction of a 1.8 metre wide footway, together with arrangements for kerbing and the disposal of surface water run-off from the highway from the end of the existing footway on Wyberton Low Road to the access into the permitted development. The agreed works shall be fully implemented before any of the dwellings are occupied.
- Reason:** To ensure the provision of safe and suitable 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, as shown on drawing number HWB/001 Revision B dated 30/11/2017 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 Wyberton Low 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 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: To ensure residents of the permitted development and neighbouring land and property 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

- 13 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: This is a pre- commencement condition and the details are required in the interests of satisfactory drainage and to accord with the objectives of Local Plan policies G3.

- 14 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.

- 15 Notwithstanding the submitted details, the first property of phase 1 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 :

1. hard surfacing materials
2. minor structures/ planters
3. 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.

- 16 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 the occupation of any dwelling.
- 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.
- 17 The proposed areas of public open space as shown on plan HWB/001 Rev B 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 in accordance with timescales which shall be submitted to and approved in writing before the occupation of any dwelling.
- Reason:** To provide a satisfactory level of publicly available amenity open space within the development and to accord with Adopted Local Plan Policy H4.
- 18 A landscape management plan including management responsibilities and maintenance schedules of the public open space and play equipment shall be submitted to and approved by 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.
- 19 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.
- 20 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, 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.

- 21 Prior the commencement of any phases of development (including phase 1) details of the means to prevent flooding onto neighbouring land which may result from raised land levels relating to each respective phase shall be submitted to and approved in writing by the local planning authority. These details shall also include:
- The finished land levels including sections showing garden areas, driveways and the private road measured at Ordnance Datum
 - Proposed surface water drainage system including future maintenance
 - Method of boundary treatment to avoid any overlooking that may arise from raised land levels.

These details shall be submitted to and approved in writing by the Local Planning Authority and the works shall be carried out in accordance with the approved details.

Reason: This is a pre-commencement condition in order to prevent third party flooding and protect residential amenity and to accord with the objectives of Local Plan policies G1 and G3.

- 22 No more than 200 dwellings shall be constructed on this site.

Reason: To define this permission, in the interests of residential amenity and highway safety and to accord with the objectives of Local Plan policies G1, H3 and G6.

- 23 Before any dwelling is commenced, a scheme to provide play equipment shall be submitted to and approved by the Local Planning Authority. The scheme as may be approved shall be carried out in accordance with agreed timescales.

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 policies H3 and H4.

The Chairman adjourned the meeting at this part in the proceedings and confirmed reconvention of the meeting would be at 2pm.

It is noted that Councillor Alison Austin rejoined the meeting on reconvention and took part in all subsequent deliberations.

On reconvention of the meeting the clerk confirmed all declarations of interest made in respect of applications schedule for deliberation thereafter in the meeting.

119 PLANNING APPLICATION B 17 0404

Erection of 74 dwellings with associated garaging, roads and sewers

**Land to the north and west of Cole's Lane, Swineshead, Boston,
PE20 3NS**

Mr B Gibson (Ashwood Homes)

The Senior Planning Officer presented the report and updated the committee in respect of 1 additional representation having been received by a neighbour since issue of the agenda.

Further representation from a neighbour objecting including no. Of plots proposed landscaping document includes tree planting and log piles within 9 metres of Black Sluice Drain. Flood risk assessment document referenced capacity of Swineshead Bedfordshire and the ecological report indicates it was only undertaken on one day and should be undertaken over an extended period. The objector does suggest some mitigation measures that may assist in the application.

Furthermore committee members were asked to note the intent to include an additional condition requiring the provision of a Landscaping Maintenance Plan and that a number of the existing conditions would require slight amendments to ensure robustness.

It is recorded that the Chairman made a declaration of interest at this point in the proceedings, advising committee that the registered objector Mr Spencer was known to him but only in a historic capacity and it would not affect his ability to determine the application.

Representation was received in objection to the application by Mr Spencer which included:

Advising he resided adjacent to the application site Mr Spencer voiced objections and sought Council refusal of the application. He stated that there was only one entrance and exit on Station Road from the current and proposed site. There was a bend on the left hand side in close proximity to access and coupled with residents who park vehicles on Station Road it created additional hazards and risks for drivers and pedestrians alike.

There would be congestion and potential accidents which would be at peak times. A previous application on the site had been rejected on grounds that the site was located within 9m of local wildlife site. The development could have adverse impact on the site and put pressure on for additional land to the east which adjoins the local wildlife site. Noting the ecological scoping survey which made reference to nine species of birds with only one being on the red list for birds of conservation concern and only two on the amber list, Mr Spencer advised that local residents regularly observed bird life on the site which disputed the findings: other birds including skylarks, grey wagtails, yellow wagtails, starling, willow tit, house sparrow, song thrush and more were visitors / nesting on the site.

Mr Spencer confirmed he was also aware that the ponds did have Great Crested Newts along with common newts, toads and frogs, all breeding in the ponds. He further stated that he was disappointed that neither the ecological scoping survey nor Ashwood Homes had made reference to the fact that the site was immediately adjacent to Coles Lanes Ponds.

If built, Mr Spencer stated he felt the development would cause substantial harm to the local wildlife site and would adversely impact and disturb the visiting and nesting birds in his garden and on the site to such an extent, that it may see them relocate and thus reduce in biodiversity of the area.

He was also concerned by the proposal for drainage of surface water which he felt would impact on the local wildlife site, stating that any adjustment of the water table in the development site would likely see the waters from the ponds decline.

Representation was received by Swineshead Parish Council which included:

The Chairman of Swineshead Parish Council Mrs Cartwright stated that the main concern of the Parish Council was that the development adjoined the main conservation site which was part of the eco system. Referencing the concern of the Parish Council in respect of the ecological scoping study, the members were advised that there were indeed many species of wildlife and that the most endangered, the Great Crested Newts had been evidenced by locals as being on the site.

Committee were asked to address the concerns of how the development would affect the area advising both the Wildlife and Plantlife Trust had asked the same question. Mr Mike Smith a tenant of 31 years in the area and the John Butler Charity who own the land had not been approached regarding the survey and therefore the question had to be asked who did they carry out the survey, was it just look over fence with a look or as we presume, they would not trespass without permission. Therefore the Parish Council felt a more detailed independent survey be carried out to cover all four seasons would ensure that all wildlife species were captured. Further concern in respect of drainage was highlighted in line with the high flood risk area, which could result in the foundations needing to be power driven which again would impact the wildlife.

It was moved by Councillor Michael Cooper and seconded by Councillor Claire Rylott that the application be granted in line with officer recommendation, subject to the provisos, the conditions, the amended conditions and reasons therein and subject to the additional condition requiring a Landscaping Maintenance Plan.

In Favour: 10. Against: 1. Abstention:

RESOLVED: That the Planning Committee resolve that they are minded to approve this application subject to conditions and reasons and:

- a) any permission is not released until the applicants have entered into a section 106 planning obligation with the Council for affordable housing and financial contributions towards health an education, and, subject to amendments to conditions 2 (revised plan no's); 4 (revised plan no. And trigger point for implementation of landscaping); 7 (surface water discharge rates to be subject to LPA approval) and additional condition for a landscape management and
- b) authority is delegated to the Interim Development Manager to approve this application upon satisfactory completion of the planning obligation. If the obligation is not concluded within three months of instructions, the application will be returned to Committee.

Amendments to conditions 2,4 and 7 have not been adjusted at issue of this minute

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;
- 1218-LP Rev A 'Location Plan' (1/24)
 - 1218-004 Rev J 'Planning Layout' (2A/24)
 - TAY-01 'Floor Plans' (3/24)
 - TAY-02 'Elevations' (4/24)
 - MDW-001 'Floor Plans' (5/24)
 - MDW-002 'Elevations' (6/24)
 - CLY-001 'Floor Plans and Elevations' (7/24)
 - COR-001 'Floor Plans and Elevations' (8/24)
 - LCK-001 'Floor Plans and Elevations' (9/24)
 - MER-001 'Floor Plans and Elevations' (10/24)
 - NEN-001 'Floor Plans and Elevations' (11/24)
 - SPT-001 'Floor Plans and Elevations' (12/24)
 - AV-001 'Floor Plans and Elevations' (13/24)
 - WEL-001 'Floor Plans and Elevations' (14/24)
 - A732-001 'Floor Plans and Elevations' (15/24)
 - A902-001 'Floor Plans and Elevations' (16/24)
 - SG-01 'Single Garage' (17/24)
 - DG-01 'Double garage' (18/24)
 - DSG-01 'Double Shared Garage' (19/24)
 - 1218/LA1 'Landscaping Proposals – Sheet 1 of 3' (20/24)
 - 1218/LA1 'Landscaping Proposals – Sheet 2 of 3' (21/24)
 - 1218/LA1 'Landscaping Proposals – Sheet 3 of 3' (22/24)
 - A13356-001 'Floor Plans and Elevations' (23/24)

Reason: To ensure the development is undertaken in accordance with the approved details and to accord with the objectives of Local Plan policy G1.

3. No dwelling shall be built above slab 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 Policy G1.

4. All landscape works shall be carried out in accordance with the approved landscaping details shown on drawing no. 1218/LA1 (sheets 1-3) within 6 months of the date of the first occupation of the thirtieth dwelling. 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. Before any development is commenced above slab level details of all walls and fences, including details of their height, design and position, shall be submitted to and approved in writing by the Local Planning Authority and such scheme as may be approved shall be constructed prior to the occupation of the first dwelling within the development hereby approved.

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

6. 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 foul water strategy so approved unless otherwise approved in writing by the Local Planning Authority.

Reason: To prevent environmental and amenity problems arising from flooding and to accord with the National Planning Policy Framework (2012).

7. 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 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 which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.
- (e) 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. This is a pre-commencement condition as the drainage strategy is a fundamental part of the layout and the details need to be agreed prior to any form of development taking place.

8. All construction of the development hereby permitted shall be undertaken from the existing development road access onto Station Road, Swineshead and via the road network on the first phase of the development already under construction. There shall be no use of Cole's Lane by construction or delivery vehicles or by the vehicles of site personnel.

Reason: In the interests of highway safety and the amenity of residents of Cole's Lane and to accord with Adopted Plan Policies G1 and 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 Adopted Plan Policy G6

10. 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 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.

11. Before any development is commenced above slab level details of the types of bat/bird boxes and their locations within the development shall be submitted in accordance with the mitigation measures proposed within the submitted ecological scoping report prepared by Hillier Ecology Limited. The development shall also proceed in accordance with the other mitigation measure proposed within this scoping report.

Reason: To ensure that the development promotes rather than endangers protected species and local wildlife in accordance with Adopted Plan Policy G2.

12. Prior to the commencement of any part of the development hereby permitted, details shall be submitted to and approved by the local planning authority for the provision of a fire hydrant/s or other acceptable alternative. The fire hydrant/s (or other acceptable alternative) as approved in writing by the local planning authority shall be installed/agreed prior to the occupation of any dwelling approved by this consent.

Reason: To enable the protection and maintenance of the development and to accord with Adopted Plan Policy G1. This is a pre-commencement condition as provision for the hydrants needs to be assessed at layout stage.

- 13 A landscape management plan including management responsibilities and maintenance schedules of the public open space shall be submitted to and approved by 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 in the interest of the amenity of residents and to accord with the objectives of Local Plan Policy H4.

It is noted that Councillor Stephen Woodliffe rejoined the meeting at this point in the proceedings.

120 PLANNING APPLICATION B 17 0353

This application was withdrawn by the agent ahead of the meeting.

121 PLANNING APPLICATION B 17 0366

The Interim Development Manager tabled the report confirming that it was part of a consultation process from a neighbouring authority (South Holland District Council). Members were reminded that the authority's own paper for Boston Borough Council would be tabled at the next meeting when questioning and debate on the project could be tabled.

RESOLVED: That the Planning Committee raise no objection.

122 PLANNING APPLICATION B 17 0368

The Interim Development Manager tabled the report confirming that it was part of a consultation process from a neighbouring authority (East Lindsey District Council). Members were reminded that the authority's own paper for Boston Borough Council would be tabled at the next meeting when questioning and debate on the project could be tabled.

RESOLVED: That the Planning Committee raise no objection.

123 PLANNING APPLICATION B 17 0369

The Interim Development Manager tabled the report confirming that it was part of a consultation process from a neighbouring authority (North Kesteven District Council). Members were reminded that the authority's own paper for Boston Borough Council would be tabled at the next meeting when questioning and debate on the project could be tabled.

RESOLVED: That the Planning Committee raise no objection.

124 APPEAL DECISION.

The Interim Development Manager tabled the appeal decision in respect of planning application B 16 0447 for outline planning permission for the erection of three dwellings at Land East of Church Road, Freiston, Boston PE22 0NT.

The appeal was dismissed.

125 APPEAL DECISION

The Interim Development Manager tabled the appeal decision in respect of planning application B 17 0004 at Holly Cottage, 107 Sea Lane, Butterwick, Boston PE22 0HN for a change of use from an agricultural Dutch barn to log storage and use of log splitting machinery in the outside yard areas.

The appeal against the condition was allowed

126 APPEAL DECISION

The Interim Development Manager tabled the appeal decision in respect of planning application B 17 0199 at 137 Swineshead Road Boston which had sought full planning permission for the erection of a precast sectional concrete garage.

The appeal was upheld.

127 DELEGATED DECISION LIST

Committee noted the delegated decision list for the period 18 December 2017 to 19 January 2018

The Meeting ended at 3.45 pm