

Present:

Chairman: Councillor David Brown

Vice-Chairman: Councillor Sue Ransome

Councillors: Alison Austin, Peter Bedford, Michael Cooper, James Edwards, Jonathan Noble, Stephen Raven, Claire Rylott, Paul Skinner, Yvonne Stevens and Stephen Woodliffe

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

162 APOLOGIES

Apologies for absence were noted on commencement of the meeting by Councillor Paul Skinner. It is recorded that Councillor Paul Skinner joined the meeting on its reconvention at 1400 hours.

Apologies for Councillors Michael Cooper and Stephen Woodliffe were tabled on reconvention of the meeting at 1400 hours neither member taking part in the afternoon session of the meeting.

163 MINUTES

With the agreement of the committee the Chairman signed the minutes of the previous meeting held on the 1 May 2018.

164 DECLARATION OF INTERESTS

Standing declarations of interest are recorded for Lincolnshire County Councillors Alison Austin and Paul Skinner; for Councillors Michael Cooper, David Brown, Sue Ransome and Claire Rylott in their roles as members of the South East Lincolnshire Local Plan and for Councillors Michael Cooper and Claire Rylott in their roles as representatives on respective Drainage Boards.

Councillor Claire Rylott declared she would absent from planning application B 18 0144 due to a personal conflict.

Councillor Peter Bedford declared that whilst the applicants for planning applications B 18 0144; B 18 0045 and B 17 0513 were known to him, the knowledge was not of a nature to prevent him from determining each application.

Councillor David Brown declared (*on reconvention of the meeting*) that the applicant for planning application B 17 0121 was known to him as a previous employer and confirmed that the work relationship had ceased 5 years previously in an amicable manner.

Councillor Alison Austin declared (*on reconvention on the meeting*) that she had recently applied to become a member of Heritage Lincolnshire and that her registration was still to be finalised as a member.

165 PUBLIC QUESTIONS

No public questions were tabled.

Prior to receiving the first application the Interim Development Manager addressed committee with an additional material planning consideration that needed to be considered in respect of the first two items on the agenda:

Committee were advised that just before the papers had been sent out a couple of days or so beforehand, an appeal decision had been received in respect of a proposed development for land off St. Swithins Close Bicker for an outline application for residential development up to 40 dwellings. Members had been issued with a copy of the appeal decision prior to the meeting and the Interim Development Manager stated he thought it to be a curious decision. The key point was it was a material consideration that had to be given appropriate weight in future decision making and had considerable implications for the first two applications on the days' agenda. Members were reminded that the original application for St. Swithins Close Bicker had been in outline with all matters reserved.

Referring committee to paragraph 5 the Interim Development Manager the first issue was whether the development would be in a suitable location with particular reference to local policies concerned with housing in rural areas and the accessibility of services and facilities; the second issue was the effect of the proposed development on the character and appearance of the area and the third issue was whether or not there was a conflict with the development plan and whether or not it would be out-weighed by other material consideration. The application had been refused by the committee for two reasons: the first being the sustainability reason and the second was the intrusion into the open countryside. The Inspector had not supported the view that Bicker was not a sustainable settlement.

The Interim Development Manager stressed that that decision would be very important not just in respect of the first application which itself was in Bicker, but also for the second application.

Members and Officers needed to consider that there was a need for consistency in decision making. Members needed to treat every application on its individual merits whilst also being consistent in their decision making. On the application all matters had been reserved but it appeared that the Inspector had moved the acceptability of whether or not an acceptable scheme could be devised to the reserved matters stage. Members were advised that the Interim Development Manager felt in his view it would be that the Inspector normally would have effectively dismissed the appeal on the basis that there was insufficient evidence to demonstrate at the outline stage that the impacts could be mitigated. The third point was a very important point and it did return to the sustainability argument but it also had broader implication for the decision making of the committee up to the adoption of the South East Lincolnshire Local Plan. To date committee had not given the emerging plan any weight. This had not been the case with this decision notice and the Inspector had pointed that there was a conflict in the way committee treated the settlement hierarchy between the Boston Borough Local Plan Policy H4 from the Interim Plan with growth permitted in the emerging Local Plan.

Committee were asked to note it was a very fundamental appeal decision which the Interim Development Manager thought raised questions over some of the Inspectors thought processes made in respect of the landscaping issue and intrusion into the countryside mitigation. Committee were advised to take legal advice on how to move forward in their treatment of the emerging plan and were strongly cautioned against determining the first two applications until such legal advice had been taken.

The Interim Development Manager advised his amended recommendation would be to defer any decision for one cycle for both items 1 and 2. He did however note that it would clearly be a matter for the committee to decide following presentation of the applications and receipt of the public representation.

Councillor Claire Rylott exempted from the meeting at this point in the proceedings

166 PLANNING APPLICATION B 18 0144

Erection of 2 no. detached two storey residential dwellings and garages and associated works.

**Land Adjacent to Ye Olde Red Lion Public House, Donington Road,
Bicker, Boston, PE20 3EF**

Mrs Andrea Thorlby

The Senior Planning Officer presented the report to committee confirming there were no updates to be tabled.

He did reiterate the comments of the Interim Development Manager in that whilst the initial officer recommendation had been to refuse the application, in light of the Inspector's Appeal Decision – the reasons for the refusal within the report held needed to be reconsidered following legal advice.

Representation was received in objection to this application by Mrs Burgess which included the following:

Referencing the decision of the Inspector in respect of the planning application on Rookery Road Bicker for building of up to 40 dwellings, the objector stated she felt the decision to be flawed and inconsistent in relation to the sustainability of such a large build within a village with so few amenities. Members were asked not to let the decision influence their decision. Referencing the application site the objector noted the historical importance of the adjacent Olde Red Lion public house which was a listed building that needed to be protected from any dominate infill of new builds. The Olde Red Lion has always been the gateway to the village. The site was outside the village envelopment for future development and the open space presented by the site contributed significantly to the character of the area. Members were referenced to the BBC Interim Plan of February 2006 which stated that individual sites had been identified where it had been proposed no development should take place which would affect the character of the space: that she noted had referred to land to the south and east of the Olde Red Lion Bicker. The village conservation boundary lay at the rear of the Olde Red Lion. The application site had been neglected since 2013 when rubble and bricks having been dumped at its'entrance and although offers had been made to service the site free of charge they had apparently been refused. Prior to this site was and still remained Grade 1 farmland. Regardless of the decision by Planning Inspector the village was lacking in amenity. The Parish Council had not attend the planning meeting 2017 but given support to the application with some reservation about building near the Olde Red Lion. Concluding the objector stated concerns in respect of increased vehicle movements and problems with parking along the road. Furthermore, there had been no planning meeting to her knowledge nor had local residents been invited to comment on the application. Building on the application site would seriously affect the setting on one of the few heritage assets in the village.

Representation was received by the applicant's agent Mr Wicks which included

the following:

Addressing the outcomes of the Inspectors Appeal Decision in respect of the planning application for 40 homes at Bicker Mr Wickes advised he would be referencing the content therein in his representation, having thoroughly noted its contents.

The application was now 100ft from back from the Olde Red Lion with the separation satisfying the previous concerns raised on the impact on the listed building.

The Council's Consultant Architect now supported the proposal having stated that it 'fitted in with the existing development on that part of Donington Road'. Traditional styles including chimney stacks; dormer windows and tiles would be used and the development would not adversely affect adjacent properties and would tidy up that area further enhancing the Olde Red Lion Setting. The Inspector had now confirmed Bicker was a sustainable location by granting up to 40 units. The decision had redefined sustainability and was akin to the recent decisions made by the committee on infill plots. Agreeing comments in respect of full applications Mr Wicks noted that it was easier for members to fully assess the impact of the proposals on listed buildings and the surrounding areas.

Although Bicker had a limited number of facilities the Inspector had said they did include a Post Office; a general store and a village hall, along with 2 churches, a public house and various employment sites. Furthermore it had a playing field and allotments for recreational activity and the local Prep School could only benefit from the development. Local buses ran through the village and the suggestion of a travel pack being provided was one which Mr Wicks confirmed he was happy to be a condition on any approval. Donington was only a short distance by car and the impact of cars would be offset by the local services and in particular the proximity of Donington.

Bicker was listed 7th out of 23 settlements in the Borough for sustainability and 20th out of 71 in South East Lincolnshire. It was well placed to take some new housing and the application was infill, largely hidden from view and would not harm the character of the site. The Inspector believed the allocation of 50 plus homes for Bicker was a minimum figure which allowed infill like the application site. There were no flood issues in a Borough generally constrained by flood risk and the revised layout hid everywhere from view with the exception of the front. The Parish Council now supported the application and there was a potential purchaser who wanted to get on with the site immediately.

The Interim Development Manager made a point of information at this point in the proceedings by stating that he wished to make it clear his revised recommendation to committee was that the application be deferred to allow officers to take appropriate legal advice, be made clear. He stated he was not suggesting the Council would judicially review the decision, but confirmed that they only had a period of six weeks from the date of the decision, to do so should they be minded to take that course of action. Therefore the second part of the revised recommendation would be that the committee delegate any decision on judicial review to the Solicitor of the Council in consultation with the Chairman of the Planning Committee.

It was moved by Councillor Alison Austin and seconded by Councillor Peter Bedford that the application be granted contrary to officer recommendation and subject to planning conditions.

Vote: In Favour: 2 Against: 8

It was moved by Councillor Michael Cooper and seconded by Councillor James Edwards that the application be deferred for a period of 1 month to permit legal advice to be taken in respect of the Appeal Decision and that committee delegate any decision in respect of Judicial Review to the Solicitor of the Council in liaison with the Planning Committee Chairman.

Vote: In Favour: 7 Against: 1 Abstention(s): 2

RESOLVED: That the committee agree to defer the application for a period of 1 month to permit legal advice to be taken in respect of the Appeal Decision and that the committee delegate any decision in respect of Judicial Review to the Solicitor of the Council in liaison with the Planning Committee Chairman.

It is recorded that Councillor Claire Rylott rejoined the meeting at this part in the proceedings.

167 PLANNING APPLICATION B 18 0045

Outline application for residential development (up to 3 no. dwellings) including associated works with all matters reserved.

Land adjacent to The Farm, Laceys Lane, Leverton, Boston, PE22 7BD.

Mr & Mrs Oliver and Payne

Prior to receiving the report presentation the Interim Development Manager addressed the committee:

Members were advised that the same sets of issues applied to the application as had applied to the previous one. The village in respect of this application was a slightly smaller service base than Bicker and as such the same issues and questions in respect of sustainability and the Inspector's decision applied. The issue of the way the Inspector treated the reserve matters was not a matter on this application. The implication for future decision making in respect of the weight to be given to the policies in the emerging South East Lincolnshire Local Plan where the settlement hierarchy was different, and the development policies were different again, and as such were relevant. The implications broadly with the exception of the ones detailing the mitigation measures on the site itself, were the same for this application as for Bicker, so again committee were urged to defer this application for appropriate legal advice to be taken.

The Senior Planning Officer presented the report to the committee and offered no updates to the report tabled.

Representation was received by the applicant's agent Mr Wicks which included the following:

Members were asked to recognise that it was clear the application had similar characteristics to the previous applications so recently supported by committee at both Old Leake Commons and Fosdyke.

It was also clear from the agenda that both he and Lisa agreed that, forgetting the definition of sustainability for a moment, the proposal removed ugly functional agricultural buildings and the site that could satisfactorily accommodate sensibly designed residential development on a natural infill site within the village boundary. It would not

have a harmful effect on the appearance of the area. There were no highway concerns, flood risk had been resolved with the Environment Agency and importantly Leverton Parish Council had no objection to the proposal. That only left sustainability which was only part of the Bicker appeal. Firstly Leverton still had only limited services because of limited growth in the village which could be a reason why services had left the village. Further infill growth would only help to retain the existing services. The church, the village shop and the leisure centre which he had been advised was very busy. The shop was only 250 metres from the application site. Sustainability had been clarified in the appeal decision with the Inspector which he noted simply matched the adopted local plan situation at North Kesteven. The appeal reinforced the committee's recent infill decisions. There was a regular bus service along the main road for access to services at Old Leake and Boston and it was exactly the same distance from the application site to Old Leake, as the distance between Bicker and Donington in the previous application. The NPPF advised it was acceptable if development in one village could help and adjacent village. There was local support for 3 good sized family dwellings in a sustainable location with a supporter noting the development would bring life to the village and maintain its facilities and furthermore the Parish Council supported the development.

The Interim Development Manager tabled addressed the meeting at this point:

He reaffirmed previous comments that members needed to be consistent in their decision making. There were two issues on the table arising from this appeal decision that needed to be investigated relating to sustainability and the weight to be placed to the local emerging plan, both of which applied to the application under consideration and the previous one. Furthermore as a point of information committee were advised on an update on the current land supply and advised that the policy team had just published the updated March 31st 2018 housing land supply data. The pessimistic 'Sedgefield Method' which was the higher method provided over a five year supply whilst the more optimistic long term 'Liverpool Method' provided 4.3 years. The Council was moving rapidly back towards a five year housing land supply and were not in the situation which arose at the Middlegate Road appeal where it had been alleged that the Council only had as little as 1.6 years. Housing land supply should not be an issue in this case it should be a matter of being consistent with the last decision in deferring this application for one month to permit legal advice to be taken to ensure committee's decision making was robust.

It was moved by Councillor Jonathan Noble and seconded by Councillor Peter Bedford that the application be granted contrary to officer recommendation and subject to planning conditions.

Vote: In Favour: 4 Against: 7

It was moved by Councillor Michael Cooper and seconded by Councillor James Edwards that the application be deferred for a period of 1 month to permit legal advice to be taken in respect of the Appeal Decision and that committee delegate any decision in respect of Judicial Review to the Solicitor of the Council in liaison with the Planning Committee Chairman.

Vote: In Favour: 7 Against: 1 Abstention(s): 3

RESOLVED: That the committee agree to defer the application for a period of 1 month to permit legal advice to be taken in respect of the Appeal Decision and that the

committee delegate any decision in respect of Judicial Review to the Solicitor of the Council in liaison with the Planning Committee Chairman.

168 PLANNING APPLICATION B 18 0115

Approval of reserved matters (scale, layout, landscaping and appearance) following outline approval B/16/0389 (Outline application for the erection of one detached dwelling and one detached garage including access with matters relating to appearance, landscaping, layout and scale reserved for later approval)

Land Adjacent to Glenhirst, Station Road, Swineshead, Boston, Lincolnshire, PE20 3NX

Miss Victoria Mason

The Senior Planning Officer presented the report to the committee confirming one update to the report tabled in that the Parish Council had responded and confirmed they had no objection, nor comment to make, in respect of the application.

No representation was received in respect of this application.

It was moved by Councillor Michael Cooper and seconded by Councillor James Edwards that committee grant the application in line with officer recommendation and subject to the conditions and reasons therein.

Vote: In Favour: 11 Against: 0 Abstention(s): 0

RESOLVED: That the committee grant the application in line with officer recommendation subject to the following conditions and reasons:

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Site Location Plan, Drawing (02) (1/3)
 - Site Plan Dwg 03M (2/3)
 - Elevations and Floor Plan Dwg no. 01M (3/3)

Reason: To ensure the development is undertaken in accordance with the approved details and to accord with Policy G1 of the Boston Borough Local Plan 1999.

- 2 All landscape works shall be carried out in accordance with the approved details within the first planting and seeding seasons or within 6 months of the completion of development whichever is the sooner. Any trees, plants, grassed areas which within a period of 5 years from the date of planting die, are removed or become seriously damaged or diseased shall be replaced in the first available planting season with others of similar size species and 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 planting of trees, and to ensure that the approved scheme is implemented satisfactorily. The condition accords with Policies G1 and H3 of the Boston Borough Local Plan 1999.

- 3 The boundary treatment as shown on Dwg 03M (2/3) shall be implemented prior to the occupation of the dwelling and shall be retained in that form thereafter.
Reason: In the interests of residential amenity and to accord with the objectives of Policy G1 of the Boston Borough Local Plan 1999.

- 4 The external materials of the dwelling hereby approved shall be finished in accordance with the details shown on plan Dwg no. 01M (3/3).
Reason: In the interests of the amenity and character of the area in accordance with Policy G1 of the Boston Borough Local Plan 1999 and National Planning Policy Framework.

169 PLANNING APPLICATION B 17 0513

Outline application for the erection of up to 35 no. dwellings (with layout and access to be considered) and construction of car park for use by Old Leake Primary School

Land north of Old Main Road, Old Leake, Boston, PE22 9HR

Messrs A & J Daubney

The Senior Planning Officer presented the report to the committee confirming one update to the report tabled in that a third representation from a dwelling already referred to in the report had been received. The representation added nothing new to those already received: it did emphasise the lack of need for the housing, the major impact on privacy in terms of looking into the front garden and issues in respect of flooding and the increased volume in car movements.

Representation was received from the applicant's agent Mr Dowding which included the following:

Committee were advised that the landowners were farmers who had been resident in Old Leake their entire lives where they had raised their families and contributed greatly to the local community. Recognising the current need for housing the clients saw a good opportunity to develop land with the intention that it would benefit the whole community, through the provision of new homes including much needed affordable housing, public open space and a car park with the aim to improve traffic safety outside the school. The development would be attractive and low density providing detached and semi detached properties in a village location, close to local amenities for 35 dwellings which included an affordable contribution of 20% which was more than the required allocation, to maximise the use of the land. It was a sustainable development which would make use of an underused greenfield site. The site was currently used for grazing horses. The local primary school supported the application as did Lincolnshire Wildlife Trust. The site was located next to an existing residential development, adjacent to the settlement boundary and had been identified as suitable for development in the 2017 SHLAA. Old Leake had been identified as a minor service centre with development being directed to help support its role within the hierarchy of the settlements in the borough

It was moved by Councillor Jonathan Noble and seconded by Councillor James Edwards that committee grant the application in line with officer recommendation and subject to the conditions and reasons therein.

Vote: In Favour: 12 Against: 0 Abstention(s): 0

RESOLVED: That the committee grant the application in line with officer recommendation subject to the following proviso's, conditions and reasons:

a) any permission is not released until the applicants have entered into a section 106 planning obligation/unilateral undertaking with the Council relating to the provision of seven affordable housing units and a financial obligation of £67,965 towards providing one teaching classroom at Giles Academy in Old Leake,

and;

b) authority is delegated to the Development Control Manager to approve this application upon satisfactory completion of the planning obligation. If the obligation is not concluded within three months of instructions, the application will be returned to Committee.

1. No development shall commence until details of the appearance, 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: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990. This is an outline application only and such details must be approved before development commences, and to accord with the objectives of Local Plan Policies G1 and H3 and with the intentions of the NPPF (2012).

2. Application for approval of 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 application forms, the submitted Design and Access Statement and the following plans:

- Ref: 'Site Location Plan' (1/6)
- Ref: B/3129-201 'Proposed Site Plan' (3/6)

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

5. Notwithstanding the details submitted within the supporting information the development shall include the following flood mitigation measures:

- Finished floor levels shall be set no lower than 3.2m above Ordnance Datum (AOD)
- Appropriate flood resistance and resilience measures shall be incorporated to no lower than 3.5m AOD

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

Reason: To reduce the risk of flooding to the proposed development and future occupiers in accordance with the intentions of the NPPF (2012).

6. 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 Policies G1, G6 and H3.

7. 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 B/3129-201 dated 19 October 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 Old Main Road and to accord with Adopted Plan Policies G1, G6 and H3.

8. 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 Adopted Plan Policies G1, G6 and H3.

9. 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 by 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 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.

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.

10. All landscape works shall be carried out in accordance with the approved details within 6 months of the date of the first occupation of the first 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.

11. A landscape management plan including management responsibilities and maintenance schedules of the public open space and school car parking area shall be submitted to and approved by the local planning authority before the occupation of any dwelling. The landscape management plan shall be carried out as approved thereafter.

Reason: To ensure the long term maintenance of the public open space and school car parking area in the interests of the amenity of residents and to accord with the objectives of Local Plan Policy H4

12. 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.

13. The development shall proceed fully in accordance with the mitigation measures proposed within the submitted Ecology and Protected Species Survey prepared by Scarborough Nixon Associates.

Reason: To ensure that protected species and their habitats are protected and to provide enhancements to provide biodiversity in accordance with Adopted Plan Policy G2.

**It is recorded that the Chairman adjourned the meeting
at this point in the proceeding.**

The meeting reconvened at 1400 hours.

On reconvention of the meeting
Councillors Michael Cooper and Stephen Woodliffe had left the meeting and Councillor Paul Skinner had joined the meeting.

170 PLANNING APPLICATION B 17 0121

1. **Erection of two apartment blocks, one fronting John Adams Way and the other fronting Whitehorse Lane, Boston**
2. **Erection of one dwelling attached to the north gable of 82 High Street, Boston**
3. **Conversion of Haven Wharf warehouse to provide 21 flats plus side extension**
4. **Relevant demolition in a conservation area including the demolition of outbuilding to the rear of 78 High Street Boston, an industrial building attached to the south elevation of Haven Wharf Warehouse and buildings nos 1, 2 and 3**

Land south of the A16, John Adams Way, east of High Street and north of Whitehorse Lane (known as Haven Wharf) , Boston

Hanseatic Developments Ltd

The Interim Development Manager presented the report to the committee and prior to updating members he provided them with a visual overview of the proposed development. This he noted was to ensure their awareness of the actual layout of the plan, identifying the location of each of the individual dwellings on the application site for member's ease of viewing the scheme in context.

A brief history of the site therein followed confirming committee's refusal of the initial planning application for development of the site in 2015 and referencing the reasons for the refusal at that time. The application was a departure from the Local Plan the Interim Development Manager briefly addressed relevant policies both within the Development Plan and the NPPF.

Committee were then advised of a number of updates from the consultees' following issue of the agenda as follows:

A letter from Historic England had noted that the new application was similar to the previous scheme but they still had concerns that the additional dwelling could be detrimental to the character of the area and that they also had issues with a number of design issues with Block A, Block B and the conversion. They did state they were satisfied with Block C. A full viability assessment was requested to prove if the size of the development and the additional dwelling were necessary.

Lincolnshire County Council had still not responded to the amended plans.

The Environment Agency had responded in respect of the revised Flood Risk Assessment to which they stated that had reviewed it and felt it was now appropriate to the scale, the nature and location of the development and they had now withdrawn their objections subject to the condition.

Heritage Lincolnshire had responded confirming they had reviewed the updated scheme and agreed the comments of the Council's Consultant Architect in respect of the design and impact and they questioned the need for the extension and requested a viability assessment to justify the need.

On conclusion of the update information the Interim Development Manager continued his presentation of the application addressing the respective sections within the detailed report. He acknowledged that that Block A would be the most prominent in the street scene, facing the main bridge it would be the main focal point crossing the bridge both ways.

In his conclusion he did draw members' attention to 10.4 of the report and bullet point 2 and said that they needed to consider that that there was no evidence to support the lack of contributions towards affordable housing, education and health that would render the scheme unviable: he stated that only a full viability assessment would prove if it was the case.

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

From the onset the applicant had been incredibly passionate about the opportunity to create a landmark town centre development. Referencing the negative press the town received and the lack of acknowledgment for the people who donated their time and resources to champion the historic market town, he stated he was confident that everyone in the meeting shared a love and desire to make Boston the best it could be. Referencing the rise in popularity of out of town retail developments and the housing sites on the outskirts of town that supported them alongside the ongoing struggle of the high street, he stated that Haven Wharf would provide 61 new households in the town centre who would be inclined to use the town centre retail providers as most households would shop for convenience.

The development would provide a rare opportunity for first time buyers desperate to get a foothold on the housing ladder. With fewer professional landlords and a slowing of the buy to let market, mortgage companies were now lending to first time buyers with a number of schemes available. Committee were reassured of the applicants' commitment to the project with significant investment having been made in the form of a comprehensive programme of restorative works to the warehouse, to help safeguard its long term future. As both the A16 and A52 routed over Haven Bridge thousands of people would be able to view the development progress in real time. Alongside the ongoing construction of the Boston Barrier the development would be a clear sign of the investment being made into the town in the regeneration of the historic prominent waterfront property. The development would help to drive further investment and prosperity for business, residents and tourists.

It is recorded that during committee debate the Interim Development Manager stated that viability was a material planning consideration for all development.

He cautioned that should committee recommend approval members needed to be aware that there had been no evidence to support not requiring affordable housing or the need for the scale of Block B. He stated that the importance of the site should in his opinion, be subject to a full viability assessment.

It was moved by Councillor Stephen Raven and seconded by Councillor Peter Bedford that committee grant the application in line with officer recommendation and subject to the proviso's, conditions and reasons:

Vote: In Favour: 6 Against: 4 Abstention(s): 0

RESOLVED: That the committee grant the application in line with officer recommendation subject to the following proviso's, conditions and reasons:

- That no adverse comments are received by outstanding consultees which may warrant the re-consideration of this application. The time period for the Consultees for making comments on this application expires on the 24th May 2018.
 - the imposition of any appropriate conditions that may be recommended by the consultees
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- 001 (1/24)
 - Proposed site plan SP-210 Rev B (3a/24)

- Demolition drawing – DEM -100 (4/24)
- Proposed elevations – warehouse EL-200 Rev D (11B/24)
- Proposed elevations-warehouse EL-201 Rev D (12B/24)
- Proposed ground floor –warehouse PL-203 Rev C (13a/24)
- Proposed first floor –warehouse PL-204 Rev D (14c/24)
- Proposed second floor –warehouse PL-205 rev B (15b/24)
- Block A -ground, first and second floor PL-102 Rev B (16/24)
- Block A-proposed elevations EL-101 rev C (17a/24)
- Block A- detailed elevation EL-401 rev A (18a/24)
- Block B – Ground, first and second floor layout PL-100 rev A (19a/24)
- Block B – Third floor and roof plan PL-101 rev B (20/24)
- Block B – Elevations EL-100 rev B (21/24)
- Block B –detailed elevation EL-400 rev A (22a/24)
- Block C-Plans and elevations EL-402 Rev B (23b/24)
- Block A- Third floor and roof plan ref PL-103 Rev A (24/24)

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

3. No development shall take place above ground level until full details of hard and soft landscaping works have been submitted to and approved in writing by the local planning authority. The scheme shall include:
- a) boundary treatment
 - b) hard surface materials
 - c) planting schedules (species, sizes densities)
 - d) existing trees to be retained/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. The condition accords with Adopted Local Plan Policies G1 and H3.

4. All landscape works shall be carried out in accordance with the approved details in accordance with timescales that shall be submitted to and agreed in writing by the Local Planning Authority before any development above ground level. 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 and H3.

5. No development shall take place 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 development is in keeping with the character of the area and to accord with Adopted Local Plan Policy G1.

6. A landscape management plan including management responsibilities and maintenance schedules of all landscaped areas shall be submitted to the Local Planning Authority before the occupation of any dwelling. The management plan shall be carried out as approved.

Reason: To ensure the long term maintenance of the landscaping in the interests of the amenity of residents and to accord with the objectives of Local Plan policy H3.

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

Reason: In the interests of residential amenity, 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.

8. 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.

9. Before occupation of any of the dwellings hereby approved, the external parking and pedestrian 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, in the interest of crime prevention and community safety and in accordance with Adopted Local Plan Policy H3.

10. 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 (LPA) and until the scope of works approved therein have been implemented. The assessment shall include all of the following measures unless the LPA dispenses with any

such requirements in writing:

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.

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

- 11 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 Local Plan Policy G1.

- 12 Remediation of the site shall be carried out in accordance with the approved remediation strategy (see preceding condition). No deviation shall be made from this scheme without the express written agreement of the LPA.

Reason: To ensure site remediation is carried out to the agreed protocol and to accord with Local Plan Policy G1.

- 13 On completion of remediation, two copies of a closure report shall be submitted to the LPA. The report shall provide validation and certification that the required works regarding contamination have been carried out in accordance with the approved Method Statement(s). Post remediation sampling and monitoring results shall be included in the closure report.

Reason: To provide verification that the required remediation has been carried out to the required standards and to accord with Local Plan Policy G1.

- 14 If, during development, contamination not previously considered is

identified, then the LPA shall be notified immediately and no further work shall be carried out until a method statement detailing a scheme for dealing with the suspect contamination has been submitted to and agreed in writing with the LPA.

Reason: To ensure all contamination within the site is dealt with and to accord with Local Plan Policy G1.

- 15 Notwithstanding the requirements of condition 2 above, before any works to the conversion of the warehouse is commenced, full detailed drawings of the proposed internal layout and the proposed external alterations to the building shall be submitted to and approved by the Local Planning Authority. The works shall be carried out in accordance with the approved plans.

Reason: To ensure consistency between the submitted details, in the interests of proper planning and for the avoidance of doubt. This condition accords with the objectives of the NPPF (2012).

- 16 There shall be no vehicular access to the site from Whitehorse Lane and vehicular access to the site shall only be off High Street as shown on Proposed site plan SP-210 Rev B (3a/23). Details of the measures to prevent vehicular access to the site via the existing Whitehorse Lane access shall be submitted to and approved in writing before the occupation of any dwelling on this site and the works shall be implemented within timescales to be agreed in writing by the Local Planning Authority. The approved scheme shall be retained in that form.

Reason: In order to reduce traffic generation along Whitehorse Lane, in the interests of residential amenity and highway safety and to accord with the objectives of Local Plan policies G1 and G6.

- 17 Before the occupation of any dwelling on this site, details of the proposed waste management including details of the storage of wheelie bins to serve future residents and an area designated for wheelie bins during collection days shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with timescales to be agreed in writing by the Local Planning Authority.

Reasons: To ensure a satisfactory scheme for waste management is implemented, in the interests of residential amenity and the character of the Boston Conservation Area and to accord with the objectives of Local Plan policy G1

- 18 Before any work to the warehouse is first commenced, a plan drawn at 1:10 scale of the new dormer windows, rooflights and sash windows shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out as approved.

Reason: In order to ensure the design and proportions of the dormer, rooflights and sash windows are appropriate to the appearance of the

building and the character of the Boston Conservation Area. This condition accords with the objectives of the NPPF (2012).

- 19 Before block C is first commenced, a plan drawn at 1:10 scale of the new dormer window and sash windows shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out as approved.

Reason: In order to ensure the design and proportions of the dormer and sash windows are appropriate to the appearance of the building and the character of the Boston Conservation Area. This condition accords with the objectives of the NPPF (2012).

- 20 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any re enactment thereof), no satellite dishes shall be installed on the external elevations of the warehouse building, blocks A, B and C hereby approved without the formal written approval of the Local Planning Authority.

Reason: In order to protect the character of the Boston Conservation Area and to accord with the objectives of Local Plan policy G1 and the NPPF (2012).

- 21 Prior to their installation, full details of the position of all service meter boxes, external lighting and plumbing on the external face of the principal elevations of the warehouse, blocks A, B and C hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The details shall be carried out in accordance with the approved plans.

Reason: No details were submitted as part of the application, in the interests of the visual amenity of the Conservation Area and to accord with Local Plan Policy G1.

22. The finished floor levels of the proposed development shall be set as follows:

- a) Block A – Finished floor level set no lower than 6.15mAOD with garaging and storage use only at ground floor level (i.e no ground floor habitable uses) as shown on approved plan PL-102 Rev.B
- b) Block B – Finished floor levels set no lower than 6.15mAOD with garaging and storage uses only at ground floor level (i.e no ground floor habitable uses) as shown on approved plan PI-100 Rev A.
- c) Block C – Finished floor levels set no lower than 6.34mAOD incorporating flood doors or demountable defences to the height of 600mm on all ground floor opening, and
- d) Warehouse conversion – finished floor levels set no lower than 6.60mAOD.

Reason: to reduce the risk and impact of flooding on people and property during the lifetime of the development in accordance with the objectives of the National Planning Policy Framework (2012)

23. 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.
 - c). Provide details of the timetable for and any phasing of implementation for the drainage scheme
 - d). Provide details of how the scheme will be maintained and managed over the lifetime of the development, including any arrangements for adoption by any public body of 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 accordance with the approved details.

Reason: to ensure the permitted development is adequately drained without increasing flood risk to neighbouring properties in accordance with the National Planning Policy Framework (2012)

24. The applicant shall arrange for an archaeologist recognised by the Local Planning Authority to carry out an archaeological watching brief during all stages of the development involving ground disturbance in accordance with a scheme to be submitted to, and approved by that Authority before development is commenced. Such arrangements shall include provision for the observation, recording and recovery of artefactual evidence and post-excavation analysis. Fourteen days notice shall be given to the district planning authority prior to the commencement of works. A report of the archaeologists findings shall be submitted to the Local Planning Authority within two months of the last day of the watching brief, or such longer period as may be agreed by the Authority, and shall include arrangements for the conservation and long term storage of artefacts removed from the site.

Reason: In order to ensure that satisfactory arrangements are made for the investigation retrieval and recording of any possible archaeological remains on the site. This condition accords with the objectives of the NPPF (2012).

In determining this application the authority has taken account of the

guidance in paras 186 – 187 of the NPPF (2012) in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the Borough.

171 DELEGATED DECISION LIST

Committee noted the delegated decision list for the period 17 April 2018 to 11 May 2018.

The Meeting ended at 3.30 pm