

# Public Document Pack



Boston Borough Council  
Chief Executive  
PHIL DRURY  
MCIAT, ACIOB

Municipal Buildings  
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PE21 8QR  
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My ref: SR/KR/Planning 29 May 2018

Please ask for: Karen Rist, Democratic Services Officer (Direct number Tel 01205 314226)

Friday, 18 May 2018

## **NOTICE OF MEETING OF THE PLANNING COMMITTEE**

Dear Councillor

You are invited to attend a meeting of the Planning Committee

**on Tuesday, 29 May 2018 at 10.00 am**

in the Committee Room, Municipal Buildings, West Street, Boston, PE21 8QR

A handwritten signature in black ink, appearing to be 'P. Drury'.

**PHIL DRURY**  
**Chief Executive**

Chairman: Councillor David Brown

Vice Chair: Councillor Sue Ransome

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

### ***Note(s) for Members of the Committee:***

In order to vote on a planning application committee Members must be present for the entire presentation and discussion on the item.

When an official site visit is undertaken which forms part of the decision making at Committee, only Members who have attended the site visit and received full representation will be able to debate and decide the application.

**Members of the public are welcome to attend the committee meeting as observers except during the consideration of exempt or confidential items.**

**THIS MEETING WILL BE RECORDED (SOUND ONLY)**

# AGENDA

## PART I - PRELIMINARIES

### **A APOLOGIES**

To receive apologies for absence and notification of substitutes (*if any*).

### **B MINUTES**

1 - 10

To sign and confirm the minutes of the last meeting.

### **C DECLARATION OF INTERESTS**

To receive declarations of interests in respect of any item on the agenda.

### **D PUBLIC QUESTIONS**

To answer any written questions received from members of the public no later than 5 p.m. two clear working days prior to the meeting.

## PART II - AGENDA ITEMS

### **1 PLANNING APPLICATION B 18 0144**

11 - 22

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

### **2 PLANNING APPLICATION B 18 0045**

23 - 32

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 0BD

Mr and Mrs Oliver and Payne

**3 PLANNING APPLICATION B 18 0115 33 - 42**

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 and matters relating to appearance, landscaping, layout and scale reserved for later approval)

Land adjacent to Glenhirst Station Road Swineshead Boston PE20 3NX

Miss Victoria Mason

**4 PLANNING APPLICATION B 17 0513 43 - 56**

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 and J Daubney.

**THE MEETING WILL BE ADJOURNED AT THIS POINT  
AND WILL BE RECONVENED AT 2PM**

**5 PLANNING APPLICATION B 17 0121 57 - 86**

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 Limited

**6 DELEGATED DECISION LIST 87 - 100**

The delegated decision list for the period 17<sup>th</sup> April 2018 to 11 May 2018.

**Note: A planning decision comes into effect only when the decision notice and associated documents are despatched by the Local Planning Authority and not when the Committee makes its decision.**

**Notes:**

**The Human Rights Act 1998**

It is implicit in these reports that the recommendations to and the consideration by Committee will take into account the Council's obligations arising out of the Human Rights Act and the rights conferred by Articles 6,8,14 and Article 1 of the First Protocol of the European Convention on Human Rights (ECHR). These are the rights to a fair hearing, respect for family and private life, the prohibition against discrimination and the peaceful enjoyment of possessions, respectively. The ECHR allows many to be overridden if there is a sufficiently compelling public interest.

In simple terms the Act requires a person's interest be balanced against the interests of the community. This is something that is part of the planning system and that balancing is a significant part of the consideration of issues identified to Committee by officer reports. Provided that those issues are taken into account, the Convention will be satisfied.

The person to contact about the agenda and documents for this meeting is Karen Rist, Democratic Services Officer, Municipal Buildings, Boston, Lincolnshire, PE21 8QR, Tel 01205 314226, e-mail: karen.rist@boston.gov.uk.

Council Members who are not able to attend the meeting should notify Karen Rist, Democratic Services Officer as soon as possible giving the name of the Council Member (*if any*) who will be attending the meeting as their substitute.

**Alternative Versions**

Should you wish to have the agenda or report in an alternative format such as larger text, Braille or a specific language, please contact Democratic Services on direct dial (01205) 314226

**Emergency Procedures**

**In the event of a fire alarm sounding all attendees are asked to leave the building via the nearest emergency exit and make their way to the Fire Assembly Point located in the car park at the rear of the Municipal Buildings.**

## PLANNING COMMITTEE

1 MAY 2018

Present:

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

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

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

### 151 APOLOGIES

Apologies for absence were tabled for Councillor Stephen Raven. No substitute member in attendance.

### 152 MINUTES

With the agreement of the committee members the Chairman signed the minutes of the previous planning committee meeting held on the 3 April 2018

### 153 DECLARATION OF INTERESTS

A standing declaration of interest was recorded for Councillors Alison Austin and Paul Skinner in their roles as Lincolnshire County Councillors; for 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.

The following declarations of interest were tabled in respect of planning application B 18 0154:

Councillor Claire Rylott declared she would absent from the meeting as the applicant was known to her.

Councillor Michael Cooper declared he would absent from the meeting as the applicant was well known to him.

Councillors Yvonne Stevens, Stephen Woodliffe, Paul Skinner, Sue Ransome and David Brown all declared that whilst the applicant was known to them only as being the husband of a fellow councillor, it would not affect their judgement of the application.

### 154 PUBLIC QUESTIONS

No Public Questions were tabled.

**155 PLANNING APPLICATION B 18 0082**

**Resubmission of B/17/0353 for the erection of two detached dwelling houses plus the construction of new vehicular accesses**

**Land rear of 29 Woodville Road, Boston, PE21 8AP**

**Mr S Penson**

The Senior Planning Officer presented the report and confirmed there were no updates to the report tabled.

Representation was received by the applicants' agent Mr Wicks which included:

Referencing the second application on the agenda, Mr Wicks questioned why officers had been positive on that one and not on this application. He questioned if the recommendations were based on design with one contemporary and one traditional. He stressed that he felt it important that planning be consistent with this development being only 3 meters forward of the adjacent house with the report stating it would cause adverse amenity, as against the next application being set 7 metres forward of the adjacent house.

*At this point in the proceedings the Chairman intervened and requested that the speaker contain his representation to the application under consideration stating that the committee would address each application on an individual basis and they would be considered on their own merits.*

The speaker questioned why he could not reference the following application and added that the application in question was further away than the other application and the garden size was one and a half metre deeper than the second application. Committee were advised that the first floor lounge was to address the issue of flood risk and it had enabled the design to be quite interesting.

Members were asked to note that the development would book end that area of Cherry Walk which was already narrowed by mature overgrown hedgerows and fencing on both side of the road. The application also removed an ugly garage and shed. Referencing objector comments the agent stated that there would be no adverse impact on the bottom to the garden of 33 Woodville Road as the design reflected the character of the area with hedgerows and fencing on both sides. The development was typical close to back edge of footpath development, as in the historic areas of Boston. Furthermore the noise and disruption during construction was not a planning issue. The garage design was an automatic up and over door and furthermore 2 car parking spaces for each unit were provided. Committee were asked to also recognise that there had been no objection from County Highways and it had been agreed that the principle of development in the area was acceptable.

Members were asked to recognise that the benefits of providing characterful designed houses for young families more than outweighed the adverse comments raised and that the applicant had worked very hard to create an excellent solution to the difficult flood risk site.

It was moved by Councillor Jonathan Noble and seconded by Councillor Yvonne Stevens that the application refused in line with officer recommendation for the reason stated therein:

In Favour: 10.          Against 1.

**RESOLVED: That the application be refused in line with officer recommendation for the following reason:**

The proposed development, having regard to the size and shape of the application site coupled with the siting of the proposed two dwellings close to the public highway, represents over-development and will be out of character with the overall pattern of development in the area. Furthermore, the proposed development will appear dominant, alien and visually intrusive and will cause substantial harm to the amenity of the area. The proposed development will therefore contravene the objectives of Local Plan policies G1, H2 and H3 and the NPPF (2012).

## **156      PLANNING APPLICATION B 18 0052**

### **Erection of detached two storey dwelling**

**Rear of land adjacent to 89, Woodville Road, Boston, PE21 8BB**

**Mr M Moore and Mr L Taylor**

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

Referencing page 32 under the planning history section within appendix 1 members had been emailed a copy of the Inspectors Decision Letter with the hard copy in front of them.

The second update referenced page 33 in respect of the representations section and an email had recently been received from the occupier of no. 27 Woodville Road who had expressed surprise that the application was even being considered, given the national guild-lines for the term 'windfall land'. As such 7 third party representations had been received.

Representation was received by Mr Stevenson in objection which included:

Stating his main objection was in respect of the lack of consideration of the existing development at 89 Woodville Road, committee were advised that the front gateway was very narrow and it was impossible to get into two of the front bays without turning. Furthermore there were no footpaths to the back of the two rear flats which are 89c and 89d and the properties were now land locked. The proposed application showed the building on the southern side, down the side of the garage and the garage was built at an angle to the new development which at its narrowest went down to 500 millimetres. It was so narrow it was not possible to get a wheelie bin through it.

All residents were now directed down the northern access where again there was no footpath. The existing footpaths cause a hazard in the event of a fire and there was concern on how the flats would be serviced by the emergency services, because they were effectively land locked. There were also problems with the trees on the southern boundary in respect of loss of light issues and damage due to the height of their growth.

Representation was received by the agent Mr Riches which included:

The applicant believed they had the opportunity to provide an attractive building in what is a disused piece of land whilst contribution to the Councils obligation under the NPPF to deliver more housing to meet their five year target. Addressing neighbours objections in respect of the tandem parking Mr Riches confirmed it would not be mixed as each unit had its own tandem parking. Furthermore objections implied that the parking would be more sporadic and with more vehicle movements which the disputed. There would be no parking on the street and there had been no objections from County Highways.

The existing frontage was already a car park serving four cars and therefore relocating four more would not cause a problem as there was space within the site. Referencing objections to design members were asked to note the comment by the officer in the report which did agreed it was subjective. The unique design of the building would be a departure from local styles in the locality it may also be argued that it would continue the evolution of design in the area where there was no prevailing style of buildings.

The officer had stated in his report that the plot was big enough to accommodate the footprint of the building. Despite objections there was sufficient space for access to the existing property. There was access around that served the four houses at the front. There was ample bin storage provided; ample pedestrian routes around the site and the houses were not land locked and were accessible from either side. The height was comparable with adjacent properties along Ivy Crescent and it had a lower roof height than no. 89. Boston Borough Council no longer had a minimum requirement for car parking in such a sustainable location of the site and it was highly likely that the provision of parking might not all be used.

There was the opportunity due to the sites central location for use of the bus as the route which ran straight past the site, along with cycle routes and pedestrian routes into town. Concluding Mr Riches said there was limited overlooking with obscured glazing being used and the rear garden was in excess of 13.5 metres deep providing an adequate size, which was far in excess of other sites which had been granted permission.

It was moved by Councillor Jonathan Noble and seconded by Councillor Stephen Woodliffe that the application be refused contrary to officer recommendation as it contravened the objectives of local plan policies G1, H2 and H3.

In Favour: 9            Against: 1            Abstentions: 1

**RESOLVED: That committee grant the application contrary to officer recommendation for the following reason:**

The proposed development, having regard to the size of the application site coupled with the modern design of the proposed house will appear out of character with the overall pattern of development in the area and will be out of keeping with the designs and forms of other properties in the vicinity of the site. The proposed development will appear alien and visually intrusive, will lead to a car dominated environment and will cause substantial harm to the amenity of neighbouring residents. The development will therefore contravene the objectives of Local Plan policies G1, H2 and H3

It is recorded that Councillors Claire Rylott and Michael Cooper absented from the meeting at this point in the proceedings.

## **157 PLANNING APPLICATION B 18 0154**

**Application for prior approval for the erection of extension to existing agricultural storage building**

**Sunnyside Farm, Holme Road, Kirton Holme, Boston PE20 1TB**

**Mr Richard Rylott**

The Senior Planning Officer presented the report and confirmed there were no updates to the report tabled.

No representation was received in respect of this item.

It was moved by Councillor Alison Austin and seconded by Councillor James Edwards that committee be minded to determine that "prior approval is not required" in line with officer recommendation for the reason therein.

In Favour: 9          Against: 0          Abstentions: 0

**RESOLVED: That the committee resolve that they are minded to determine that 'prior approval is not required' for the proposed extension subject to:**

- No objections are received as a result of publicity of this application which would warrant re-consideration of this application or require prior approval to be required.

It is recorded that Councillors Claire Rylott and Michael Cooper re joined the meeting following determination of planning application B 18 0154.

**158 PLANNING APPLICATION B 18 0054**

**Outline planning permission for the erection of detached dormer bungalow with all matters reserved**

**Land adjacent to Lyndholme, Station Road, Old Leake Commonside, Boston, Lincolnshire PE22 9QQ**

**Estates Ltd c/o Mr Barry Nicholls**

The Senior Planning Officer presented the report to the committee and confirmed there were no updates to the report tabled.

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

Mr Nicholls noted that previous approval for an identical design but for an affordable house, had been granted on the site: as such that approval had confirmed development of the land was acceptable in principle. The site was within the development boundary of the village and the building proposed was identical to the previous build and had a built up frontage. The application complied with policies H2 and H32. Furthermore it had no design issues. There had been no objections from any neighbours or anybody else in respect of the application and the Parish Council fully supported it. It would contribute to the housing supply and represented a natural infill within the village boundary. The site currently was overgrown and the owner had difficulty in maintaining it: neighbours had complained about state of the site. As the Council did not have a five year land supply all relevant policies did apply with presumption in favour of such development in line with the NPPF.

Mr Nicholls then referenced a previous application which had been similar located at Fosdyke which the committee had overturned. In conclusion committee were asked to recognise that the application was about tenure, as in principle the infill plot had already been previously approved.

It was moved by Councillor Jonathan Noble and seconded by Councillor James Edwards that committee grant the application contrary to officer recommendation and that outline planning permission be granted, with all matters reserved, subject to relevant planning conditions and conditions and that the site be subject to one dwelling only.

In Favour: 11. Against: 0. Abstentions:

**RESOLVED: That the application be granted contrary to officer recommendation subject to the following conditions and reasons:**

1. 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.

2. Approval of the details of access, appearance, layout, landscaping, and scale (hereinafter called 'the reserved matters') shall be obtained from the Local Planning Authority in writing before any development is commenced.

**Reason:** This is an outline application only and such details must be approved before development commences in order to comply with the objectives of Local Plan policies G1 and H3 and required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990.

3. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

**Reason:** Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990.

4. The development hereby permitted shall be carried out in accordance with the following approved plans received on 9th February 2018:

- 1/3 Block Plan drwg no. BP0001
- 2/3 Site Location Plan drwg no. OS0001
- 3/3 Floor plans and sections drwg no. DP0001

And the submitted Design and Access Statement entitled 'Context, design principles and concepts'.

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

5. The application for reserved matters shall include 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. The scheme shall include the following information:

- Evidence to show that surface water run-off generated up to and including the 100 year plus climate change critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event;
- Details of how the scheme shall be maintained and managed after completion and the adopting authority of the SuDs elements;
- Details of the surface water calculations for the drainage network and SuDs features taking into account climate change and an agreed discharge rate;
- Details of the receiving watercourse and condition to demonstrate it is at a suitable condition;
- Details of overland exceedance flows with the development and how these shall be adequately managed.

The scheme shall be carried out as approved.

**Reason:** To prevent the increased risk of flooding, both on and off site and to accord with the objectives of Local Plan policy G3 and the NPPF (2012).

6. The development hereby approved shall be carried out in accordance with the submitted Flood Risk Section of the submitted Supporting Planning Policy Statement and in particular the following mitigation measures shall be incorporated within the development:

- Finished ground floor levels shall be set at 2.15m ODN.

**Reason:** To reduce the risk of flooding to the proposed development and future occupants and to accord with the objectives of Local Plan policy G1 and the NPPF (2012).

7. The application for reserved matters shall be submitted for a maximum number of one dwelling.

**Reason:** To protect the character of the built and natural environment in this area and in order to comply with the objectives of Local Plan policies G1 and H3.

## 159 PLANNING APPLICATION B 18 0020

**Resubmission of B/17/0364 for the demolition of existing domestic garage and erection of 1 no. dwelling together with new vehicular access for existing dwelling**

**29, Old Main Road, Fosdyke, Boston, Lincolnshire, PE20 2BU**

**Mr and Mrs P Allitt**

The Senior Planning Officer presented the report and confirmed that further representation had been received by the applicant and had been issued to members ahead of the meeting.

No representation was received in respect of this application.

It was moved by Councillor Jonathan Noble and seconded by Councillor Claire Rylott that committee grant the application contrary to officer recommendation and that full planning permission be granted for the demolition of an existing garage and erection of 1 no. dwelling with vehicular access and subject to relevant planning conditions and reasons.

In Favour: 11. Against: 0. Abstentions:

**RESOLVED: That the application be granted contrary to officer recommendation subject to the following conditions and reasons:**

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:

- Ref: 1720-01-A 'Location Plan and Block Plan' (1A/2)
- Ref: 1720-02-A 'Elevations and Floor Plans' (2A/2)

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

3. The development shall be carried out in accordance with the approved Flood Risk Assessment (FRA) prepared by S M Hemmings, dated 7 August 2017. In particular, finished floor levels shall be set no lower than 3.9m AOD.

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

**Reason:** To reduce the risk and impact of flooding to the development and future occupants in accordance with the National Planning Policy Framework (2012).

4. Prior to the commencement of any development above slab level final details of the materials to be used in the external elements of the development shall be submitted to the Local Planning Authority for approval. The development shall be constructed using the approved materials.  
**Reason:** To ensure the development assimilates well with its surroundings in accordance with Adopted Plan Policy G1.
5. Prior to the commencement of any development above slab level final details of any walls or fences, including details of their design and height shall be submitted to the Local Planning Authority for approval. The approved boundary treatments shall be erected as per the agreed details prior to the occupation of the dwelling hereby approved.  
**Reason:** In order to protect neighbour's amenity and the amenity of future occupiers of the dwelling and to accord with Adopted Plan G1.

At this point in the proceedings the Chairman welcomed Lisa Hughes a new Senior Planning Officer to the meeting to present the following application.

#### **160 PLANNING APPLICATION B 18 0032**

##### **Change of use of offices (Class B1) to 2 no. two bedroom and 3 no. one bedroom flats (Class C3)**

**12 Strait Bargate & 2 New Street (first, second & third floors), Boston Lincolnshire**

**Mr & Mrs Raj Soni**

The Senior Planning Officer presented the report and confirmed updates to the report report tabled. A representation from Barton Wilmore on behalf of the applicant had been received which stated they agreed with the tilted planning balance in relation to the five year housing plan supply and therefore considered the application should be approved. They noted the objection from the Council's housing officer and they endorsed the way the report had confirmed it was not for the planning committee to consider matters which fell under other legislation. They asked for two specific pieces to be read out and this is in response to the objections and the comments from the consultees. The first comment says that there is no requirement under section 46 of the Environmental Protection Act 90 to provide 240, 660 or 1100 litre wheeled bins.

Section 46 of the Act referenced the duty of a Council to arrange collection of household waste and that the authority may require the occupier to place the waste in the receptacle specified. In relation to the housing officer concerns they reiterate the environmental health officers response that concluded that it was reasonable for storage of waste to be put out on bin day for collection and be stored within the building.

No representation was received in respect of this item.

It was moved by Councillor Paul Skinner and seconded by Councillor Jonathan Noble that the application be granted in line with officer recommendation.

In Favour: 11. Against: 0. Abstentions:

**RESOLVED:** That the application be granted contrary to officer recommendation subject to the following conditions, reasons and informative:

- 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 ref 12 PL/IC/01 received 25 January 2018 (1/4)
  - Existing floor plans PL/IC/02 received 25 January 2018 (2/4)
  - Proposed floor plans 12 PL/IC/03 received 5<sup>th</sup> April 2018 (3/4)
  - Proposed elevations and roof plan PL/IC/04 received 25 January 2018 (4/4)**Reason:** To ensure the development is undertaken in accordance with the approved details and to accord with Adopted Local Plan Policy G1.
- 3 The development shall not be begun until a scheme for protecting the proposed occupiers from noise from the street within each of the bedrooms has been submitted to and approved in writing by the Local Planning Authority. All works, forming part of the approved scheme shall be completed before any of the dwellings are first occupied and shall be retained thereafter. The scheme shall retain the existing fenestration detail (e.g. in relation glazing bars and frame) unless it can be demonstrated that this is not possible whilst achieving the necessary noise reduction.  
**Reason:** To protect the occupants of the proposed dwellings from noise and in accordance with Adopted Local Plan Policy G1 and the National Planning Policy Framework.
- 4 Prior to the occupation of any of the flats, the bin store areas as shown on drawing 12 PL/IC/03 received 5<sup>th</sup> April 2018 shall be provided for use of the occupiers. Thereafter they shall be retained for storage of waste only.  
**Reason:** To ensure the development provides appropriate facilities for the storage of refuse for the development in the interests of the amenity of future occupiers in accordance with Adopted Local Plan Policy G1.

Informative

Refuse shall not be placed outside for collection until either the night before collection or by 5:30am on the day of collection in order to maintain the amenity of the area and to minimise the risk of vermin.

**161 DELEGATED DECISION LIST**

Committee noted the Delegated Decision List for the period 19 March 2018 to 16 April 2018.

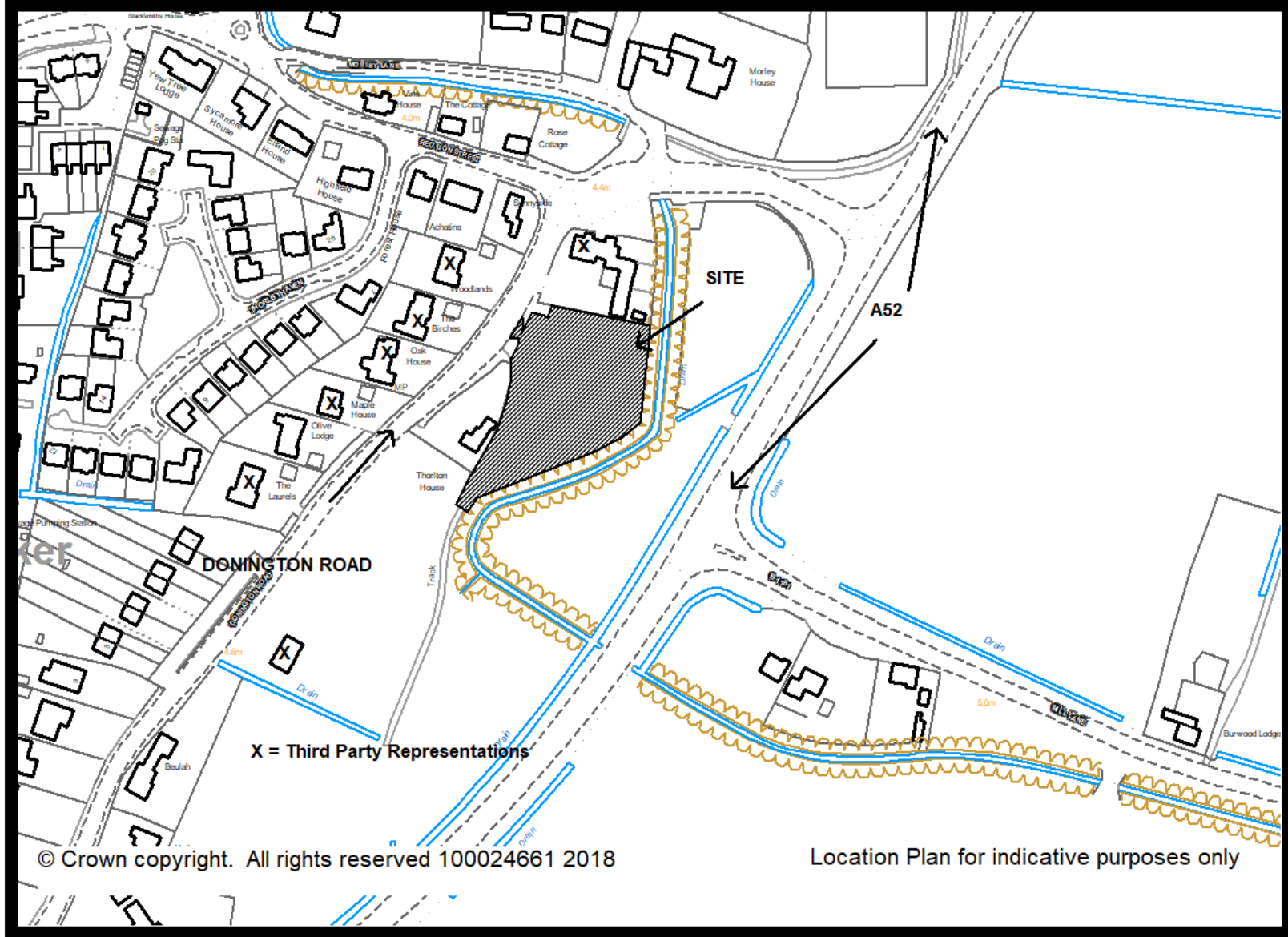
The Meeting ended at 2.00 pm

## **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

**Applicant:**  
Mrs Andrea Thorlby

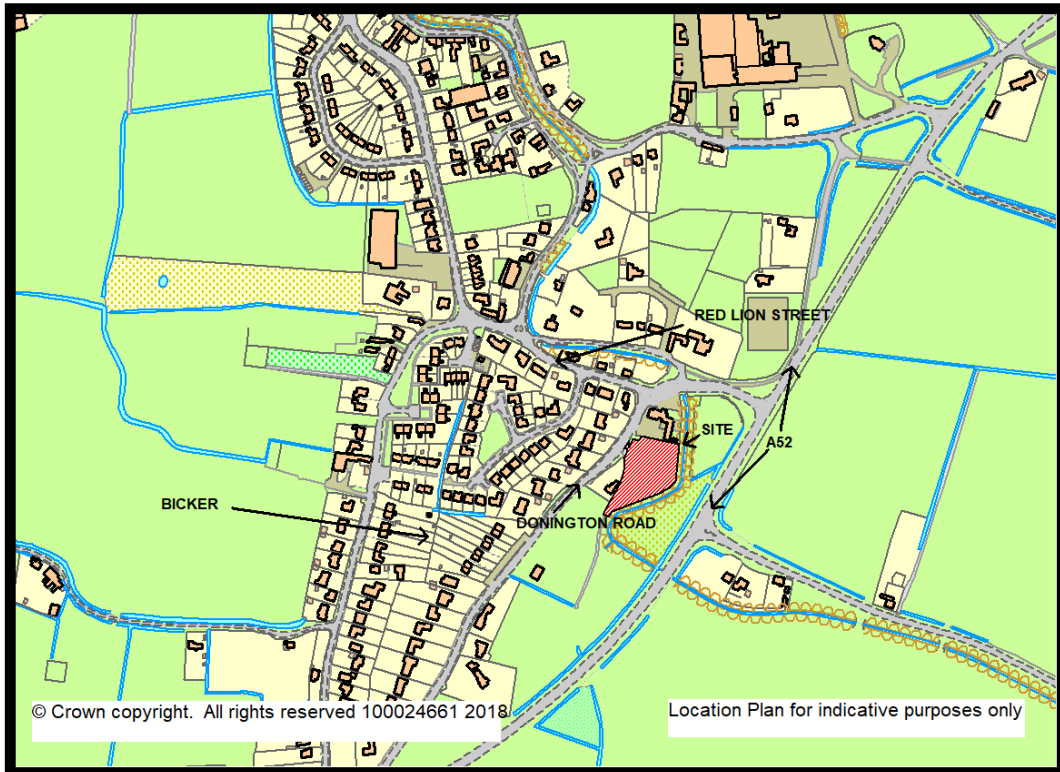


**BOSTON BOROUGH COUNCIL**

**Planning Committee - 29 May 2018**

Reference No: B/18/0144  
Expiry Date: 07-Jun-2018  
Application Type: Full Planning Permission  
Proposal: Erection of 2 no. detached two storey residential dwellings and garages and associated works  
Site: Land Adjacent to Ye Olde Red Lion Public House, Donington Road, Bicker, Boston, PE20 3EF  
Applicant: Mrs Andrea Thorlby  
Ward: Five Village  
Parish: Bicker Parish Council  
Case Officer: John Taylor  
Third Party Reps: Seven received

**Recommendation: REFUSE**



## **1.0 Reason for Report**

- 1.1 This application has been called in by Councillor David Brown who wishes the application to be considered against the criteria in Local Plan Policy H2 and C01.

## **2.0 Application Site and Proposal**

- 2.1 The proposal relates to an area of open field that is somewhat overgrown. The site is located adjacent to but outside the settlement boundary of Bicker close to the southern edge of the village. Immediately to the north of the site is a Grade II listed public house (Ye Olde Red Lion) and the Bicker Conservation Area boundary.
- 2.2 To the west is a single dwellinghouse (Thorlton House) and further estate-type residential development is located further to the west on the opposite side of Donington Road. Undeveloped land adjoins the site to the south and east that is bordered by the A52.
- 2.3 This proposal is a full application for the erection of two detached dwellings with garages and associated works.

## **3.0 Relevant History**

- 3.1 B/17/0261 - Outline application for 3no. dwellings with consideration given to access and layout – Refused at Committee in September 2017. The reasons for refusal were;
1. The proposal would see the introduction of three new dwellings in the open countryside and in a highly unsustainable location; the nearest settlement is Bicker which offers very little in terms of facilities and services for local residents. The allowance of new dwellings in this location would result in future occupiers of the properties being highly reliant on the use of a motor vehicle which is the least sustainable mode of transport to meet their everyday needs. It is therefore considered that the proposal is contrary to saved Local Plan Policies G1, H3 and CO1 and the proposal fails to promote a sustainable pattern of development and thus does not accord with the sustainability objectives of the NPPF (2012).
  2. The application site abuts a Grade II listed public house and the boundary of the conservation area also runs along the northern boundary of the site. The open space that the site currently offers contributes significantly to the setting of the listed building. The allowance of this proposal would largely obscure views from the south of the listed building causing harm to the setting of the heritage asset and fails to preserve or enhance the character or appearance of the Conservation Area. The proposal would therefore be in conflict with the National Planning Policy Framework (2012) that places great importance on protecting heritage assets and their settings.
- 3.2 B/16/0266 – Outline application for 3no. dwellings with consideration given to access and layout – Withdrawn 18/11/2016

3.3 B/04/0277 – Residential development for 1 dwelling (outline) – Refused 03/06/2004. The reasons for refusal are as follows:

1. 'The proposal is on a site outside the village envelope as identified in the Adopted Boston Borough Local Plan. It does not constitute infill development in accordance with Policy C02 nor is it a dwelling needed for agricultural purposes in accordance with Policy C04. Consequently the application not being supported by other Local Plan Policies is contrary to Policy C01 of the Boston Borough Local Plan.
2. The site is adjacent to a Grade II Listed Building and from the information supplied the Local Planning Authority are not satisfied that a development will result that will not adversely affect its setting. Consequently the proposed is contrary to Policy C6 of the Boston Borough Local Plan.

However, these reasons for refusal from thirteen years ago should be approached with a little caution since Policies C02, C04 and C6 were not 'saved' in 2007 and the decision predates the NPPF so the current application is to be determined in a different planning policy environment.

#### **4.0 Relevant Policy**

##### **Boston Borough Local Plan**

- 4.1 The development plan consists of the saved policies of the Boston Borough Local Plan (Adopted 1999). S.38(6) of the 2004 Act requires that determination must be made in accordance with the plan unless material considerations indicate otherwise.
- 4.2 According to the adopted Plan the site is in open countryside so for plan policy purposes the site lies within an area where new development is controlled by Policy CO1.
- 4.3 There are no current saved policies to guide housing development and the lack of a five year supply of housing land means that any policies that are to do with housing supply are 'out of date'. The May 2017 decision of the Supreme Court in the Cheshire East/Suffolk Coast case confirms that policies like CO1 are not policies for the 'supply of housing', contrary to what the Court of Appeal had determined earlier. The weight attached to such policies means that these must be a consideration within the planning balance.
- 4.4 The saved Local Plan Policies of relevance to this application are as follows:
  - Policy G1 – Amenity
  - Policy G2 – Wildlife and Landscape Resources
  - Policy G3 – Surface Water Disposal
  - Policy G6 – Vehicular and Pedestrian Access
  - Policy CO1 – Development in the Countryside
  - Policy H3 – Quality of Housing Development

## **National Planning Policy Framework**

- 4.5 The Framework (NPPF) 2012 indicates that housing applications should be considered in the context of the presumption in favour of sustainable development subject to normal development control criteria. Paragraph 14 repeats the presumption in favour of sustainable development from elsewhere in the Framework and seeks the speedy approval of proposals that accord with the development plan and, where the plan is “absent, silent or relevant policies are out of date”, to grant permission unless the adverse impacts would significantly and demonstrably outweigh the benefits; or that policies in the NPPF indicate development should be restricted.
- 4.6 The Borough does not have a five year housing land supply at this point in time and therefore the ‘presumption in favour of sustainable development’ as contained within the NPPF applies.

## **5.0 Representations**

- 5.1 As a result of publicity seven representations have been received from the following addresses;

- Donington Road – ‘Oak House’ (x2), ‘Thorlton House’, ‘The Birches’, ‘Maple House’(x2), ‘Woodlands’

- 5.2 The objections and comments can be summarised as follows;

- The site is not infill development
- Impact on the character of the area
- Impact on the Grade II listed public house adjacent to the site
- The development will impact the adjacent conservation area
- Traffic and road safety concerns
- Pedestrian safety concerns
- Car parking and access issues
- There should not be an assumption that leaving the land ‘scruffy’ would lead to a favourable planning decision
- The site ‘Bic003’ was contained within local plan consultation documents but was dropped as not considered suitable for housing
- Proposed site lies outside the settlement boundary of Bicker
- The site is in an unsustainable location due to the lack of services and facilities in Bicker
- The land is Grade I agricultural land that has purposely been left fallow by the owners
- Impact on the amenity and privacy of neighbours
- Visual impact
- The large houses proposed are not of the type that will help with housing shortfall in the village
- Given our role as specialist disability children’s high end carers the proposal result in a loss of privacy through overlooking due to our small rear garden area
- Land is of significant historic value and should not be built on
- The access for the houses would mean that overspill from cars using the PH would overspill onto Donington Road

- The open space of the land contributes significantly to the character of the area
- The site was historically a gateway to the village and building houses on this land will destroy its historic identity

## **6.0 Consultations**

- 6.1 Bicker Parish Council – No objection to the houses but object to the impact of the houses on the adjacent listed building
- 6.2 Lincolnshire County Council (Highways and Lead Local Flood Authority) – No objections subject to a number of conditions being attached.
- 6.3 Environmental Protection – No objections
- 6.4 Black Sluice IDB – No response received
- 6.5 Cadent Gas Services – No objection but advice given to applicants
- 6.6 Consultant Architect – The impact to the listed building is not as significant as previous scheme. Materials and boundary treatments need to be condition to ensure the impact on the listed building is reduced

## **7.0 Planning Issues and Discussions**

- 7.1 The main issues in regards to this application are:-
- The principle of development;
  - Impact on the conservation area and the adjacent Grade II listed public house
  - The impact on neighbour's amenity
  - Flood risk
  - Highway issues

### **Principle of Development**

- 7.2 In terms of the principle of development, the main issue in the determination of this application is whether the proposed development would be acceptable having regard to policies concerning the location of new housing and whether it promotes a sustainable form/pattern of development. Members may recall that they refused an outline application for 3 dwellings in late 2017. The first reason for refusal related to the proposed dwellings not being situated in a sustainable location. Both reasons are given in full in para' 3.1 of this report.
- 7.3 As discussed in para's 4.5 - 4.6 of this report the lack of a 5-year supply of housing land triggers the presumption in favour of sustainable development unless the adverse impacts would significantly and demonstrably outweigh the benefits; or that policies in the NPPF indicate development should be restricted.

Sustainable development

- 7.4 The key word in this guidance is in the phrase presumption in favour of **'sustainable'** development (my emphasis) and whether this proposal promotes a sustainable pattern of development.
- 7.5 The latest assessment that considers the sustainability credentials of Bicker was carried out as part of the evidence base for the emerging South East Lincolnshire Local Plan (SELLP). This was carried out in June 2015 and it identified Bicker as the 20<sup>th</sup> most sustainable settlement in South East Lincolnshire and the 7<sup>th</sup> most sustainable settlement in the Boston Borough area.
- 7.6 There is a recent appeal decision for four dwellings at land adjacent to Piveltoft House, which is similarly located just outside the settlement boundary of Bicker (ref: B/16/0209 PINS ref: /3165718). The Inspector discussed at length whether Bicker was considered to have the level of services and facilities within the village that would assist in avoiding trips to larger settlements which, given the location of Bicker relative to them and the scale of development proposed, were concluded as likely to be frequent and significant in number.
- 7.7 The Inspector concluded in dismissing the appeal that given that the scheme would promote an unsustainable pattern of development, the benefits associated with the provision of new housing would be significantly and demonstrably outweighed. The proposed development would therefore fail to accord with the principles set out by the Framework to encourage sustainable patterns of development.
- 7.8 There is also a recent appeal decision for a site based in the heart of Fishtoft (a village that offers a similar level of services and facilities) where the Inspector concluded that the proposed single dwelling in the heart of the village did not constitute a form of sustainable development. The appeal was dismissed (ref: B/15/0134) on 11<sup>th</sup> January 2016.
- 7.9 The NPPF encourages LPAs to be responsive to local circumstances and plan housing developments to reflect local needs. Para 55 states that 'To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, developments in one village may support services in a village nearby'. Para 34 also states that 'Plans and decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised'.
- 7.10 In term of the principles of sustainable development contained in the NPPF it is considered that the site is not located within a sustainable location largely due to the absence of local facilities and services either close to the site or within the nearby settlement of Bicker. When assessing sustainable development the three elements of social, environmental and economic should be considered as a whole. It is considered that whilst there would be minor 'short term' economic benefit from the proposal (employment from the development of the houses) environmental and social harm would arise given the absence of local facilities and services within the settlement of Bicker and the fact that future occupiers would be highly reliant on the use of a motor vehicle to meet their everyday needs. The remote

location of the development site in relation to these services would also have negative impact to the social element.

- 7.11 It is therefore concluded that this proposal does not promote a sustainable pattern of development and is not the sustainable development for which there should be a presumption in favour. Paragraphs 47-49 of the Framework and its guidance state that to be developable, sites should be in a suitable location for housing. It is considered that the application site is located in an area where the occupants of the proposed dwelling would need to rely on the use of a motor vehicle to meet their everyday needs.

### **Impact on the adjacent Conservation Area and Grade II listed Public House**

- 7.12 Section 72 of the Town and Country Planning (Listed Buildings and Conservation Area) Act 1990 places a general duty on a local planning authority to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area. In addition section 66 of the Act places a general duty on local planning authorities when considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest.
- 7.13 This proposal is a full application for two dwellings whereas the previous proposal refused by committee late last year was an outline application for three dwellings.
- 7.14 The NPPF encourages good design (Part 7) and para 131 of the NPPF states: 'In determining planning applications, Local Planning Authorities should take into account:
- The desirability of sustaining and enhancing the significance of heritage assets and putting them into viable uses consistent with their conservation
  - The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality
  - The desirability of new development making a positive contribution to local character and distinctiveness'
- 7.15 Para 132 states 'When considering the impact of a proposed development on the significance of a designated asset, great weight should be given to the assets conservation. The more important the asset the greater the weight should be. Significance can be harmed or lost through alteration or destruction of a heritage asset or development within its setting....'
- 7.16 It is clear that by submitting a full application matters of design and scale can be assessed and potential impacts on heritage assets can be fully considered rather than the vagueness of submitting an outline proposal where these matters are normally reserved. Based on this scheme it is the officer's opinion that the impact on the adjacent listed building and conservation area is now far more acceptable than with previous schemes. Whilst there will be some negative impact on the setting of the public house with the correct choice of materials and boundary treatment it is considered that these impacts could be somewhat mitigated. Conditions relating to materials and boundary treatments should be included if the application was to be approved.

### **Impact on Amenity**

- 7.17 The site is considered sufficiently large enough to accommodate two dwellings with detached garages. The separation distance between plot 2 and the nearest existing property is almost 20m; a distance that would normally be considered acceptable.
- 7.18 It is considered that the layout of the properties and the separation distances to neighbouring properties are acceptable and the allowance of these dwellings is unlikely to substantially harm the amenities of occupiers of nearby buildings.

### **Flood Risk**

- 7.19 The proposal is located in Zone 1 of the Environment Agency's flood zone maps and according to the Council's Strategic Flood Risk Assessment is not in an identified zone where local flood risk is considered to be a danger. No further concerns are raised regarding flood risk.

### **Highways Issues**

- 7.20 Concerns have been raised in the objections that this proposal will increase the likelihood of cars parking indiscriminately along Donington Road and this could impact highway safety. The objectors state that cars park along the part of the road that will accommodate the new access for the dwellings using it as overspill parking during busy times at the public house.
- 7.21 Unfortunately these appear to be existing problems and although there will be some reduced options for vehicles to park along the part of Donington Road where the access to the site is intended, this factor alone would not warrant refusing the application. Importantly, the County Highways Authority does not raise any objections to the proposal subject to a number of conditions being attached to any approval.

## **8.0 Summary and Conclusion**

- 8.1 This application proposes to introduce new family sized dwellings in a location outside the settlement boundary of Bicker and thus (for plan purposes) in an open countryside location. Bicker lacks the services and facilities within it to be considered a sustainable location for new residential settlement. Future occupiers would be heavily reliant on the use of a private car to meet their needs. The application therefore fails to promote a sustainable pattern of development, it does not accord with the sustainability objectives of the NPPF (2012) and this recommendation is consistent with comparable appeal decisions.
- 8.2 The application site abuts a Grade II listed public house and the boundary of the conservation area also runs along the northern boundary of the site. The open space that the site currently offers contributes to the setting of the listed building; however, the introduction of two well designed properties with high quality materials on this site is unlikely to substantially harm the adjacent listed building or its setting or cause substantial harm to the nearby conservation area.

## **9.0 Recommendation**

9.1 That Committee REFUSE the application for the following reason:

1. The proposal would see the introduction of two new dwellings in the open countryside and in a highly unsustainable location; the nearest settlement is Bicker which offers very little in terms of facilities and services for local residents. The allowance of new dwellings in this location would result in future occupiers of the properties being highly reliant on the use of a motor vehicle which is the least sustainable mode of transport to meet their everyday needs. It is therefore considered that the proposal is contrary to saved Local Plan Policies G1, H3 and CO1 and the proposal fails to promote a sustainable pattern of development and thus does not accord with the sustainability 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.

**Simon Rowberry**  
**Interim Development Manager**

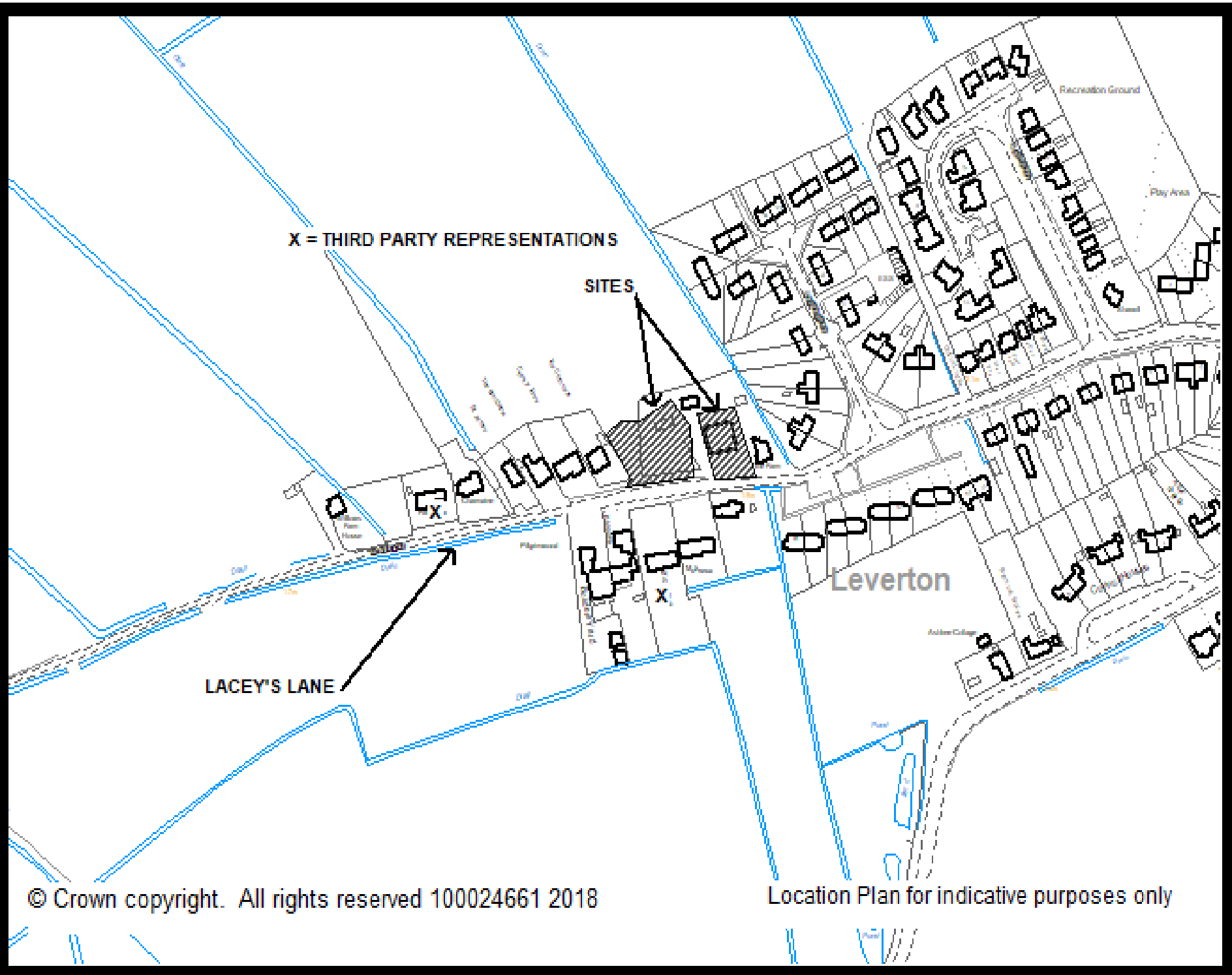
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## **PLANNING APPLICATION B/18/0045**

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 0BD

**Applicant:**  
Mr and Mrs Oliver and Payne



X = THIRD PARTY REPRESENTATIONS

SITES

LACEY'S LANE

Leverton

**BOSTON BOROUGH COUNCIL**

**Planning Committee – 29 May 2018**

Reference No: B/18/0045

Expiry Date: 30-Mar-2018 (Extension of Time 31<sup>st</sup> May 2018)

Application Type: Outline Planning Permission  
Proposal: Outline application for residential development (up to 3 no. dwellings) including associated works with all matters reserved

Site: Land adjacent to The Farm, Laceys Lane, Leverton, Boston, PE22  
70BD

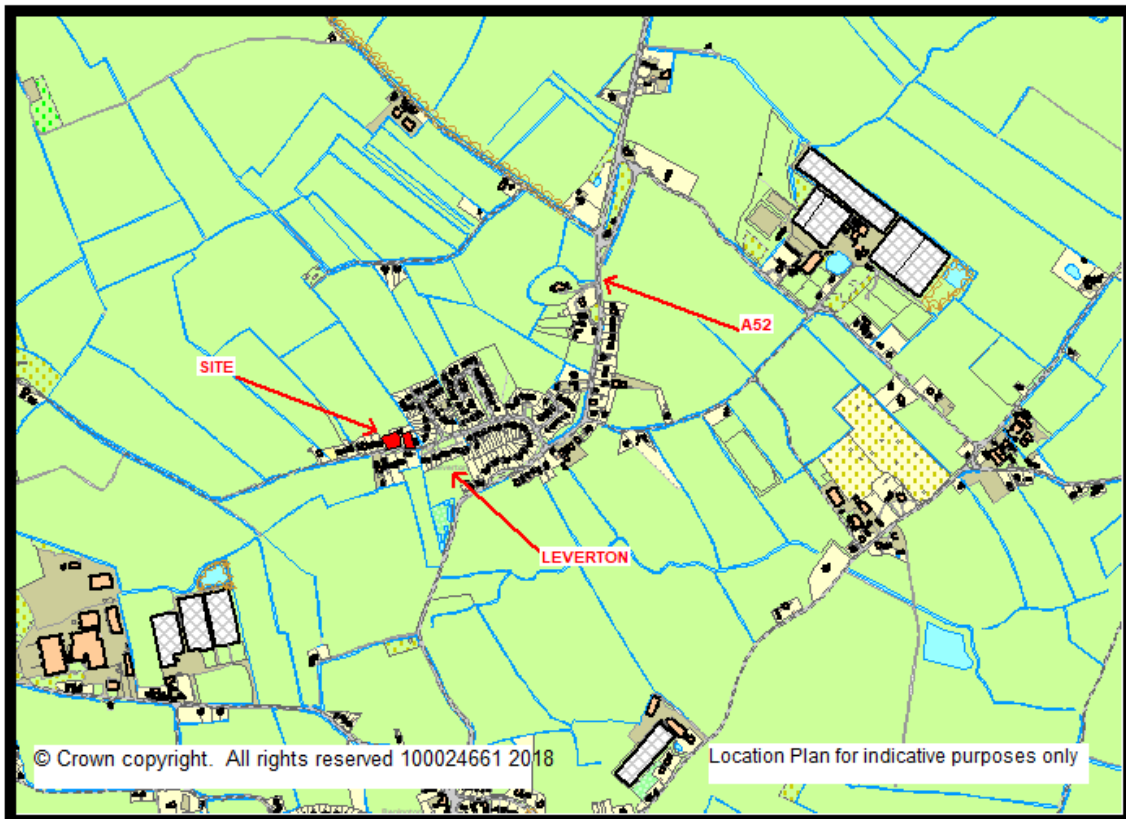
Applicant: Mr & Mrs Oliver and Payne

Ward: Coastal  
Parish: Leverton Parish Council

Case Officer: Lisa Hughes

Third Party Reps: 2

**Recommendation: Refuse**



## **1.0 Reason for Report**

- 1.1 The application is presented to Planning Committee because Councillor Bedford has called it in for the following reason:

*“The Borough does not have 5 years housing supply. Brown field site as disused farm yard. NPPF supports self build plots.”*

## **2.0 Application Site and Proposal**

- 2.1 The site comprises two parcels of land, separated by an access leading to the field at the rear. The land is predominantly a grassed area with three detached storage buildings. It is partly open and partly enclosed by tall mature trees to the frontage including ley landii. A very gentle slope exists upwards from the front to the rear of the site. Access is from Laceys Lane, which the site directly abuts.
- 2.2 The site is understood to have formerly been used as the yard area of a farm. Surrounding the site are dwellings opposite, to the east and west. To the rear (north) are open fields which are in the applicant’s ownership although not part of this application.
- 2.3 The proposal seeks outline permission for up to 3 dwellings including associated works (all matters reserved). The three storage buildings would be demolished and the indicative drawings show two dwellings proposed on the larger, western parcel of land and one to the east adjacent to The Farm. Each would benefit from its own access and a garage is indicatively shown to each property together with turning facilities to enable vehicles to enter and exit in forward gear.

## **3 Relevant History**

- 3.1 None

## **4 Relevant Policy**

### **Boston Borough Adopted Local Plan**

- 4.1 The development plan consists of the saved policies of the Boston Borough Local Plan (Adopted 1999). S.38(6) of the 2004 Act requires that determination must be made in accordance with the plan unless material considerations indicate otherwise.
- 4.2 The land is designated as countryside within the Adopted Local Plan 1999.
- 4.3 The saved Local Plan Policies of relevance to this application are as follows:
- G1 – Amenity
  - G2 – Wildlife and Landscape Resources
  - G3 – Surface and Foul Water Disposal
  - G4 – Safeguarding the Water Environment
  - G6 – Vehicular and Pedestrian Access
  - H2 – Windfall Housing Sites
  - H3 – Quality of Housing development

- T2 – Roads and Footpaths in New Developments

### **National Planning Policy Framework**

- 4.4 The Council does not have a 5 year supply of housing and therefore policies relevant to the supply of housing are out of date. The tilted balance in paragraph 14 of the Framework is therefore engaged and on this basis there is a presumption in favour of sustainable development which presumes in favour of the grant of permission unless harm significantly and demonstrably outweighs the benefits of the scheme.
- 4.5 Paragraphs 7 and 8 set out three inter-linked dimensions and roles of sustainable development; economic, social and environmental. These three roles should not be undertaken in isolation because they are mutually dependent. Paragraph 55 of the NPPF encourages housing in rural areas where it will maintain or enhance the vitality of rural communities.

## **5 Representations**

- 5.1 As a result of publicity two representations in support have been received from Birch Grove and Fairview, Lacey Lane. They may be summarised as:
- Will bring new life to the village and maintain limited amenities in Leverton
  - Raise the standard of the area.
- 5.2 A question is also raised regarding the foul drainage network and whether the drainage system might be extended as part of this development (including to other dwellings along Lacey Lane).

## **6 Consultations**

- 6.1 Leverton Parish Council has no objection
- 6.2 County Highways Authority has no objection subject to the imposition of conditions
- 6.3 Witham Fourth District Internal Drainage Board advises if any change to surface water or treated water disposal arrangements stated to contact them.
- 6.4 Environment Agency raises no objection subject to conditions.

## **7 Planning Issues and Discussions**

- 7.1 The main considerations are:
- Principle of the development
  - Impact on the character of the locality
  - Impact upon residential amenities
  - Impact on highway safety
  - Flood Risk and Drainage
  - Sustainability
  - Other Matters

### **Principle of development**

- 7.2 The National Planning Policy Framework (NPPF) supports sustainable housing development in rural areas where it will maintain or enhance the vitality of rural communities (paragraph 55). Policy G2 of the Local Plan seeks to resist development which would have an adverse effect on the existing landscape and Policy G1 seeks development which does not harm the general character of the area because of its scale, density, layout or appearance. These aims are consistent with the Framework.
- 7.3 As indicated above the lack of a five year supply of housing land means that any policies to do with housing supply should be treated as 'out of date' by virtue of paragraph 49 of the NPPF. Paragraph 14 of the NPPF states that there should be a presumption in favour of sustainable development, unless any adverse effects of the development would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Paragraphs 7 and 8 set out the three inter-linked dimensions and roles of sustainable development - economic, social and environmental which are required to be jointly and simultaneously achieved. The sustainability credentials of the site are discussed below.
- 7.4 The settlement of Leverton has had limited housing growth over the last two decades but still has extremely limited services. As such, the principle of 3 new dwellings on these parcels of land even within a row of dwellings and the settlement of Leverton is unacceptable as it is not able to meet the objectives of Local Plan policies and the NPPF.

### **Impact on the character of the locality**

- 7.5 The site comprises almost 0.2ha of land, located on the edge, but within the village. The site sits between frontage housing to the east, west and south. The application site has a frontage of approximately 31 metres (western plot) and 22 metres (eastern plot). As discussed earlier, part of the frontage is enclosed with trees, the predominant being ley landii which do not contribute to the character of the locality. The layout and design of the housing, through the reserved matters application, can be controlled to that they are reflective of the area together with appropriate soft landscaping to retain the countryside feel of the location.
- 7.6 The indicative plans show the dwellings and the width of the plots of a comparable size, set back from the highway a similar distance to existing dwellings reflective of the area. The rear gardens would not be as deep as some properties although reflective of the two dwellings immediately to the east.
- 7.7 The loss of the existing buildings on site would not result in harm. They are typical, functional agricultural buildings found within many farm yards with little architectural merit. The resulting development should therefore be a positive impact on the locality's character.

### **Impact upon residential amenities**

- 7.8 There are residential properties within the immediate vicinity of the site, to the east and west and on the opposite side of the road to the south. The application seeks outline permission for residential development with all matters reserved though an indicative block plan shows the two sites, one with 2 dwellings (western plot) and the other with 1 (eastern plot) for information purposes. The layout of the site is similar to dwellings to the west and immediate dwelling to the east. The plots would be similar in terms of their depths. The siting, design and external appearance of the dwellings does not form part of this application.
- 7.9 The indicative plans show 3 dwellings could be sited on the land, maintaining the existing amenity adjoining occupiers currently enjoy. It is also of note that 2 letters of support have been received and no objections. Subject to a good quality scheme submitted at reserved matters stage, the plots are large enough to satisfactorily accommodate a sensitively designed residential development without causing substantial harm to residential amenity.

### **Impact on Highway Safety**

- 7.10 Vehicular and pedestrian access to the proposed dwellings will be from Laceys Lane. Each dwelling would have its own access and the existing access adjacent to The Farm would be closed. Lincolnshire County Highways raise no objections and request a condition is attached relating to provision of a footway. Appropriate parking provision can be provided on site and the indicative plans show the provision of a garage for each dwelling.

### **Flood Risk and Drainage**

- 7.11 The application site is in an area identified as being within Environment Agency Flood Zone 3, a 'danger for all/danger for most' flood hazard and within a medium tidal probability of flooding and a Flood Risk Assessment (FRA) has been submitted in support of the application. This has been assessed by the Environment Agency who consider the development will only comply with the National Planning Policy Framework if a condition is attached requiring the development to be completed in accordance with the submitted FRA. This includes the dwellings being two storeys or more, finished floor levels no lower than 1 metre above ground level, flood doors or barriers and flood resistant construction techniques. This is considered reasonable.
- 7.12 The Witham Fourth District Internal Drainage Board advise that if there is any change to the surface or treated water disposal arrangements to contact them.

### **Sustainability**

- 7.13 The Framework sets out three dimensions and roles of sustainable development - social, economic and environmental. In addition, one of the core elements of the NPPF is that patterns of growth should be properly managed and to make the most effective use of public transport, cycling and walking. Paragraph 7 and 8 of the Framework explain that these three roles should not be undertaken in isolation because they are mutually dependent.

- 7.14 In social terms residential development of the site, provision of three new dwellings, would make a modest contribution towards the supply of housing in the area which accords with paragraph 7 of the Framework and will provide some social benefit. The application site is inside the settlement limits of Leverton, although approximately 1.5 miles to nearby facilities. This distance is a little further than many people would classify as an easy walking or cycling distance.
- 7.15 Thus, the need for the future occupiers of the proposed dwellings to travel outside the settlement to access key services, employment and shops is a significant factor against this application. It is likely that future occupiers would be highly dependent on the use of the motor vehicle to provide safe and convenient access to day to day facilities within the nearby main settlements of Old Leake and Boston. Therefore this development does not meet the social thread (or environmental in encouraging the use of the motor car) of sustainable development, would not promote sustainable patterns of development and would be contrary to paragraph 17 of the Framework.
- 7.16 In economic terms, the proposal would provide employment at construction stage and may support local businesses and the local economy both during construction and when the dwellings are occupied. Although extremely modest, the development would contribute towards the economic dimension of sustainable development.
- 7.17 The environmental dimension of the NPPF aims to protect and enhance the natural, built and historic environment and biodiversity. In environmental terms, the development will have a neutral impact on the local environment given the development would result in the loss of buildings and ley landii that do not positively contribute to the area. However, there would be a loss of a small piece of open land which contributes towards the biodiversity of the area.
- 7.18 Whilst the benefits (social, economic and environmental) associated with the proposed development are limited they need to be balanced against the adverse impacts. It is considered that the benefits of the provision of three new dwellings in terms of helping to maintain the vitality of rural communities and contributing towards the supply of housing would be significantly and demonstrably outweighed by the social impact identified above, with environmental contributing neither positively nor negatively. The proposal therefore fails to meet the objectives of the NPPF.

#### **Other Matters**

- 7.19 A neighbour representation, whilst supporting the application, raises questions regarding drainage and access to public sewers. However, this is a matter for building control and not a planning matter and therefore cannot be considered as part of either this or the reserved matters application. Additionally, it is not possible, either as part of this application or reserved matters to require the existing drainage network to be extended along Laceys Lane to benefit land (i.e. proposed dwellings) not part of this application.

- 7.20 With respect to Councillor Bedford's call in reason that the NPPF supports self build. This is not disputed, however Government guidance states that a local planning authority "In considering whether a home is a self-build or custom build home, relevant authorities must be satisfied that the initial owner of the home will have primary input into its final design and layout". It is not known who will have input into the design and layout and therefore no weight can be attributed to this matter.

## **8 Summary and Conclusion**

- 8.1 The Framework indicates that housing applications should be considered in the context of the presumption in favour of sustainable development, adding that housing applications should be approved if the authority cannot demonstrate a five year housing supply unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole or specific policies in the Framework indicate such developments should be restricted.
- 8.2 It is considered that this development will represent a natural infill within the village boundary and would not have a materially harmful effect on the appearance of the area. However, Leverton is a minor village which lacks many facilities and amenities. Although the village has some extremely limited facilities to meet the needs for the future occupiers of the proposed dwellings, the need to travel outside of the settlement to access key services, employment and shops is a significant factor against this application. It is therefore likely that future occupiers would be highly dependent on the use of the motor vehicle to provide safe and convenient access to day to day facilities within the nearby main settlements of Old Leake and Boston. Therefore this development does not meet the social thread of sustainable.
- 8.3 Moreover, the draft policies (primarily Policy 2 Spatial Strategy C) contained within the emerging South East Lincolnshire Local Plan which is currently under examination states that '*within the settlement boundaries of the Other Service Centres and Settlements development will be permitted that supports their role as a service centre for the settlement itself, helps sustain existing facilities or helps meet the service needs of other local communities*'. However, at this point in time, draft policies contained in the emerging South East Lincolnshire Local Plan carry no weight in the determination of current planning applications.
- 8.4 For the reasons identified above it is considered that the application does not constitute sustainable development and would be contrary to paragraphs 7, 17 and 55 of the Framework and Local Plan policies G1 and G2. It is therefore recommended that the application is refused.

## **9 Recommendation**

9.1 It is recommended that Committee **REFUSE** Planning Permission for the following reason:

1. The application site is located within the settlement limits of a village which has limited facilities and services for local residents. The allowance for residential development in this location would result in future occupiers of the dwellings being highly reliant on the use of a motor vehicle to meet their everyday needs. It is therefore considered that this proposal does not meet the social thread of sustainable development and would not promote sustainable patterns of development, contrary to the objectives contained within the National Planning Policy Framework, 2012.

Refused Drawing Numbers:

- 13/2215/LP-1 (1/3)
- 13-2215-101 (2/3)
- 13-2215-102 Rev A (3/3)

In determining this application the authority has taken account of the guidance in paragraphs 186 – 187 of the National Planning Policy Framework, 2012 in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the Borough.

**Simon Rowberry**  
**Interim Development Manager**

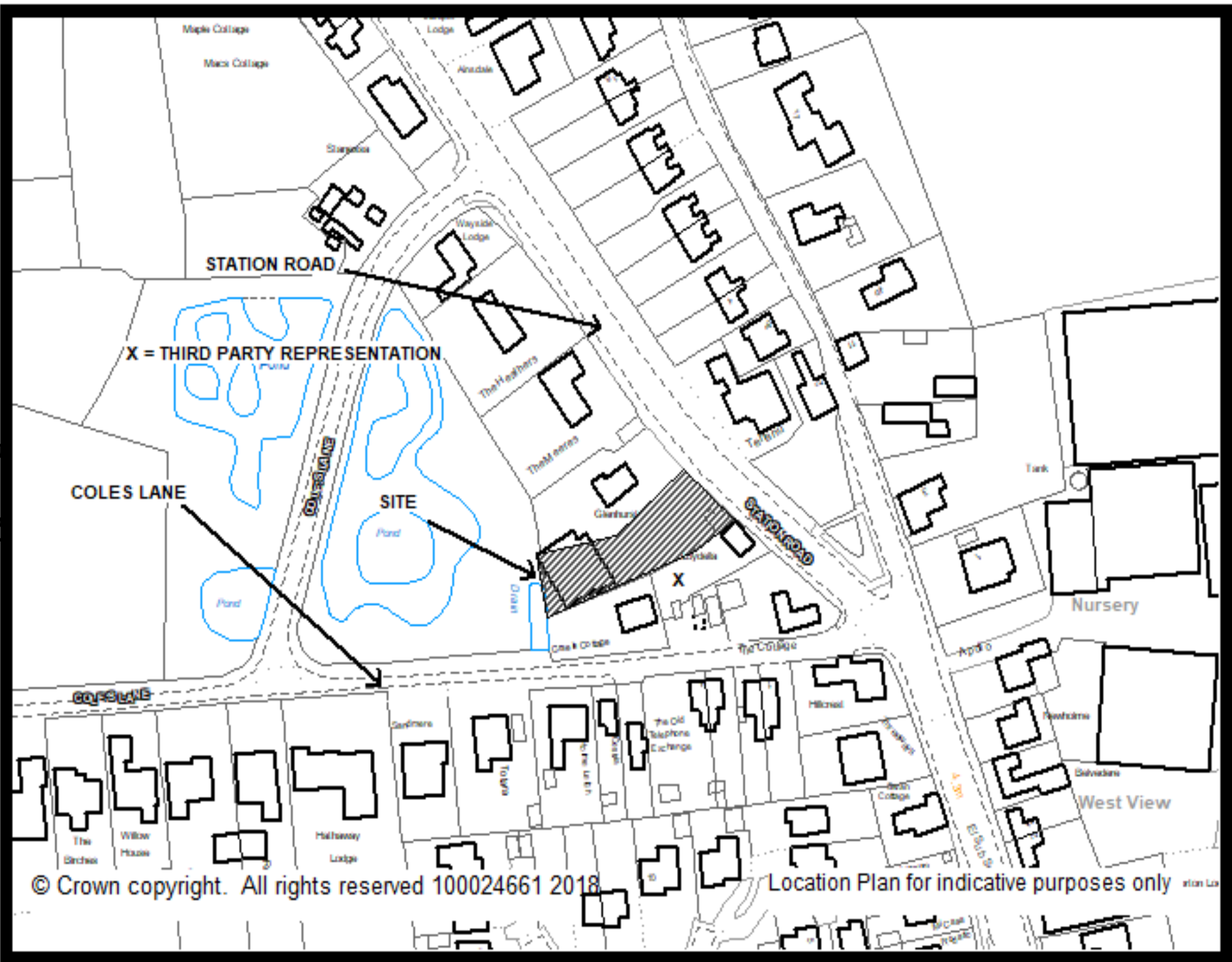
## **PLANNING APPLICATION B/18/0115**

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 PE20 3NX

**Applicant:**  
Miss Victoria Mason



**BOSTON BOROUGH COUNCIL**

**Planning Committee – 29 May 2018**

Reference No: B/18/0115

Expiry Date: 01-Jun-2018

Application Type: Approval of Reserved Matters  
Proposal: 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)

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

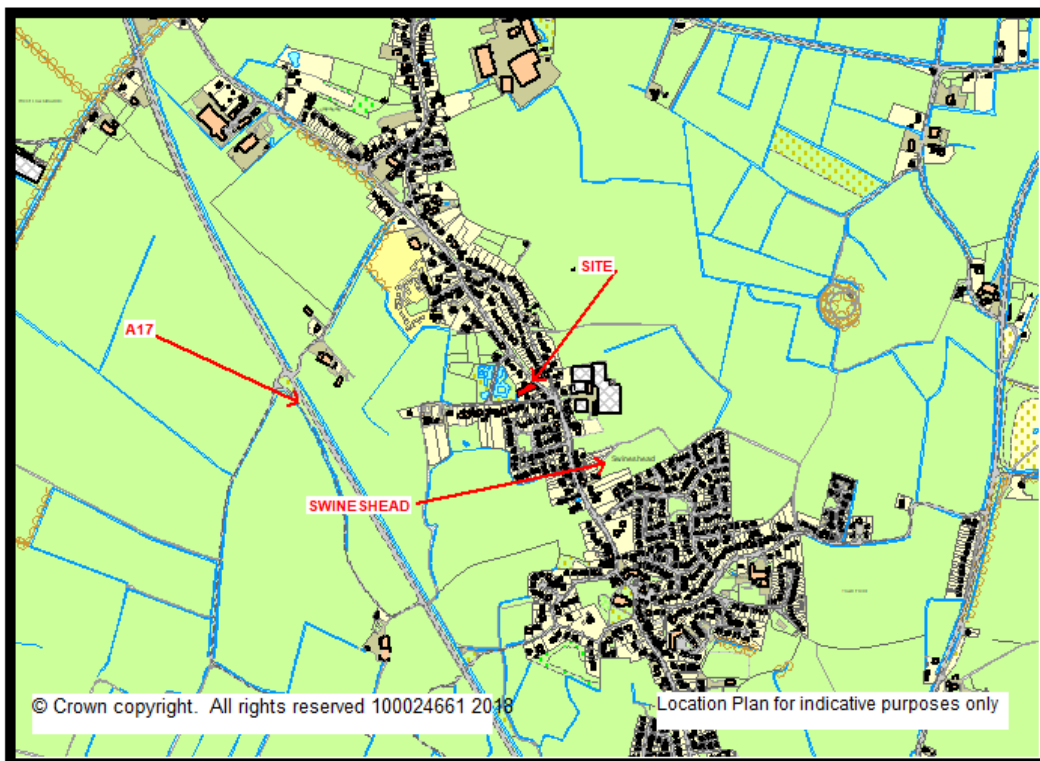
Applicant: Miss Victoria Mason

Ward: Swineshead and Holland Fen  
Parish: Swineshead Parish Council

Case Officer: Lisa Hughes

Third Party Reps: One

**Recommendation: Grant**



## **1.0 Reason for Report**

- 1.1 This application is presented to Committee as the adjoining neighbour, who has commented on the proposal, is an officer in the Planning Service and this application should thus be determined by Committee.

## **2.0 Application Site and Proposal**

- 2.1 The application site comprises the former garden and garden nursery of Glenhirst, Station Road. The application seeks Reserved Matters consent for the development of this area to the south of the existing dwelling, Glenhirst, following Outline consent being granted by Planning Committee in January 2017. To the west of the site is a pond and drain at the corner of Coles Lane and Station Road. To the south on Station Road, Loydella and along Coles Lane, Graels Cottage. Since Outline consent was granted, the site has been cleared of the former structures – disused greenhouse buildings and a brick and pantile building as well as the majority of soft landscaping .
- 2.2 The site, of some 0.095 hectares, measuring approximately 18m at its widest point, and 45m in depth, stands on the western side of Station Road, within the development limits of the village of Swineshead. It is within Flood Zone 2 Medium Possibility of flooding, as identified by the Environment Agency.
- 2.3 Permission is sought for all matters reserved at Outline stage – scale, appearance, landscaping and layout. A bungalow is proposed which would be set back from the highway and beyond the rear elevation of Loydella and Graels Cottage, just slightly behind the front elevation of Glenhirst. The bungalow would provide up to 3 bedrooms and is proposed to be finished in red facing bricks, red clay pantiles with cream fascias and soffits, oak columns and posts, uPVC windows and doors and stone cills and heads to the front elevation.
- 2.4 A parking area would be provided to the front as well as a car port attached to the dwelling, behind a gated access which is set back from the highway. A low brick wall, 300mm high with railings above, 600mm high (resulting in a total height of 900mm), with 1050mm columns would be provided to the front. The wall and railings would also be provided to the northern side boundary finishing level with the front elevation. This wall and railings would increase in height from 900mm to 1350mm. The boundary treatment would then comprise a 1.8 metre high close boarded fence for the remaining boundaries.

## **3.0 Relevant History**

- 3.1 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 - Granted

#### **4.0 Relevant Policy**

##### **Boston Borough Adopted Local Plan**

- 4.1 The development plan consists of the saved policies of the Boston Borough Local Plan (Adopted 1999). Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that determination must be made in accordance with the plan unless material considerations indicate otherwise.
- 4.2 The land is within the Swineshead built up area and settlement boundary.
- 4.3 The saved Local Plan Policies of relevance to this application are as follows:
- Policy G1 – Amenity
  - Policy G2 – Wildlife and Landscape Resources
  - Policy G6 – Vehicular and Pedestrian Access
  - Policy G3 - Surface and Foul Water Disposal
  - Policy H2 – Windfall Housing Development
  - Policy H3 – Quality of Housing Developments

##### **National Planning Policy Framework**

- 4.4 Committee will be aware of the National Planning Policy Framework (NPPF) guidance in respect of housing applications being considered in the context of the presumption in favour of sustainable development.
- 4.5 Paragraph 56 states: “The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.”

#### **5.0 Representations**

- 5.1 As a result of publicity one representation has been received from Loydella, Station Road.
- 5.2 Their comments can be summarised as:
- There is no objection to the proposed development;
  - The neighbouring properties are not shown. Understand the proposed bunglalow will be sited to the rear of their [Loydella’s] back garden. Other parties might not be able to interpret the plans. The visual and amenity impact will be minimal;
  - Plans would appear to show that proposals for drainage through surface treatment and landscaping will improve water drainage and reduce flood events.

## **6.0 Consultations**

- 6.1 Parish Council has not responded.
- 6.2 Lincolnshire County Council Highways does not wish to restrict permission.
- 6.3 Lead Local Flood Authority does not wish to restrict permission.

## **7.0 Planning Issues and Discussions**

- 7.1 The principle of residential development on this site and the access arrangements have been established by the outline approval identified above. This application makes no changes to either of these matters. Thus the main considerations are whether the layout, appearance, scale and landscaping of the dwelling as proposed by this application are acceptable given the objectives of Local Plan policies and the NPPF.

### **Layout**

- 7.2 The dwelling would be sited approximately 24 metres from the back edge of the footpath. It would span almost the entire width of the plot with paths to either side of approximately 1.15 metres. Parking would be provided to the front as well as an area of soft landscaping. To the rear, space is provided for private amenity space, the depth of which varies, due to the splay of the site and northern rear projection, between approximately 7 to 17 metres.
- 7.3 Internally, the layout provides appropriate accommodation and space for future occupiers. Accommodation comprises a lounge, kitchen/breakfast room, utility, master bedroom with en-suite and dressing room and two further bedrooms, one of which is annotated as possibly being a study. Outside an open but covered porch would be sited adjacent to the car port which would project forwards of the dwelling.
- 7.4 The layout is therefore considered to be acceptable, meeting national and local plan policy objectives.

### **Scale**

- 7.5 The proposal is for a bungalow with all accommodation provided on the ground floor. Its maximum height to the ridge would be 5.15 metres and 3.75 metres to the eaves. With both adjoining dwellings on Station Road being two storey, the scale of the bungalow would be significantly less than these properties. It would be comparable to Graels Cottage and other bungalows in the vicinity including immediately opposite.
- 7.6 Scale includes its footprint. Whilst it would be sited close to both the side boundaries, its set back within the plot together with its height will assist in ensuring the property does not look cramped within the site.
- 7.7 In terms of its scale, the proposal is considered to comply with policy.

## Appearance

- 7.8 This application includes 'appearance as a reserved matter and includes the external built form of the development, its architecture, materials, colour and texture and also includes the design and position of windows, doors etc.
- 7.9 The NPPF indicates that 'Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people'. The NPPF indicates that decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It goes on to say, paragraph 60, that 'it is, however, proper to seek to promote or reinforce local distinctiveness.'
- 7.10 However, paragraph 64 says that 'permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions'.
- 7.11 The designs, ages and materials of dwellings surrounding the site are varied and there is no distinctive 'style' in the area. Loydella and Glenhirst are both two storey to the immediate north and south, with Graels Cottage, also to the south and on the opposite side of Station Road bungalows. Whilst the design of the proposed dwelling is modern, the key issue here is context and whether the appearance of the dwelling will assimilate within the pattern and character of the surrounding built environment.
- 7.12 The bungalow is proposed to be set back from the highway retaining the relatively former open feel of the site prior to the clearance of buildings. It is a modest height at 5.15 metre with the proposed materials, red brick reflective of the bungalow opposite and clay pantiles of the immediately adjoining properties. Interest would be provided with architectural features, such as stone cills and heads, oak column posts to the porch and brick soldier course above a number of the windows and above the access into the carport. It would be reasonable to condition the application to restrict the materials to those shown on application drawing 01M.
- 7.13 'Appearance' also includes issues relating to the design and position of windows and whether the insertion of such windows in any of the elevations of the proposed dwelling would cause overlooking and substantially harm residential amenity. A number of windows and one door are proposed to both side elevations. Those to the bathroom and ensuite would be obscured glazing whilst the windows to the lounge and kitchen/diner are secondary windows with the principal windows facing the front and rear. The bungalow is sited 1.15 metres from the boundary and with the 1.8 metre high close boarded fence, amenity is considered to be acceptable to both Glenhirst and Loydella.
- 7.14 Graels Cottage, being a bungalow and also sited closer to the development would be impacted upon more greatly. It is necessary to consider whether this will be so great to warrant refusal of planning permission. This property is sited between 5 and 7 metres from the boundary, the majority of their garden being located to the side of their property.

The proposed dwelling would be off-set from the rear elevation located primarily alongside their side garden. As such, the amenity they currently enjoy will not be significantly impacted upon.

- 7.15 The design of the proposed dwelling, although not exactly the same as other dwellings in the locality it can be argued that the development would continue the evolution of design in the area without disrupting any prevailing local distinctive characteristic.
- 7.16 On this basis, it is considered that the proposed design and external appearance of the proposed dwelling is acceptable and would not cause substantial harm to the character or amenity of the area.

### **Landscaping**

- 7.17 This application includes 'landscaping as a reserved matter which includes both hard and soft landscaping i.e. planting of trees, hedges, shrubs or grass, fencing and surface materials.
- 7.18 The site has been cleared of landscaping as well as buildings following Outline consent being granted. The submitted landscape plan shows the locations of proposed tree and shrub planting, lawn to the rear and hard surface materials. The proposed landscaping scheme includes the planting of additional trees and shrubs within the front garden. Three soakaways would also be provided within the front, in addition to one to the rear. The parking area would comprise a tarmac drive edged with red clay paviors. This would be enclosed by a low brick wall with black metal railings to the front and northern side elevation of 900mm, between brick columns at 1050mm high. The side wall increase to 1200mm before the treatment comprising a 1.8 metre high close boarded fence to all other boundaries.
- 7.19 Within the rear garden the proposal shows artificial grass. Overall, the landscaping is considered acceptable subject to agreeing the species of trees and shrubs via condition, replanting if they die within 5 years and provision of the proposed boundary treatment.

## **8.0 Summary and Conclusion**

- 8.1 The principle of residential development on this site consisting of 1 dwelling has already been established by the outline approval detailed above. The reserved matters under consideration relate to the layout, appearance and scale of the dwelling and the landscaping of the site.
- 8.2 It is considered that this scheme is acceptable subject to the conditions set out below. It should be noted that any approval granted for this application does not change the status of the outline approval and the conditions which are attached, e.g. relating to flood risk etc. remain valid.

## 9.0 Recommendation

It is recommended that Committee approve the reserved matters application subject to the following conditions:

- 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.

In determining this application the authority has taken account of the guidance in paragraphs 186 – 187 of the National Planning Policy Framework (2012) in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the Borough.

**Simon Rowberry**  
**Interim Development Manager**

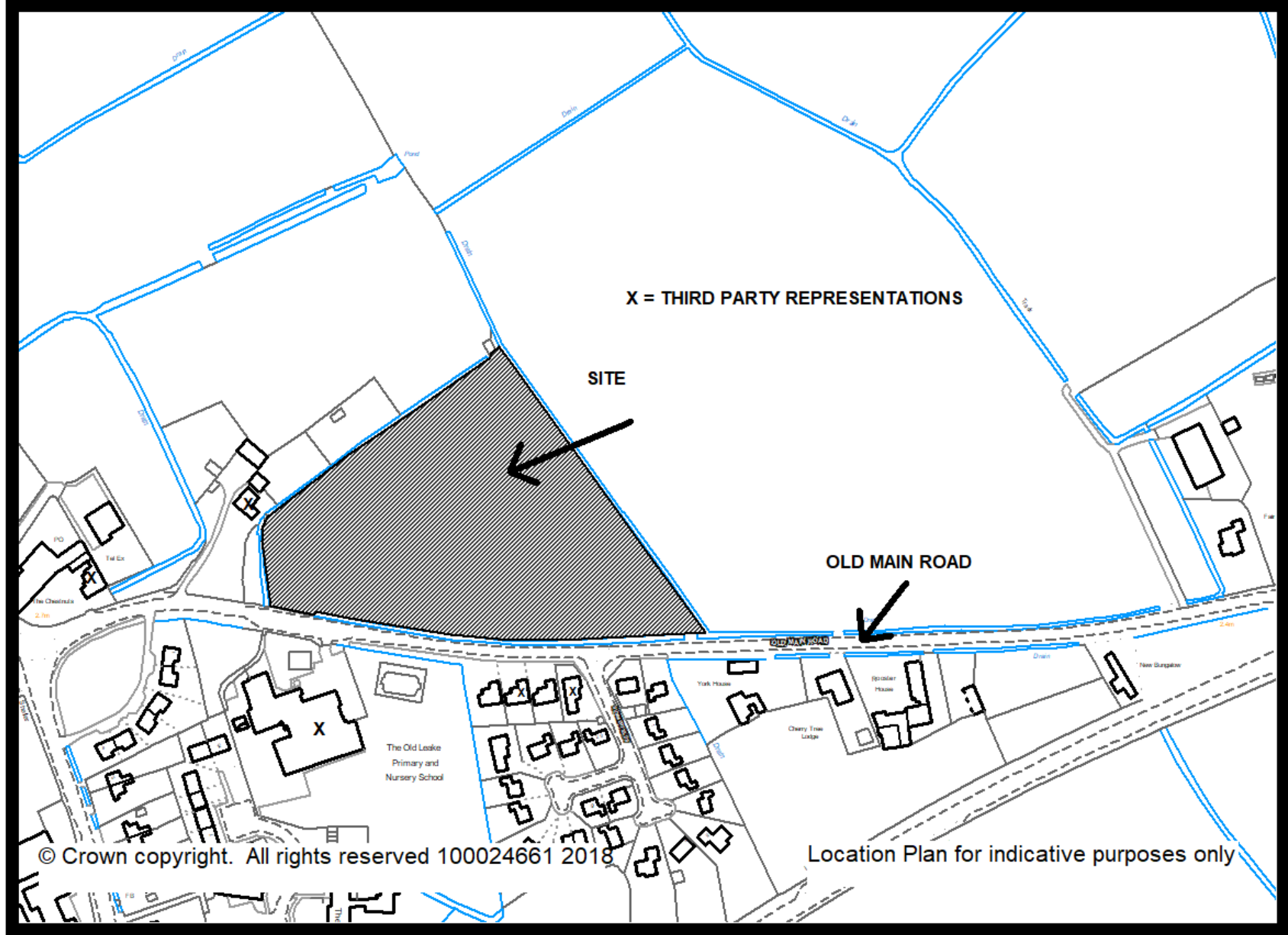


## **PLANNING APPLICATION B/17/0513**

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 Olde Leake Primary School.

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

**Applicant:**  
Messrs. A and J Daubney



## BOSTON BOROUGH COUNCIL

### Planning Committee - 29 May 2018

Reference No: B/17/0513

Expiry Date: 20-Mar-2018

Application Type: Outline Planning Permission

Proposal: 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

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

Applicant: Messr A & J Daubney

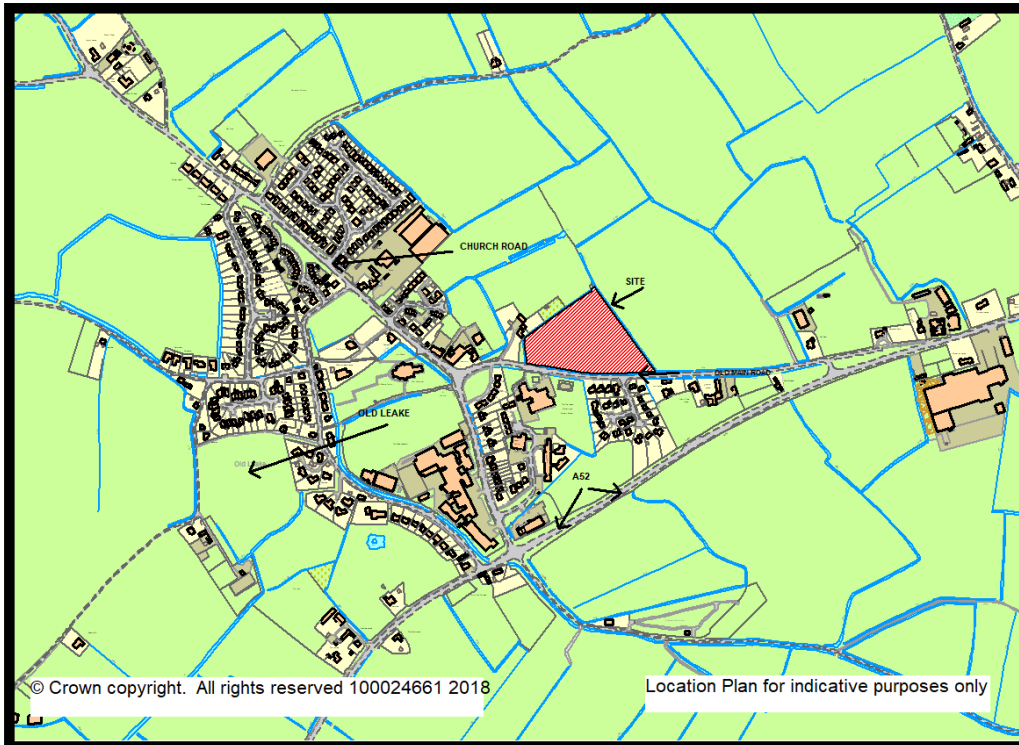
Ward: Old Leake and Wrangle

Parish: Old Leake Parish Council

Case Officer: John Taylor

Third Party Reps: Six received

**Recommendation: GRANT**



## **1.0 Reason for Report**

- 1.1 The application is presented to Planning Committee as it includes a S106 legal agreement towards the provision of affordable housing and a financial contribution towards education provision.

## **2.0 Application Site and Proposal**

- 2.1 The site relates to a parcel of agricultural land that measures some 1.87 hectares in size. The plot, which appears relatively level, is situated outside the settlement boundary of Old Leake; however, it does border the settlement along its southern, western and north-western (in part) boundaries.
- 2.2 To the north and east are open fields with residential development to the south on the opposite side of Old Main Road. The 'Old Farm House' and its associated land and buildings abut the site along its western boundary.
- 2.3 The site is currently used for agricultural purposes (Grade I) and the whole of the site appears devoid of buildings. A number of mature/semi mature trees do exist along the southern boundary where the site fronts Old Main Road and there are scattered trees along parts of the north-western boundary. A watercourse appears to run along almost the whole perimeter of the site.
- 2.4 This proposal seeks outline planning permission with consideration given to layout and access (matters relating to scale, appearance and landscaping are reserved for later consideration) for up to 35 dwellings (including 7 affordable units) and associated works.

## **3.0 Relevant History**

- 3.1 No recent relevant history exists for this site.

## **4.0 Relevant Policy**

### **Boston Borough Adopted Local Plan**

- 4.1 The adopted Boston Borough Local Plan (April 1999) shows this land as being adjacent to the settlement boundary on three sides; however, and for plan purposes, is situated within open countryside. The policies of particular relevance to this application are as follows:
- Policy G1 – Amenity (This policy seeks to resist development that will harm the amenity of nearby residents or the general character of the area).
  - Policy G2 – Wildlife and landscape resources (This policy resists development that will have a significant adverse impact upon existing landscape, wildlife and vegetation resources).
  - Policy G3 – Surface and Foul Water Disposal (This policy seeks to resist developments that do not provide satisfactory drainage provision).
  - Policy G6 – Vehicular and Pedestrian Access (This policy seeks to resist development that would harm highway safety).
  - Policy H3 – Quality of Housing Developments (The objective of this policy is to improve the design of quality of new housing schemes).

- Policy H4 – Open space on housing estates (This policy requires 7.5% of the site area to be devoted to suitably located public open space and children’s play areas).
- Policy C01 – Development in the countryside (This policy resists development in the countryside unless supported by other Local Plan policies).

### **National Planning Policy Framework**

- 4.2 The National Planning Policy Framework (NPPF) 2012 indicates that housing applications should be considered in the context of the presumption in favour of sustainable development subject to normal development control criteria. The NPPF seeks the speedy approval of proposals that accord with the development plan and, where the plan is “absent, silent or relevant policies are out of date”, to grant permission unless the adverse impact would significantly and demonstrably outweigh the benefits; or that policies in the NPPF indicate development should be restricted.
- 4.3 The NPPF also states that ‘relevant policies for the supply of housing should not be considered to be up-to-date if a five year supply cannot be demonstrated’ (NPPF, para 49). Thus, if there is no five year supply, relevant housing supply policies are considered out of date and therefore developments would be subject to paragraph 14 of the NPPF which provides a presumption in favour of such development, subject to criteria.
- 4.4 The Borough does not have a five year housing land supply and therefore the ‘presumption in favour of such sustainable developments’ as contained within the NPPF effectively replaces the housing supply policies in the Development Plan.

### **5.0 Representations**

- 5.1 As a result of the publicity five representations have been received from the following addresses;
- Old Main Road – ‘The Old Farm House’ (x2), ‘Greenfields’, ‘The Chestnuts’
  - Summerfields – ‘The Corner House’

A summary of their concerns are as follows;

- Impact on village life
- Increase in traffic problems in Old Leake
- Speed limit should be reduced to 20mph
- Speed bumps should be installed outside both of the schools
- Double yellow lines should be installed outside both schools to help with parking issues and to reduce risk of accidents
- Driveways currently being blocked by parents when dropping off or picking up schoolchildren
- Construction traffic to other approved developments are already causing traffic problems
- Access issues for the elderly to the doctor’s surgery
- Impact on local schools and doctor’s facilities
- Field is prone to flooding

- Lincolnshire Planning Authority has informed me that the field is an 'ancient pasture' and should be preserved
- Proposed dwellings should be elevated to prevent flooding of the dwellings
- Damage to the highway by lorries, buses etc
- Existing sewerage system is inadequate to cope with new dwellings
- Adequate provision should be in place to allow children and parents to cross the road safely to the school from the new car park
- Development irresponsible
- Existing medical centre is already at capacity
- A bat survey should be required
- Disagree with transport statement

5.2 A letter of support has also been received from Old Leake Primary and Nursery School. They fully support the application as the school parking area proposed is wholly being provided at the developer's expense and it will help reduce the neighbour complaints currently being received regarding the indiscriminate nature of parking by parents at school pick-up and drop-off times.

## **6.0 Consultations**

6.1 Parish Council – Object on the following grounds;

- The scale of development proposed
- Drain on local services including schools and doctors
- The pressure put on the drainage system
- Village is struggling to cope with such large development
- If the planning department did grant permission the proposed car park would greatly relieve the situation in the village around school times as the harm of this development is the increase of traffic this development would put on the village.

6.2 County Highways Authority (also acting as LLFA) – No objections subject to conditions.

6.3 Lincolnshire County Council (Education Services) – Request a financial contribution of £67,965 towards one teaching classroom at Giles Academy in Old Leake.

6.4 NHS England – Do not wish to submit a request for a financial contribution for this scheme.

6.5 Environment Agency – No objections subject to a compliance condition.

6.6 Environmental Health – No objections.

6.7 Witham Fourth IDB – No objection but advice given regarding potential consents that may be needed from the Board.

6.8 Strategic Housing Team (Affordable Housing) – No objection to the offer of 7 affordable units (20%).

- 6.9 Lincolnshire Wildlife Trust – Generally supportive of all recommendations contained in the submitted Ecology and Protected Species Survey
- 6.10 Anglian Water Services – No objections but advice given to applicant.

## **7.0 Planning Issues and Discussions**

- 7.1 The key issues for discussion in this application are;
- Principle of residential development
  - The development's impact on the character and appearance of the countryside
  - Impact on neighbour's amenity
  - Developer contributions
  - Surface water and flood risk
  - Highway issues
  - Wildlife and habitats
  - Conclusion

### **Principle of Residential Development**

- 7.2 Committee will be familiar with Para's 14 and 15 of the NPPF which discuss how at the heart of the Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan making and decision taking.
- 7.3 Notwithstanding the greenfield nature of the application site and the fact that the site is, for the purposes of the Development Plan, situated in open countryside the site does adjoin the settlement boundary of Old Leake on its southern, western and part of the north-western boundaries.
- 7.4 The settlement of Old Leake is considered a Service Centre where suitable levels of residential development can be accommodated. The proposed development would constitute a sustainable pattern of development and the provision of 35 new homes in this location will make a contribution towards overcoming the Borough's lack of a 5-year housing land supply and be in accordance with the intentions of the NPPF.
- 7.5 The offer of seven of the thirty five dwellings to be affordable homes should also be considered positively when assessing the 'tilted balance' for this proposal.

### **Proposal's Impact on the Character and Appearance of the Countryside**

- 7.6 The applicant has submitted a layout plan that is a consideration along with access (appearance, scale and access are reserved for later consideration). The application site area is 1.87 hectares and the proposal is for 35 giving a density of approximately 19 dph; a density that would be considered acceptable given the character of nearby development in the village. The open space provision is

located close to the south-western corner of the site with a dedicated parking area for the school situated on the opposite site of Old Main Road (to the south).

- 7.7 The layout appears well thought and the development of this site will fit in with the pattern of development for this part of the village. The density allows for spacious plots and the retention of the mature/semi mature trees will assist in assimilating the development into its surroundings.
- 7.8 As with all new developments that are built on agricultural land there will be some impact to the character and appearance of the area; however, any harm caused is likely to be considered as medium rather than substantial harm. It is therefore considered that the proposal, on balance, is acceptable in terms of the development's impact on the character and appearance of the area.

### **Impact on neighbour's amenity**

- 7.9 The applicants have included layout as a consideration and therefore the estate layout drawing would be included as part of a standard compliance condition relating to approved plans if the application was to be approved.
- 7.10 In terms of separation distances the western part of the development where plots 1-3 are to be located identifies a separation distance of almost 30m to the nearest existing dwelling. This is more than sufficient to ensure that privacy levels to neighbouring residents and future occupiers of these plots are acceptable. Rear garden depths all appear to be in excess of 10m for future occupiers of the proposed dwellings and the layout does not create other concerns that would impact on future occupier's amenity. The layout could be considered 'spacious' with green space and swales helping to give it a more open appearance.
- 7.11 It is considered that the layout will allow for future occupiers to enjoy a quality living environment and occupiers of nearby dwellings are highly unlikely to have their amenity affected by this proposal.

### **Developer Contributions**

- 7.12 Policies for seeking obligations should be set out in a development plan document to enable fair and open testing of the policy at examination. However, given that the Adopted Local Plan is silent on issues relating to developer contributions the National Planning Policy Framework and the National Planning Guidance Suite are the starting points in justifying the role of the Borough requesting developer contributions. These are further expanded in the Community Infrastructure Levy (CIL) Regulations as amended in 2013.
- 7.13 Where a relevant determination is made which results in planning permission being granted for development a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:
- Necessary to make the development acceptable in planning terms;
  - Directly related to the development; and
  - Fairly and reasonably related in scale and kind to the development

- 7.14 This application states that 7 of the 35 units are to be made as affordable homes. This equates to 20% affordable housing which is an offer that is acceptable. The applicants will be required to enter into a Section 106 in order to secure this provision in accordance with the National Planning Practice Guidance.
- 7.15 Lincolnshire Education Services also seek a financial contribution of £67,965 towards one teaching classroom at Giles Academy in Old Leake. This shall also be secured via a Section 106 legal agreement.

### **Surface Water and Flood Risk**

- 7.16 The application site falls in an area identified as being within Environment Agency Flood Zone 3. The site also falls within an area identified as 'danger for all' in the Council's Strategic Flood Risk Assessment (SFRA).
- 7.17 The Environment Agency originally objected to the submitted FRA; however, following confirmation by the agent that FFLs will be set a minimum of 3.2m AOD the EA removed their objection subject to a condition ensuring the mitigation measures proposed relating to FFLs being set no lower than 3.2mAOD.
- 7.18 Lincolnshire County Council, who act as the Lead Local Flood Authority (LLFA) have assessed the level of information submitted with this outline application. They do not raise concerns with the development subject to a condition being attached to any forthcoming approval that requires the developer to submit a full sustainable drainage strategy for the whole site that must include attenuation details, run-off rates, a timetable for any phasing of the implementation for the drainage scheme, and the long term plans for the management and maintenance of the drainage scheme. The full level of necessary information that is required is covered by the Condition 5 in this report.
- 7.19 Witham Fourth Internal Drainage Board does not object to the proposal but advise that a surface water strategy should be provided. This, as stated above, is included as a condition. Advice is also given to the applicants on potential consents that may be required from the Board.

### **Highway Issues**

- 7.20 Access and layout are considerations for this proposal (all other matters are reserved) and the developers have indicated that two adopted roads to serve the proposed 35 dwellings and the new parking area for the school will be taken directly off Old Main Road. These roads will be built to adoptable standards with 5m wide roads and 2m wide footways. Lincolnshire County Council acting as the Highways Authority do not object to the scheme subject to the inclusion of a number of conditions.

### **Wildlife and Habitats**

- 7.21 The applicants have submitted an Ecological and Protected Species' Survey and the recommendations included within the survey have been welcomed by Lincolnshire Wildlife Trust who has assessed the survey. It is considered that the allowance of this proposal will not have a detrimental impact on local wildlife or their habitats.

## **Summary and Conclusions**

- 7.22 The Framework indicates that housing applications should be considered in the context of the presumption in favour of sustainable development subject to all other matters being acceptable. Housing applications should be approved if the authority cannot demonstrate a five-year housing, unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole or specific policies in the Framework indicate such developments should be restricted. It is considered that the site represents a good opportunity to develop a site for housing that would provide a not insignificant contribution towards the Borough's shortfall in housing numbers.
- 7.23 The proposal can be summarised as follows:
- The site is located outside but adjacent to the settlement boundary of Old Leake and in an area that is considered suitable for accommodating housing growth
  - The site is currently a flat parcel of agricultural land that is devoid of buildings and features.
  - The proposal is in outline form with consideration given to layout and access only; all other matters relating to appearance, landscaping and scale are reserved for later consideration.
  - The appearance (design) will be assessed at Reserved Matters stage
  - The development will not cause substantial harm to the character and appearance of the area.
  - The proposed development will provide 7 affordable homes (almost 20%) for the Borough.
  - The proposal includes a financial contribution of £67,965 towards one teaching classroom at Giles Academy in Old Leake to mitigate against any impact that the proposal will have on education services.
- 7.24 To conclude, the proposal will provide much needed housing in a sustainable location within the Borough with the proposal offering 7 affordable units. This proposal is considered to be an acceptable form of development that should be approved subject to the following conditions.

## **8.0 Recommendation**

- 8.1 That the Planning Committee resolve that they are minded to Approve this application subject to the conditions below and:**

**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;**

**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.**

Conditions and Reasons

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.

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.

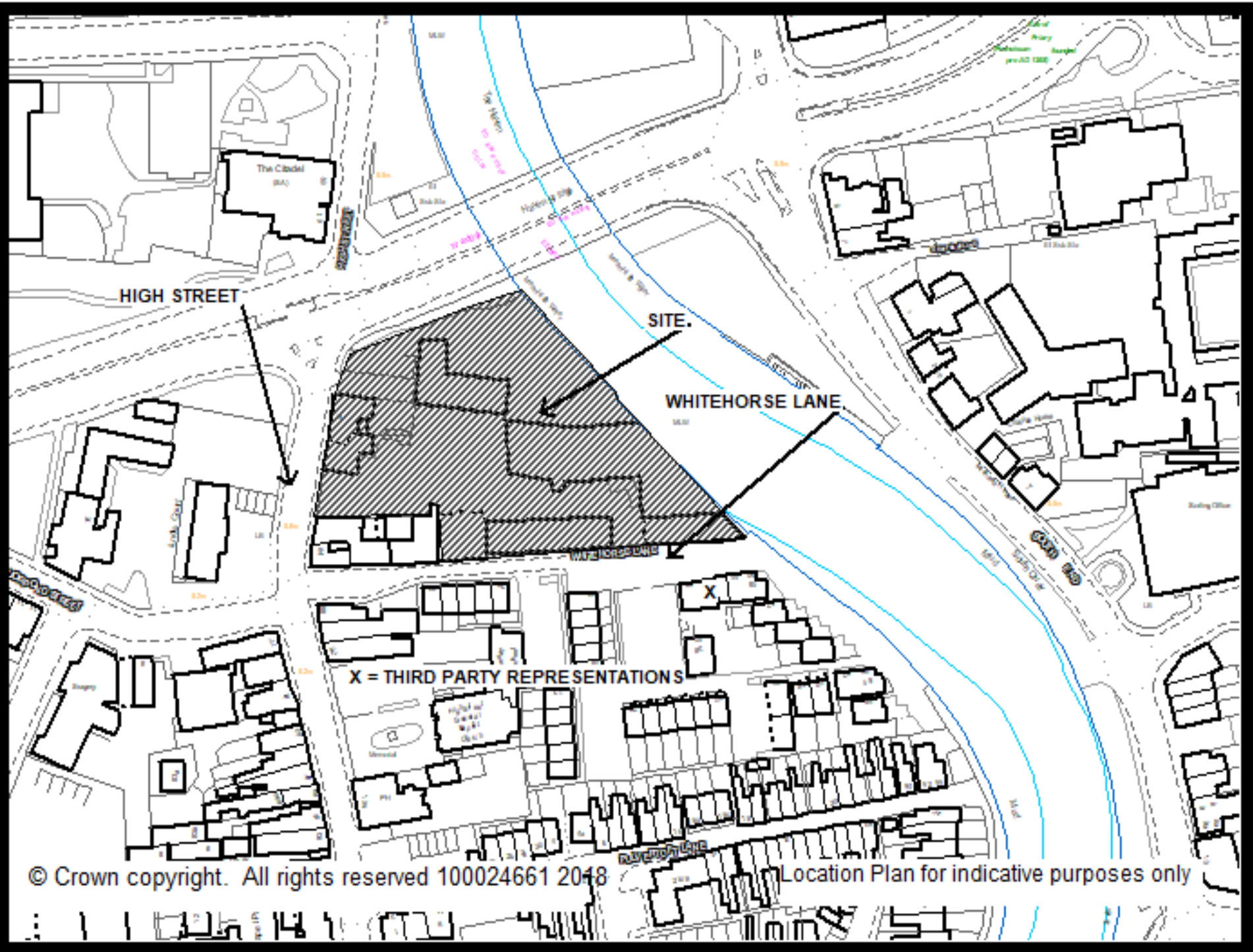
**Simon Rowberry**  
**Interim Development Manager**

## **PLANNING APPLICATION B/17/0121**

1. Erection of two apartment blocks, one fronting John Adams Way and the other fronting White Horse 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 White House Lane  
(known as Haven Wharf)  
Boston.

**Applicant:**  
Hanseatic Developments Ltd.



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Location Plan for indicative purposes only

## BOSTON BOROUGH COUNCIL

### Planning Committee - 29 May 2018

Reference No: B/17/0121

Expiry Date: 28-Jun-2017

Application Type: Full Planning Permission

Proposal:

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

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

Applicant: Hanseatic Developments Ltd

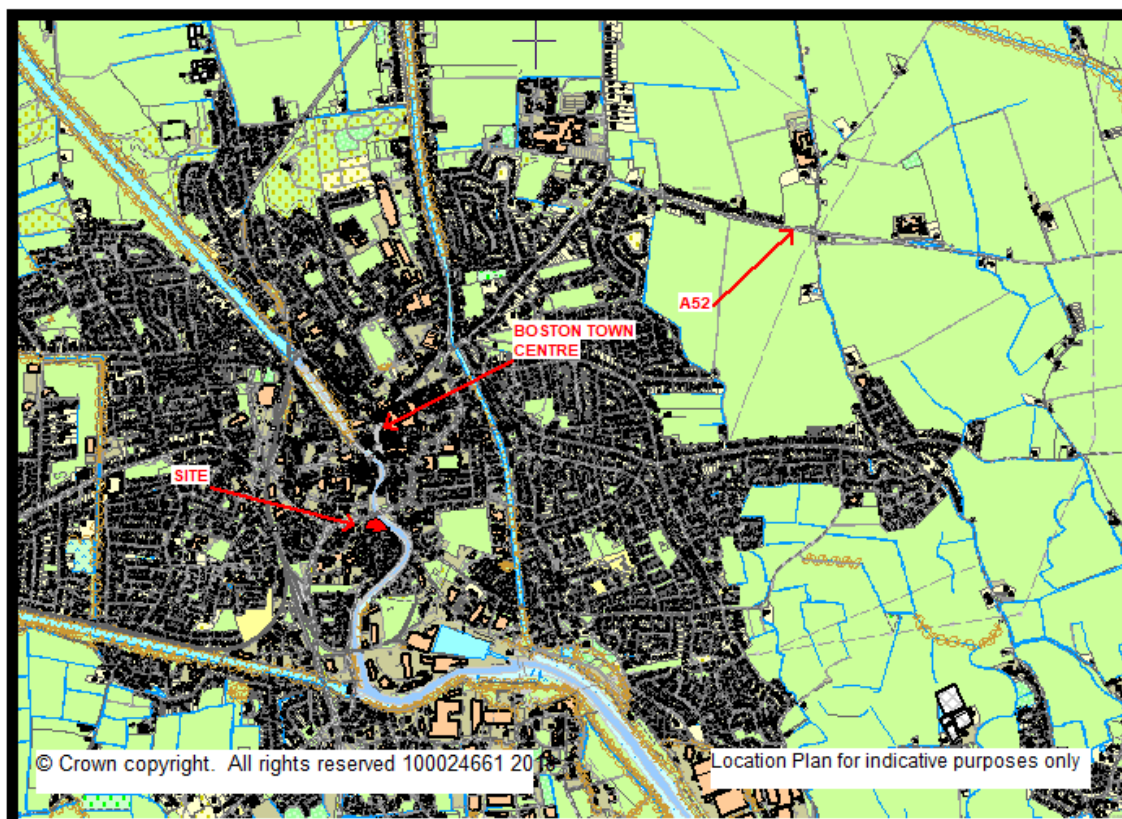
Ward: Skirbeck

Parish: Boston Town Area Committee

Case Officer: Trevor Thompson

Third Party Reps: 2

**Recommendation: GRANT**



## **1.0 REASON FOR REPORT**

- 1.1 This application is referred to Committee having regard to the planning history of the site and because the application raises issues of strategic significance to Boston and its Conservation Area.

## **2.0 PROPOSAL AND BACKGROUND**

- 2.1 The application site is located within the Boston Conservation Area and covers 0.49ha. It is immediately to the south of Haven Bridge and next to The Haven. The site also partly fronts onto High Street to the west and Whitehorse Lane to the south. The site includes a number of existing buildings including a large warehouse. Parts of the site are vacant and parts are currently being used for commercial purposes.
- 2.2 There are a number of listed buildings within the vicinity of the site at nos 76, 84, 88 & 90 High Street. All of these buildings are Grade II. There are also other listed buildings on the opposite side of the river at South Square, South End and further north along High Street on the opposite side of the bridge.
- 2.3 This application was submitted in March last year and has been subject to extensive discussions with the applicant in order to overcome objections and concerns raised by various consultees relating to the original scheme and to ensure consistency with the submitted details. A significant number of amended plans and documents have been submitted over the past 14 months. The application has been submitted following the refusal of a scheme for a mixed use development including residential, café and gym in 2015 (ref B/15/0140).
- 2.4 The applicant says that the submitted scheme has been designed and influenced in conjunction with the report carried out by Colliers International. This report was commissioned by this Council and Historic England following the refused application. The details and conclusions reached in this report are discussed below.
- 2.5 There are two components to the application, one part relating to the demolition of buildings in the Boston Conservation Area and the remaining part relating to the construction of two apartment blocks, one dwelling and the conversion of the existing warehouse. All of the buildings to be removed are unlisted but their location within the Conservation Area means that specific consent, in the form of permission for 'Relevant Demolition' - formerly Conservation Area Consent - is required.
- 2.6 The proposed buildings to be demolished are:
- L shaped two storey white painted building adjacent to the Haven Bridge with attached metal corrugated side wing
  - Single storey brick building on the north side of Whitehorse Lane and attached open ended metal storage buildings
  - Metal side extension to warehouse building adjacent to Whitehorse Lane
  - Various minor walls within the site and gates fronting High Street.
- 2.7 The proposed conversion and new buildings will provide 61 market dwellings and will consist of:
- Block A- this 4 storey building will be constructed next to John Adams Way and Haven Bridge. It will provide 18 dwelling units.

- Block B- Part of this block is three storey and the remaining part is 4 storey and will be constructed next to Whitehorse Lane. It will provide 19 dwelling units
- Block C- This two storey single dwelling house is to be attached to 82 High Street ( a non listed building) fronting the road and will be located next to the vehicular access that will serve this development
- Warehouse conversion plus extensions. It is proposed to convert the existing warehouse (which is not a listed building) to provide 23 dwelling units. It is also intended to provide a three storey extension to the side (west) of the existing warehouse.

2.8 The details of each element of this application are discussed below.

2.9 Vehicular access to and from the site will be via the existing access onto High Street, between nos 78 and 82 High Street though, as indicated, it is intended to erect a dwelling (block C) which will be attached to 82 High Street, which will reduce the existing access width.

2.10 The application is accompanied by:

- Flood risk assessment – April 2018
- Parking strategy April 2017 rev A
- Air quality assessment September 2017
- Design and Access Statement
- Heritage Impact Assessment
- Structural Report
- Assessment of Significance.
- Addendum to the Transport Assessment

2.11 Works are currently being undertaken on the warehouse building which are subject to the Historic England PSICA grant aided scheme. The works at Haven Wharf are aimed at making the building wind and watertight to prevent any further deterioration of the fabric while the scheme for the re-development of the building is progressed. This includes repairs to the roof, rainwater goods, structural flooring and boarding of window and door openings. The specification of works was based on a structural survey of the building prepared on behalf of the owners by Boston Borough Council and Historic England.

2.12 Note: Despite following extensive discussions with the applicant/agent over the last 14 months to ensure consistency between the submitted plans, there remain a number of anomalies. These errors are not substantial and would not prejudice the determination of this application. Appropriate conditions can be imposed to ensure corrected drawings are submitted before appropriate work commences should permission be granted.

### **3.0 RELEVANT HISTORY**

3.1 In 2015 an application was submitted for the demolition of various buildings on this site, including the large existing warehouse plus the erection of:

3.2 One, seven storey block containing 40 apartments and Class A3 cafe premises

One, seven storey block containing 35 apartments and Class D2 gym premises.

One, three storey terraced block containing 3 dwellings fronting Whitehorse Lane

One, three storey four bedroom dwelling attached to the north gable of No. 82 High Street.

3.3 This application was refused for the following reasons:

1. The proposed demolitions on the site will have a harmful effect upon the settings of listed buildings within the Boston Conservation Area and will fail to preserve or enhance the character or appearance of the conservation area contrary to s.66 and s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 in that no case has been made to support demolition of the warehouse buildings adjacent to the tidal River Witham (The Haven) and their loss would amount to substantial harm contrary to paragraphs 132 and 133 of the National Planning Policy Framework 2012.
2. The proposed replacement buildings have failed to demonstrate good design and will have harmful effects upon the settings of listed buildings and will fail to preserve or enhance the character or appearance of the conservation area by reason of their design, height appearance and use of materials which do not take account of the prevailing character of the conservation area, the context of their development or the historical associations with this riverside location contrary to saved Local Plan Policies C7, C8 and H3. The triangular theme of the site layout and the apartment buildings is incompatible with existing townscape in a location which is highly visible and is a significant central site which requires retention or development of the highest quality.
3. The site is likely to contain archaeological remains of local or national significance and the failure to address the likelihood of effects upon such a heritage asset is contrary to good practice and the National Planning Policy Framework (2012).
4. The proposed vehicle access and egress arrangements to the site and the lack of any proposals for the management, maintenance or allocation of car parking spaces within the application site could lead to pressure for parking outside of the limits of the site to the detriment of the safety and convenience of residents and highway users in the area contrary to saved Local Plan policies G1 and G6. The poor visibility from and narrow carriageway at the western end of White Horse Lane at its junction with High Street will lead to queuing vehicles on High Street and White Horse Lane to the detriment of the free flow of traffic and the safety of highway users contrary to saved Local Plan Policies G1 and G6.
5. The lack of any provision or proposals for affordable housing is contrary to the Council's Interim Affordable Housing Policy 2006.
6. The Flood Risk Assessment submitted with the application is not compliant with the National Planning Policy Framework 2012 in that it has not been demonstrated that the residents of Block A will be safe for the lifetime of the development in view of the predicted flood depths on the site nor has it been demonstrated how the existing flood defences to The Haven would be affected by this development or how the surface water attenuation proposals can be accommodated within the site without affecting the integrity of the defences.

#### **4.0 PLANNING LEGISLATION**

- 4.1 Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (PLBCAA) require the decision maker on a planning application which affects a listed building to have 'special regard to the desirability of

preserving the building or its setting or any features of architectural or historic interest which it possesses' (s.66). In considering applications in conservation areas, the duty is that 'special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area' (S.72).

## **5.0 DEPARTURE FROM THE DEVELOPMENT PLAN**

5.1 The application has been publicised as a departure from the development plan in accordance with the regulations, since a significant part of the application site is allocated as 'Existing Industrial/Commercial Use' in the adopted Boston Borough Local Plan (1999). A ministerial Direction requires a planning authority to consult the Secretary of State before granting planning permission for certain categories of development (Direction in the former Circular 2/2009). This gives the Minister the opportunity to 'call in' for his own determination. Given the size and nature of this application, there is no requirement to refer it to the Minister if you are proposing to approve or refuse the application.

## **6.0 RELEVANT POLICY**

### **The Development Plan**

6.1 S.38(6) of the 2004 Act requires that determinations must be made in accordance with the plan unless material considerations indicate otherwise. The development plan comprises the saved policies of the Boston Borough Local Plan 1999, saved by Ministerial Direction in 2007.

6.2 The application site is entirely within the Boston Conservation Area and the Local Plan Area of Known Archaeological Interest (AKAI). Both sides of this part of the High Street frontage and parts of the application site are allocated in the Local Plan as an Area of Mixed Use, where saved Policy ED5 applies, which would allow residential development subject to normal development control criteria. Beyond the High Street frontage both sides of Whitehorse Lane, and including the bulk of the application site, are allocated in the Local Plan as Existing Industrial/Commercial Use where saved Policy ED1 would allow new industrial or commercial development.

6.3 There are no saved policies specifically in respect of any aspects of Conservation Area design or listed building considerations save for Policies C7 and C8. The archaeology policy linked to the AKAI is not saved and thus has no relevance. In particular the objectives of Local Plan policies C7 and C8 are as follows;

6.4 Policy C7: *Development of sites adjacent to River Witham* would grant permission for the development of land in this location only where the submitted proposals are well designed and visually related to the river scene.

6.5 Policy C8: *Stump Views* would resist permission for development which would obstruct a public view of the Stump (St Botolph's Church) or which would challenge its visual dominance.

6.6 Other saved Local Plan policies of particular relevance are:

G1: Amenity.

G3: Foul and surface water disposal

G6: Vehicular and Pedestrian Access.

H2: Windfall housing sites within settlements.

H3: Quality of Housing Development.

H4: Open Space in Housing Estates.

H8: Creating extra accommodation in existing premises

ED1: Development in Industrial/Commercial areas.

ED5: Development in the Area of Mixed Use.

### **NPPF (2012)**

- 6.7 Committee will be aware of the NPPF guidance in respect of housing applications being considered in the context of the presumption in favour of sustainable development. In addition, it goes on to state that policies for the supply of housing “should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites”. In the absence of a five year supply in the Borough the presumption in favour of sustainable (housing) development applies.
- 6.8 Para 17- Core Planning Principles indicates that Local Planning Authorities should ‘always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings’ and to ‘encourage the effective use of land by reusing land that has been previously developed (brownfield) land provided it is not of high environmental value’.
- 6.9 On design, para. 58 of the Framework states that planning policies and decisions should aim to ensure that developments:
- Will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
  - Establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;
  - Optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of the developments) and support local facilities and transport networks;
  - Respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;
  - Create safe and accessible environments where crime and the fear of crime do not undermine quality of life or community cohesion; and
  - Are visually attractive as a result of good architecture and appropriate landscaping.
- 6.10 With regard to the setting of the nearby listed structures, paras 126-135 of the NPPF are relevant. It indicates that a proposal which fails to adhere to the historic environment policies contained within this document cannot be viewed as being sustainable and therefore contrary to the ‘presumption in favour of sustainable development’ which lies at the heart of this document. All harm to the setting of a designated asset it says, requires clear and convincing justification. Paragraph 133 adds that where a proposed development would lead to substantial harm to or total loss of significance of a designated heritage asset, Local Planning Authorities should refuse consent unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, subject to conditions.

## **7.0 REPRESENTATIONS**

7.1 At the time of writing this report, one letter had been received from the occupier of 46 Whitehorse Lane relating to the scheme as originally submitted, and a further letter was received from this occupier relating to the amended scheme. The occupier has made the following comments:

- Whitehorse Lane is only wide enough to accommodate one vehicle at a time in either direction. Concerns about the proposed access to serve this development and impact on highway network. Concerns that this development will cause additional highway problems at the junction of High Street and Whitehorse Lane.
- Concerns about heavy vehicles that would be used during the demolition and construction period, the increase in noise levels, dust and mess which will have an effect on privacy during and after this period.
- Use of heavy goods vehicles will also create congestion during these periods, would create a road safety issue and would prevent residents carrying out their day to day activities.
- Concerns over the limited amount of car parking proposed and the likelihood of each unit having to accommodate more than one car. Concerns over the submitted transport statement which the neighbour considers to be out of date.
- The intention that future residents may use additional parking facilities on the opposite side of the river is not practical.
- There are already on street car parking issues along Whitehorse Lane with non residents using allocated car parking bays. This problem could get worse should future residents and visitors use allocated parking areas and use Whitehorse Lane as a free parking area causing additional traffic congestion.
- Concerns over the use of the 'shared' road which serves The Quays and its future upkeep.
- Concerns over the provision of common landscape areas within the site and the potential for anti-social behaviour and noise.
- Concerns over the length of time it would take to develop the site and the impact this will have on the area, the impact on neighbours during this period (including the removal of asbestos).
- No details submitted relating to boundary treatments.
- Concerns that the applicants, 'Hanseatic Developments Limited', is a company which has recently been dissolved. Concerns whether this is lawful.
- Concerns that works are already been conducted on site prior to consent being granted and that this is a 'done deal'.
- The neighbour considers that whilst he would 'like to see this crumbling historic building get a new life' it is felt that the concerns of the residents are not seen as important.

## **8.0 RELEVANT CONSULTATIONS**

8.1 County Highways Authority has not yet commented on the amended plans.

8.2 Environmental Health has no objections subject to conditions. The Environmental Health has made comment with regard to land contamination, air quality and the need for a demolition and construction management plan. These matters are discussed below.

8.3 Historic England raised concerns relating the design quality of the scheme as originally submitted and considered that the design and materials would not preserve or enhance the Boston Conservation Area. Historic England considered at that time that there is scope to improve the quality of design and better contribute to local distinctiveness, and made a number of recommendations in

order for the scheme to accord with the NPPF. Historic England has been consulted on the amended plans and at the time of writing this report, no further comments have been received.

- 8.4 Boston Borough Council- Consultant Architect made comment about a number of design issues which are matters which are addressed below. The Consultant Architect has not made any comment with regard to the amended scheme.
- 8.5 Local Housing Authority points out that this scheme does not include any affordable housing in accordance with this Council's policy and is therefore unable to support the application. The LHA however appreciates that due to the scheme's nature any affordable contributions would likely have an impact on the schemes viability and deliverability. This matter is discussed below.
- 8.6 Environment Agency has not yet responded on the amended flood risk assessment but raised objections to the original Flood Risk Assessment.
- 8.7 Lincolnshire Police Liaison Officer has no objections.
- 8.8 Black Sluice Internal Drainage Board points out that the site is already 100% impermeable, and although the FRA states that there is no drainage from the present site, it is believed that there are existing drainage outfalls to The Haven (EA Main River). Proposals will reduce the impermeable area, but all SW discharge will discharge to The Haven.
- 8.9 BSIDB concludes that the proposals will have no material effect on the Board's systems.
- 8.10 Lincolnshire County Council Strategic Development Officer (Education) considers that this development will impact on local schools and has requested a contribution of £159,766.  
This matter is discussed below.
- 8.11 NHS (England) considers that this development will place extra pressure on existing GP services and has requested a contribution of £26,640. This matter is discussed below.
- 8.12 Lincs Fire and Rescue has not responded.
- 8.13 Heritage Lincolnshire has not yet responded on the amended scheme.
- 8.14 Marine Management Organisation (MMO) has written to say that it will not be providing any formal response relating to the application apart from pointing out the need to submit a formal application to MMO before certain works are carried out.
- 8.15 Anglian Water point out that in terms of foul water disposal, the proposed development will lead to an unacceptable risk of flooding downstream but has no objections subject to one condition relating to foul water disposal. The AWS has recently been re-consulted on the amended FRA which indicates that one option for surface water drainage is to connect into the existing sewer in Whitehorse Lane and at the time of writing this report, no further comments have been received.
- 8.16 Economic Development Manager has not commented.

## 9.0 PLANNING ISSUES AND DISCUSSION

## **9.1 The application in detail**

- 9.2 The proposed development comprises the conversion of the warehouse building plus a side extension and the erection of three blocks (ie blocks A, B and C) fronting High Street, Haven Bridge and Whitehorse Lane. The details of each part of this application are as follows:

### Warehouse conversion plus extension

- 9.3 It is proposed to convert the existing warehouse building to provide 23 apartments and to erect a three storey extension on its western (High Street) elevation. It is proposed to provide 10 apartments on the ground floor of the warehouse and 11 apartments will be accommodated at the first and second floors. Two apartments will be accommodated within the side extension on the first and second floors. The ground floor of the warehouse extension will provide parking and storage areas.
- 9.4 The proposal includes many external alterations to the warehouse including the installation of new doors and windows and the installation of additional lucarne dormers and roof-lights at roof level. Many of the existing external features are to be retained including the existing timber cupola (or roof lantern), loading bay openings and derrick crane on the riverside elevation, ventilation slots and the loading bay towers on the southern (Whitehorse Lane) elevation.
- 9.5 The proposed extension on the side (western elevation) will be about 12.8m by 11.5m. It will be narrower than the existing warehouse and the ridge height will be about 0.5m lower than the warehouse in order to ensure the extension is visually subservient to the main warehouse building. The proposed extension to the warehouse to provide 2 apartments is required in order to make up for the loss of 2 apartments on block B following discussions with your officers.

### Block A

- 9.6 This proposed apartment block will accommodate 18 apartments, 6 apartments on the first, second and third floors. Given flood risk constraints, the ground floor of block A will be used for garaging and storage. Overall, the footprint of the building will be about 12m wide by 39m long, split into 3 sections. The proposed building will face Haven Bridge (ie north) and will be set back at a minimum distance of 3m from the bridge. It will also be about 2.5m from The Haven, 17m from the warehouse and 5.5m from 76 High Street which is a listed building. The proposed building will have a pitched roof with gable ends on either side. It will be about 13.5m high. In comparison, the existing warehouse is also around 13m.

### Block B

- 9.7 This proposed apartment block will accommodate 19 apartments, 7 apartments on the first and second floors and 5 on the third floor. Given flood risk constraints, the ground floor of block B will be used for garaging and storage. Originally it was proposed to provide 21 apartments within block B but this has been reduced to 19 following discussions with the applicant in order to reduce impact on residential amenity as discussed below.
- 9.8 Overall the footprint of the proposed building will be around 12m wide by 48m long and as with block A, it will be split into 3 segments. It will front onto Whitehorse Lane, opposite terraced housing, a car park and a gable end of another terraced block. The main part of the building will be 0.4m from the highway at its eastern

end and about 3m at its western end. However parts of the overhanging projecting elements of the building will be virtually in line with the highway boundary.

- 9.9 The western part of the building will be 3 storey at 10.5m high and the eastern part of the building will be 4 storey and will be around 13m. The rear of the proposed block B will be about 5m from the existing warehouse at its nearest point. The western part of the building will be attached to an existing storage building along Whitehorse Lane.

### Block C

- 9.10 The proposed block C will front onto High Street and will be attached to 82 High Street which is a non listed building. The proposed building will provide one single dwelling unit and will be located next to the vehicular access that will serve this development. The proposed building will be set virtually in line with the adjacent building, abutting the footpath. It will be about 5.5m wide, 11.8m deep with a ridge height of 9m which matches the adjacent building. It is intended to provide an internal step in order to achieve the required slab level height to accord with the revised FRA. The design of block C has been significantly changed since the application was originally submitted and now follows a more traditional approach.

### Collier International report

- 9.11 Following the refusal of the previous application, this Council and Historic England, in partnership with the applicant, commissioned Collier International to carry out a full appraisal of whether there were viable and deliverable options for the re-development of the Haven Wharf site, which included the retention and redevelopment of the historic buildings on the site, including the warehouse building.
- 9.12 The report also looked at the structural integrity of the warehouse building and concluded that although there were serious defects in parts of the warehouse they were not beyond repair and it was an acceptable structure for conversion. It was also considered that residential use appeared to be optimal for the site given the physical circumstances and the nature of the market.
- 9.13 The report also made a number of recommendations on how the site could be developed, including conversion of the warehouse plus the erection of apartment blocks, though the report does suggest a viability gap (ie a deficit) for all options assessed based on a number of assumptions that had been made. This, it says, is because of the challenges in making residential development in Boston viable because of low values. It adds that much depends on the specification of works, build costs, the prices that can be obtained for the apartments and the profit that the developer is prepared to accept. The report goes on to say that is reasonable to assess that development at the site could be viable if costs can be controlled. Grants towards the cost of repairing the warehouse and/ or making the site ready for development, it says, could make the scheme solidly viable.
- 9.14 The main conclusion reached in the report is that a residential scheme which includes the conversion of the warehouse plus the erection of apartment blocks can be viable and deliverable, provided costs are controlled, though additional funding may be needed.
- 9.15 It should be noted however that this current application does not include a comprehensive viability appraisal which relates specifically to this scheme, and although this application reflects the recommendations made within the report, the Colliers International report does not directly relate to this scheme.

## **Key considerations**

- 9.16 The key considerations in the determination of this application area:
- Principle of development having regard to Local Plan policies, the NPPF and the 5 year supply
  - Design and impact on the setting of the listed buildings and the character of the conservation area- 'The conservation tests'
  - Impact on residential amenity
  - Impact on highway safety
  - Demolition of the existing buildings
  - Loss of employment/industrial land
  - Affordable housing
  - Developer contributions and the impact on local schools and health services
  - Density
  - Archaeology
  - Bin storage and management
  - Foul and surface water disposal and Flood risk
  - Sustainability
- 9.17 Principle of development having regard to Local Plan policies, the NPPF and the 5 year supply
- 9.18 The Boston Borough Local Plan allocates part of the site as 'existing Industrial/Commercial Area', and a smaller part as an Area of Mixed Use. One of the objectives of Local Plan policy ED1 is to ensure such land is used for industrial or commercial development. The proposed residential development of this site therefore does not accord with this policy and the application has been advertised as a departure.
- 9.19 The Borough does not have a five year housing land supply and therefore the presumption within the Framework replaces the housing supply policies in the Plan. Assessment against the development plan as a whole is the starting point but the Framework's 'presumption' in favour of sustainable development and that in principle the proposed development at the present time would make a significant contribution towards meeting a five year supply is a material consideration of substantial weight.
- 9.20 Balanced against this 'presumption in favour' will be that this development will have an impact on the character of the conservation area and the setting of listed buildings, it will increase in traffic generation in this area, there is a lack of sufficient parking provision within the site which may generate on street parking, that the development would lead to a loss of allocated industrial land and that it will have an impact on residential amenity.
- 9.21 The development plan policies with particular relevance to the location of the site, next to the river and within a prominent site within the conservation area are C7 and C8.
- 9.22 Local Plan C7 would only permit development in this location if a scheme is well designed and visually related to the river, whilst Local Plan policy C8 resists designs and developments which, amongst other things, challenges the visual dominance of St Botolph's church.
- 9.23 The NPPF indicates that decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It goes on to say that 'it is, however, proper to seek to promote or

reinforce local distinctiveness (para 60)'. However, paragraph 64 says that 'permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions'.

- 9.24 Design is clearly a subjective matter and to some people the design approach of blocks A and B in particular would be totally out of character with the area whilst others may see this scheme as highly imaginative and of good quality which will provide a positive impact on the environment.
- 9.25 It is considered that whilst certain aspects of the design of this scheme in isolation is of good quality, the key issue here is context and whether the design of development will assimilate within the pattern and character of the surrounding built environment. This matter is discussed further below.
- 9.26 In addition, housing and general amenity policies as contained in the Local Plan are also relevant.
- 9.30 Local Plan Policy H2 allows housing development within settlements provided that, inter alia, there is no loss of an open space or a frontage which contributes significantly to the area, the site is not too small to accommodate the development, the development and density are in character with neighbourhood and, that the development does not constitute tandem development.
- 9.31 Local Plan Policy H3 of the Local Plan would resist new housing which does not provide pleasant, secure environments for residents; are incompatible with the existing character of the area; are close to an existing use which is likely to cause environmental problems to future residents; or will cause or significantly aggravate adverse traffic conditions on the public highway. Policy G1 is the general development control policy which has some overlap with Policy H3. The test in the policy is that permission would only be granted if a proposal will not 'substantially harm' amenities of neighbours or the general character of the area.
- 9.32 Whilst these policies are relevant to all housing schemes including this application, it should be noted that commonly applied 'standards' with regard to minimum distances between properties, the 45 degree rule with regard to loss of daylight, overlooking, amenity areas etc may not be directly applied to all forms of new housing schemes, especially within dense urban environments such as the site subject to this application. Policy H4 requires the provision of public open spaces within new housing developments of 20 dwellings or more. It is considered given the type of development and its edge of centre location, no such provision is required in this instance.
- 9.33 Local Plan Policy H8 relates to the creation of extra residential accommodation in existing premises and is specifically relevant to the conversion of the warehouse. This policy resists development where it would result in on street parking, to the detriment of highway safety and amenities of the area or where the residential amenity would be seriously harmed by noise or other disturbance.
- 9.34 As indicated above, with regard to the setting of nearby listed buildings and the impact on the amenity of the conservation area, paras 126-135 of the NPPF are relevant. It indicates that a proposal which fails to adhere to the historic environment policies contained within this document cannot be viewed as being sustainable and therefore contrary to the 'presumption in favour of sustainable development.' All harm to the setting of a designated asset is says, requires clear and convincing justification.

- 9.35 Paragraph 137 goes on to say that Local Planning Authorities should look for opportunities for new development within Conservation Areas and within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.
- 9.36 These issues are addressed later in the report though the principle of residential development on this edge of town centre location site is acceptable subject to development control criteria being met.

**Design and impact on the setting of the listed buildings and the character of the conservation area- 'The conservation tests'**

- 9.37 The application site is located close to and within the setting of existing listed buildings, within a prominent location next to the Haven Bridge and within the Boston Conservation Area. The impact on the character of the area, the street-scene, the pattern of development in the area and the setting of nearby listed buildings will be fundamental issues in the determination of this application.
- 9.38 Although design decisions can be very subjective, that subjectivity should be informed by the guidance in the Framework which speaks, at para 58 of development functioning well and adding to overall quality; establish a strong sense of place; optimise the potential of the site with an appropriate mix of uses; respond to local character and reflect local identity whilst not preventing innovation; create safe and accessible environments and that are visually attractive as a result of good architecture.
- 9.39 The setting of a heritage asset is defined in the Glossary of the NPPF. It says:  
  
'...The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral'.
- 9.40 These are high tests and although there are no saved Local Plan policies in respect of listed buildings or conservation areas the NPPF, as indicated above, advises that when considering the impact a proposed development may have on the significance of a designated heritage asset, great weight should be given to the asset's conservation. One of the core planning principles as contained within paragraph 17 of the NPPF indicates that planning should 'conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations'.
- 9.41 The proposed conversion of the warehouse is to be welcomed, in principle, though concerns have been expressed by Historic England, Heritage Lincolnshire and this Council's Consultant Architect about certain aspects of the design of the alterations. In addition to other aspects of this scheme, Historic England expressed initial concerns about the proposed extension to the warehouse and has questioned whether this element is necessary to the scheme and whether it should be omitted.
- 9.42 As indicated above, the reason why an extension is now proposed to the warehouse is to make up for the loss of 2 apartments at block B.

- 9.43 The proposed conversion of the warehouse includes a number of additional external features such as new doors, windows, dormers and roof lights and the retention of many of the existing features which form integral elements to the design and character of this building. The proposed 3 storey extension on the western (High Street) side of the warehouse has a similar profile to the existing gable end but is set slightly lower than the main building so it would be viewed as being subservient to the warehouse and does not challenge its appearance or prominence.
- 9.44 Amended plans have been submitted to overcome the concerns previously expressed and it is my view that overall, and subject to conditions, the design of the proposed warehouse conversion and its extension is acceptable.
- 9.45 The design of block C which consists of a single two and a half storey dwelling house with a dormer on its front (High Street) elevation is acceptable. The proportions, form, fenestrations and proposed materials to be used in the construction of this building follows a more traditional approach and is much better than the contemporary design previously proposed. This part of the proposal is sympathetic to the character and pattern of development in the area and will pose as a positive contribution to the overall appearance of the area. Historic England had no objections to the revised design of block C previously and supported this amendment 'as it would allow the building to assimilate with the existing buildings along High Street more successfully than visually compete with them'.
- 9.46 The designs of blocks A and B have been subject to extensive discussions with the applicant and both blocks, given their respective scale and location, will represent a fundamental change to the character and appearance of the area. The width of the gable ends of block A in particular will be specifically visible when viewed from either direction along the John Adams Way and South End, and its front elevation will be especially prominent when viewed along High Street, on the opposite side of the bridge, South Square to the north east and from many other vantage points within the conservation area. Modifications to the design and pattern of the windows in each gable end have been made in an effort to break up the massing of these gable ends. Although block B will be about 50m from the junction of Whitehorse Lane and High Street, this building, given its height will also be clearly visible from High Street and across the Haven to the east further along South End.
- 9.47 The design and scale of both buildings are similar, both have a staggered footprint, up to 4 storey in height and both have projected wings, presumably to emulate the projecting loading towers on the warehouse building. The projections on block A will have pitched roofs and the projections on block B will have flat roofs, though both will now have vertical and timber boarding coupled with red brick which again is designed to echo the materials used on the warehouse. Previously it was intended to use coloured render on these projections, which was considered inappropriate by Historic England.
- 9.48 As indicated the scale of block B has been amended and has been broken down into a part three storey and part four storey building, rather than all of the building being four storey as originally proposed. This amendment will assist the new building assimilating within its setting though the scale of this building in relation to neighbouring residents remains a principle concern as detailed below.

- 9.49 As indicated above, in determining this application this Council should be aware of the statutory duty of sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving a listed building or its setting, and to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.
- 9.50 Listed Buildings are of national importance and although this development will cause some harm to the setting of the listed building, such harm in my view would be less than substantial when outweighed by the public benefits that this development would bring in terms of providing substantial new housing to the town. Furthermore, the development will ensure the demolition of three buildings within the Boston Conservation Area which do not provide any positive benefit to the fabric or appearance of the conservation area. The demolition of these buildings, the conversion and re-use of the warehouse, the design quality of the three proposed blocks, in particular block C fronting High Street, will collectively ensure that the development will enhance this historic asset and will not erode or cause harm to the conservation area.
- 9.51 Historic England has yet to comment on the amended scheme though previously commented that the scale of blocks A and B were acceptable. Any further comments from Historic England, Heritage Lincolnshire and the Consultant Architect will be reported verbally at the meeting.

#### **Impact on residential amenity**

- 9.52 This application will have an impact on residential amenity, not only the existing residents especially along Whitehorse Lane but also future residents of the proposed development. The main part of the proposed block B which fronts onto Whitehorse Lane will be set back between a minimum of 0.4m and a maximum of 3m from the highway. It will also be a minimum distance of around 8m from the two storey terraced houses on the opposite side of the road.
- 9.53 These terrace properties presently face storage buildings built of red brick and metal sheets located within the application site and close to the highway boundary. The current outlook (north facing) from these existing residential properties is therefore not ideal. The existing storage buildings are to be demolished to make way for proposed block B which will benefit the outlook of existing residents. However proposed block B will be high in comparison with the existing terraced block. The western part of block B will be 3 storeys at 10.5m high and the eastern part of the building will be 4 storeys and will be around 13m. The terraced block opposite is around 7.5m high.
- 9.54 At the time the application was originally submitted, the whole of proposed block B was to be 13m high. However following discussions with the applicant regarding impact on residential amenity, part of the proposed block has been reduced in height to 10.5m and as a consequence, two apartments have been removed from block B. In order to make up for the loss of these two apartments, it is intended to extend the warehouse as detailed above.
- 9.55 This will provide some improvement to the residents living directly opposite this part of the proposed building (i.e. nos 2a- 2d Whitehorse Lane) but not all the residents will benefit from this revision since the residents of the end terrace property (i.e. 2e Whitehorse Lane) who will still face the remaining eastern two segments of the proposed block which remains at 13m high.

- 9.56 Normally this would not be considered acceptable and as Members are aware, although no objections have been raised by the occupiers of the terraced properties opposite, this does mean that residential amenity will not be harmed. Although further discussions have taken place with the applicant to reduce the height of the block in order to improve the outlook from the terraced properties opposite, no further amendments have been made to this part of the scheme which is unfortunate. In my view a traditional terraced residential block would be much more acceptable along the Whitehorse Lane frontage though flood risk and viability are factors which have also influenced this aspect of the development.
- 9.57 Proposed block B will also be located at a minimum distance of around 5m or so from the existing warehouse and this development will therefore result in extensive overlooking between proposed habitable windows serving the rear (north) elevations of block B with the proposed habitable windows on the south elevation of the warehouse. Also this close relationship between buildings will also result in significant loss of sunlight/daylight to the future residents of some of the apartments within the warehouse in particular.
- 9.58 It is proposed to provide ground floor accommodation within the warehouse and the amenity and privacy of the future residents of these apartments may also be affected by pedestrian and vehicular movements between these two buildings. Furthermore, given that the ground floor of the proposed block B includes 4 garages with access on the northern elevation coupled with the narrow distance between the warehouse and this block will result in the occupiers of flat 2 of the warehouse, in particular, will experience amenity loss through car lights shining into windows as vehicles access and egress the garage and noise disturbance.
- 9.59 Whilst the spatial relationship between the warehouse and proposed block B and the resultant impact on residential amenity is well below what would normally be acceptable, it should be noted that this aspect of the development and resultant impacts will not be imposed on **existing** occupiers; it is only **future** occupiers of the flats that would be affected. It may therefore be argued that the future occupiers would be well aware of the situation before they commit themselves to moving into the accommodation and this has material weight as part of the planning balance. It should also be noted that the standard 'yardsticks' that have been applied to other housing schemes relating to daylight provision and distances between properties cannot be directly applied with a scheme of this type or density, although the objectives of such guidance which is designed to reduce provide a quality urban environment for residents is a material consideration. However the same argument cannot be made for the **existing** residents of Whitehorse Lane and it is my view that this development will have an impact on the quality of the living environment currently experienced by these residents.
- 9.60 Despite extensive discussions with the applicant regarding this aspect of the development, I retain some reservations about this scheme and impact on residential amenity. Clearly the impact on residential amenity needs to be assessed with regards to the 'substantial harm test' within Local Plan policy G1 against the overall benefits of the scheme in terms of the supply of additional housing in the town and environmental improvement in relation to the character of the conservation area.

#### **Impact on highway safety**

- 9.61 Local Plan G6 resists development where the proposed means of pedestrian and vehicular access are unsatisfactory and paragraph 32 of the NPPF indicates that 'development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe'.

- 9.62 The previous application was refused partly on the grounds of impact on highway safety and inadequate parking provision (i.e. reason 4 above). It was considered that limited car spaces within the site may lead to pressure for parking outside the limits of the site, and that the poor visibility from and narrow carriageway at the western end of Whitehorse Lane at its junction with High Street, would lead to queuing vehicles on High Street along the highway network, to the detriment of the free flow of traffic.
- 9.63 Access and egress to the proposed development will be off High Street via the existing vehicular access between 78 and 82 High Street though it is intended to erect a new dwelling (block C) which will be attached to 82 High Street which will effectively reduce the access width to around 5m. The site is served by other vehicular accesses, one next to the Haven Bridge/High Street junction and the other along Whitehorse Lane.
- 9.64 It is intended to erect fencing and gates along part of the site's frontage near the junction of Haven Bridge and High Street. This will enable this existing access only to serve 76 High Street. It is not intended to provide any vehicular access off Whitehorse Lane- only pedestrian access.
- 9.65 It is proposed to provide 18 car spaces serving the proposed 61 dwelling units. Provisionally, it is intended to provide 5 spaces to serve block A (undercroft), 4 spaces to serve block B (under-croft), 1 space to serve block C and 8 spaces to serve the warehouse conversion and extension.
- 9.66 In addition the applicant points out that there are public and private car parks located close to the application site which may serve this development, both visitors and residents. The applicant says that future residents may be able to obtain annual permits to park within these car parks. However the applicant also acknowledges that security and insurance may be a concern. The applicant also points out that there is some on-street parking available within the surrounding area.
- 9.67 In my view a condition could not be attached to any permission granted which requires future occupants to obtain annual permits within the surrounding area since such a condition would not be reasonable or enforceable.
- 9.68 In the absence of any local (or national) parking standards the Framework says that developments that generate significant movements should be located where the need to travel will be minimised. Priority should be given to pedestrian and cycle movements and to create secure and safe layouts which minimise conflicts. There is no doubt that this site has good sustainable credentials insofar as its proximity to and connection opportunities to the town centre, although the proposed 18 spaces to serve 61 dwelling units is, in my view, not ideal and may count against this proposal.
- 9.69 The County Highway Authority has not commented on the revised details or on the revised parking strategy and any comments received will be reported verbally at the meeting.

### **Demolition of the existing buildings**

- 9.70 As indicated above it is intended to demolish three existing buildings on site in order to make way for the proposed development. The site is within a prominent location within the conservation area.
- 9.71 The NPPG indicates that:

‘An unlisted building that makes a positive contribution to a conservation area is individually of lesser importance than a listed building (paragraph 132 of the National Planning Policy Framework). If the building is important or integral to the character or appearance of the conservation area then its demolition is more likely to amount to substantial harm to the conservation area, engaging the tests in paragraph 133 of the National Planning Policy Framework. However, the justification for its demolition will still be proportionate to the relative significance of the building and its contribution to the significance of the conservation area as a whole’.

- 9.72 In this instance, it is considered that the buildings to be demolished have no historic or architectural value and provide no positive benefits to the amenity or to the character of the conservation area.
- 9.73 Historic England has not made comment on the revised scheme but in previous correspondence Historic England *‘would not object to the proposed demolitions as these elements are of a lesser significance than the main warehouse buildings and their demolition would bring about the re-use of the warehouse buildings’*. Historic England adds that *‘the proposed demolitions would not erode or cause harm to the appearance of the conservation area’*.
- 9.74 I concur with that view.

#### **Loss of employment land**

- 9.75 As indicated above the application site forms part of a much larger area designated in the adopted Local Plan as a proposed industrial/commercial area.
- 9.76 Paragraph 22 of the NPPF states that *‘Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities’*
- 9.77 This suggests that it is appropriate to set aside the provisions of Local Plan policy ED1 provided there is evidence that there is unlikely to be any future demand for the allocated employment land.
- 9.78 The Economic Development Manager has not commented, although given the amount of allocated and unused industrial development within the Borough, it is considered that the loss of this allocated industrial land, close to the town centre as a result of this development will not substantially undermine the local economy.

#### **Affordable housing**

- 9.79 This application is for 61 dwellings and therefore this form of application would normally attract a need for the provision of Affordable Housing. As members are aware, this Council’s current stance on affordable housing is that for eligible sites, developers should provide a minimum of 15% affordable units, subject to viability.

- 9.80 The Local Housing Authority indicates that to comply with the current affordable housing requirements a minimum of 9 properties would need to be delivered as affordable.
- 9.81 The previous application did not include any affordable housing and was partly refused on the grounds that the lack of any provision or proposals for affordable housing was considered contrary to the Council's Interim Affordable Housing Policy 2006. (ie reason 5).
- 9.82 The Local Housing Authority points out that the application appears to make no reference to the provision of any affordable housing or why it is not able to be provided. The Local Housing Authority is currently unable to support the application, although appreciates that due to the schemes nature any contributions would likely have an impact on the scheme's viability and deliverability. No viability assessment has been submitted by the applicant.
- 9.83 It is **not** proposed to provide any affordable housing as part of this scheme since, according to the applicant, this will have an impact on the viability of converting the warehouse and the construction of the three proposed blocks.

### **Developer contributions and the impact on local schools and health services**

- 9.84 Where a relevant determination is made which results in planning permission being granted for development, a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:
- (a) necessary to make the development acceptable in planning terms;
  - (b) directly related to the development; and
  - (c) fairly and reasonably related in scale and kind to the development.

As indicated above, S106 contributions have been requested for contributions towards affordable housing, education and health.

- 9.85 The LCC Strategic Development Manager (Education) considers that this development will impact on local schools and has requested an education contribution of £159,766 to be secured through a S106 agreement in order to mitigate this impact at local level. This request is split into the following three categories:

- Primary           £56,382
- Secondary       £84,957
- Sixth form       £18,427

- 9.86 NHS (England) considers that this development will place extra pressure on existing GP services and has requested a contribution of £26,640.

- 9.87 NHS England states that the proposed development would put additional demands on the existing GP services in the area and additional infrastructure would be required to meet the increased demands. To mitigate this, they say, the s106 funding would go towards Kirton Medical Centre to upgrade their surgical suite.

- 9.88 The applicant has not submitted a financial justification setting out the viability of the scheme with regard to the education, NHS or affordable housing contributions and the balance here for Committee is that although not providing such contributions would be contrary to the direction that major applications have been following in the past when there has been such a request, this should be balanced

against the level of priority Committee would give to delivering such a major scheme on such an important and prominent site within the town.

### **Density**

- 9.89 NPPF indicates that, amongst other things, local planning authorities should ‘....set out their own approach to housing density to reflect local circumstances’. The Local Plan does not include a policy which specifies minimum or maximum densities although Local Plan Policy H2 (sub 3) allows new housing developments where ‘the resultant dwellings and curtilage(s) are of a size and character which reflect the current density of development in the area’
- 9.90 The application site occupies 0.49 ha and it is intended to construct 61 dwelling units on this site. This equates to around 124 dwellings per hectare. This density may seem a little high and in comparison the density of the surrounding area (including the housing development at the eastern end of Whitehorse Lane) which is around 67dph. However given the site is close to the town centre and includes the conversion of a large warehouse, it is considered that the density of the proposed development is reasonable.

### **Archaeology**

- 9.91 The site is within an area which has a high archaeological potential with remains likely to be of national importance. This development is therefore likely to impact on important archaeological deposits. The previous application was in part, refused on the grounds that the application did not address the likelihood of its effects upon such a heritage asset was considered to be contrary to good practice and the National Planning Policy Framework (2012) ( i.e. reason 3).
- 9.92 Heritage Trust of Lincolnshire has not yet commented. Any comments received will be reported verbally at the meeting.

### **Bin storage and collection**

- 9.93 There is adequate space within the application site to provide bin storage areas to serve the proposed 61 dwelling units and for the provision of collection point(s) during collection days. However no such details of the management of bin collection or the storage of wheelie bins have been submitted with this application. These details may be subject to a planning condition should permission be granted.

### **Foul and surface water disposal and Flood risk**

- 9.94 The application site is located within Flood Zone 3 of the Environment Agency’s Flood Maps and the application is accompanied by a Flood Risk Assessment which the applicant has recently amended, given objections raised by the Environment Agency. These objections remain outstanding.
- 9.95 The revised FRA identifies proposed finished floor levels for the proposed warehouse conversion and the three proposed blocks (ie blocks A, B and C). Block A (next to Haven Bridge) and block B (fronting Whitehorse Lane) do not include any residential accommodation (including sleeping accommodation) on the ground floor. Instead, it is proposed to provide undercroft car parking and storage areas within these two blocks

- 9.96 The proposed block C (fronting High Street) and the proposed warehouse conversion include residential accommodation on the respective ground floors and the revised FRA recommends that the floor levels of these buildings are set at specific levels above the existing ground levels.
- 9.97 The submitted FRA indicates that there are existing drainage systems within the site which connect foul and some surface water and outfall to the public sewers in High Street and Whitehorse Lane. One of the options put forward by the applicant is, subject to the approval of the Anglian Water, to discharge all surface water from the development into the sewer along Whitehorse Lane at an agreed and restricted rate. This will avoid significant and dangerous construction activities associated with a new drainage outfall into The Haven. Anglian Water Services are yet to comment on the revised surface water scheme. It is proposed foul water will be discharged into the sewer in High Street.
- 9.98 The revised FRA indicates that the net effect of the development will be a reduction in impermeable hard surfaced areas on the site which are currently around 97%. It adds that the reduction in the impermeable area will have a positive effect on the volume of surface water runoff generated by the proposal. The submitted site plan indicates that external surfaces are to be subject to detailed landscape design with the vehicular areas to be in stone setts with soft landscaping and planting in non vehicular areas. The treatment of the external areas including landscaping of the site may be subject to a planning condition.
- 9.99 The County Council, acting as Lead Local Flood Authority has not yet commented.
- 9.100 The Environment Agency objected to the flood risk assessment as originally submitted. The applicant has been in discussions with the Environment Agency and at the time of writing this report it is understood that the amended Flood Risk Assessment overcomes the Environment Agency's objections. I will update Members on this matter at the meeting.

### **Sustainability**

- 9.101 The Framework sets out three dimensions and roles of sustainable development i.e. social, economic and environmental. In addition, one of the core elements of the NPPF is that patterns of growth should be properly managed and to make the most effective use of public transport, cycling and walking. Paragraph 7 and 8 of the Framework explain that these three roles should not be undertaken in isolation because they are mutually dependent.
- 9.102 In social terms, the provision of 61 new dwellings would make a significant contribution towards the supply of housing in the area which accords with paragraph 7 of the Framework.
- 9.103 In economic terms, the proposal would provide employment at construction stage and may support local businesses and the local economy both during construction and when the dwellings are occupied.
- 9.104 The environmental dimension of the NPPF aims to protect and enhance the natural, built and historic environment and, as part of this, helping to improve biodiversity, use natural resources prudently, to minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy. In environmental terms, the application site is within a highly sustainable location given it is within easy walking or cycling distance of the town centre.

9.105 However, the development will have an impact on the local environment, the setting of nearby listed buildings, the character of the Boston Conservation Area and residential amenity and the Committee might share some of the concerns originally expressed by this Council's Consultant Architect, Heritage Lincolnshire and Historic England about the design quality of this scheme and its impact on its surroundings. These issues need to be balanced against the public benefits of this scheme.

## **10.0 Conclusion**

10.1 The Framework indicates that housing applications should be considered in the context of the presumption in favour of sustainable development. Housing applications, it says, should be approved if the authority cannot demonstrate a five year housing supply, unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole, or specific policies in the Framework indicate such developments should be restricted.

10.2 Against this 'presumption', i.e. that in principle the land at the present time would make a significant contribution towards meeting a five year supply, are, amongst other things, the scale and design of the proposed development in particular blocks A and B, impact on the character of the conservation area and the setting of the nearby listed buildings, the site's allocation in the Local Plan as 'existing/commercial use', the potential impact on highway safety and the impact on residential amenity.

10.3 These are matters which should be assessed as part of the planning balance, although in my view the fundamental issues raised by this application will be impact on residential amenity and the design of blocks A and B in particular and the impact these buildings will have upon historic assets.

10.4 It is considered that:

- The site constitutes 'previously developed land' (pdl) located within a sustainable location, close to the town centre and within easy walking distance from amenities and facilities.
- The applicant says contributions towards affordable housing, education and health would make the scheme unviable. The balance here is for the Committee to decide whether the need for the delivery of affordable housing, education and health outweighs the need to deliver the wider substantial environmental benefits of this scheme, including the renovation and conversion of the warehouse.
- Although the site is partly allocated in the Local Plan as 'existing/commercial use' and that this development will result in the loss of industrial land, there is no evidence to suggest that this will have an adverse impact on the local economy given the amount of available industrial land elsewhere in the Borough. Indeed, the proposed residential use of the site, given its near town centre location may be considered as more appropriate than industrial uses.
- The development will represent a fundamental change to the character of the site and the conservation area when viewed from both directions along John Adams Way and from other prime locations within the town. The development will also affect the setting of some nearby listed buildings. The NPPF sets out tests associated with the degree of harm to a heritage asset. However it is considered that the harm to these historic assets would not be substantial; this is a high test. It may also be argued that this development will lead to a

substantial enhancement of the area and will act as a catalyst towards further urban regeneration.

- During previous discussions with the applicant, the Consultant Architect, Historic England and Heritage Lincolnshire collectively expressed concerns with regard to the design of the scheme, both with regard to the proposed extension to the warehouse and to blocks A and B. It was considered that the scheme was a 'missed opportunity' for a quality design that would contribute to local distinctiveness'. I share that view. Whilst the revised design of the scheme, which has been amended on a number of occasions, is much better than the original (and previous scheme which was refused), especially given the use of timber boarding on the front elevations of these blocks. In my view the design of this scheme is now satisfactory.
- In terms of highway safety and parking, it is accepted that the proposed 18 car spaces to serve the proposed 61 residential units is not ideal and may lead to extra pressure for on street parking on the surrounding highway network. There are no local (or national) parking standards which could be applied, although Local Plan Policy H8 in particular resists development where it would result in on street parking, to the detriment of highway safety and amenities of the area. Normally at least one space per dwelling unit would be a reasonable expectation even in this urban location. However it may also be argued that there is no reason why the future residents of the development would not be able to use public car parks within the immediate proximity of the site. The site is also reasonably close to the bus station and railway station. The County Highways has not commented.
- This development will affect residential amenity of both existing and future occupants, especially with regard to block B and its relationship with the terraced block to the south (nos 2a -2e Whitehorse Lane) and with the existing warehouse to the north. This adverse impact will count against this proposal in the planning balance. Although the amendments to the height of block B will mitigate to some extent the impact on some of the existing residents, this development will still adversely impact the visual amenity and outlook of other residents within this terrace. Whilst it would not be practical to use the common yardsticks applied to other housing developments given the location and type of development proposed, a distance of around 5m from proposed block B and the existing warehouse remains problematic. The main issue for Members to decide is whether such harm to residential amenity would be 'substantial' to warrant refusal of this application.
- To conclude, it is my view that the public benefits of this scheme, in terms of urban regeneration including the conversion of the warehouse, outweigh the adverse elements of this scheme as detailed in this report. It is recommended that permission is granted subject to the conditions below.

## **11.0 RECOMMENDATION**

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

- 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 24<sup>th</sup> 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.

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.

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.

## BOSTON BOROUGH COUNCIL

**DELEGATED DECISION LIST FOR PERIOD  
17 APRIL 2018 to 11 MAY 2018 FOR NOTING**

**SUBJECT: PLANNING APPLICATIONS AND RELATED MATTERS**

**REPORT BY: INTERIM DEVELOPMENT MANAGER**

**Proposal:** Application to have details approved relating to condition 3 (Bin storage), 5 (Wall details) and 6 (Lighting scheme) of planning permission B/15/0515 (Conversion of existing Public House into 5 no. apartments and extension to Public House to provide 4 no. apartments)

**Location:** The Woadman, Church Road, Boston, Lincolnshire, PE21 0LJ

**Applicant:** Azam, My Home First Ltd

**Decision:** CONDITION DISCHARGE      **Decision Date:** 26-Apr-2018

**Parish:** Boston Town Area Committee

**Application Number:** B/15/0515/CD1      **Case Officer:** Trevor Thompson

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**Proposal:** Application to have details approved relating to condition 15 (Play equipment) of planning permission B/16/0141 (Construction of 66 no dwellings including 11 affordable dwellings, new vehicular access and estate road plus associated infrastructure)

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

**Applicant:** Mrs Mandy Underwood, Larkfleet Ltd

**Decision:** CONDITION DISCHARGE      **Decision Date:** 08-May-2018

**Parish:** Fishtoft Parish Council

**Application Number:** B/16/0141/CD3      **Case Officer:** Trevor Thompson

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**Proposal:** Application under s93A for a non material amendment to approval B/16/0141 (Construction of 66 no. dwellings including 11 affordable dwellings, new vehicular access and estate road plus associated garages and infrastructure). The amendments relate to the following;

- Condition 2 (listing all approved plans) to enable changes to be made to the approved layout to accommodate the position and easement of an existing pipe that runs through the site. This requires amendments to be made to the design and siting of a number of dwellings, redistribution of house types, re-numbering of plots, alterations to garages plus provision of new electricity sub-station.

Condition 14 (public open spaces) to amend the timescales of the delivery of the public open space.

Condition 15 (play equipment) to enable amendments to be made to the timescales for the delivery of the play equipment.

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

**Applicant:** Mrs Mandy Underwood

**Decision:** Approved Non-material Amendments      **Decision Date:** 02-May-2018

**Parish:** Fishtoft Parish Council

**Application Number:** B/16/0141/NMA      **Case Officer:** Trevor Thompson

**Proposal:** Application to have details approved relating to condition 5 (Landscaping), 14 (Transitional Area) and 19 (Estate Roads and Footpaths) of planning permission B/16/0317 (Proposed erection of 30 affordable dwellings, associated access roads, open spaces and attenuation pond)

**Location:** Land off Meadow Way, Old Leake

**Applicant:** Mrs Alison Flemington

**Decision:** CONDITION DISCHARGE      **Decision Date:** 10-May-2018

**Parish:** Old Leake Parish Council

**Application Number:** B/16/0317/CD6      **Case Officer:** Lisa Hughes

**Proposal:** Application to have approved details relating to conditions C6 (Closure Report) and C7 (Method Statement) of Planning permission B/16/0360 (Construction of 17 affordable dwellings (previously 25 affordable dwellings) plus associated infrastructure)

**Location:** Land at Riverside, Boston, Lincolnshire, PE21 9EJ

**Applicant:** Mrs Rebecca Archer, Chestnut Homes Ltd

**Decision:** CONDITION DISCHARGE      **Decision Date:** 26-Apr-2018

**Parish:** Boston Town Area Committee

**Application Number:** B/16/0360/CD4      **Case Officer:** Trevor Thompson

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**Proposal:** Application to have all details approved relating to condition 3 (Vehicular Access) and part of condition 6 (Hard and Soft Landscaping) of planning permission B/17/0224 (Change of use of vacant land to a touring caravan site (20 caravans) plus excavation of fishing lake, erection of wc/wash facility building, new internal roads and parking areas)

**Location:** Land at the rear of the Thatched Cottage Restaurant, Pools Lane, Sutterton, Boston, Lincolnshire, PE20 2EZ

**Applicant:** Mr Murray Chambers, Magnum Inns Ltd

**Decision:** CONDITION DISCHARGE      **Decision Date:** 20-Apr-2018

**Parish:** Sutterton Parish Council

**Application Number:** B/17/0224/CD1      **Case Officer:** Trevor Thompson

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**Proposal:** Application to have details approved relating to condition 5 (Construction Management Plan), 6 (Public Open Space), 7 (Landscape Management Plan), 11 (Estate Road and Footways) and 12 (Play Equipment) of planning permission B/17/0362 (Application under s73 for the variation of conditions 1, 2, 6 and 13 attached to approval of reserved matters ref B/16/0457 for the erection of 26 dwellings. The amendments relate to the house type as shown on plots 1 and 19 and associated changes to the layout), and condition 8 (Surface water) of planning permission B/15/0456 (Outline application for residential development (45 dwellings) with all matters reserved)

**Location:** Land adjacent to London Road/Drainside South, Kirton, Boston, PE20 1JH

**Applicant:** Richard Reed (Builders) Ltd

**Decision:** CONDITION DISCHARGE      **Decision Date:** 26-Apr-2018

**Parish:** Kirton Parish Council

**Application Number:** B/17/0362/CD1      **Case Officer:** Trevor Thompson

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**Proposal:** Erection of a balcony and first floor door entrance  
**Location:** 76, Spilsby Road, Boston, Lincolnshire, PE21 9NS

**Applicant:** Mr J Duffy

**Decision:** REFUSE      **Decision Date:** 20-Apr-2018

**Parish:** Boston Town Area Committee

**Application Number:** B/17/0422      **Case Officer:** Reddy Nallamilli

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**Proposal:** Change of use of land to equestrian use, and erection of 3 no. stables  
**Location:** Fen Cottage, Midgate Lane, Old Leake, Boston, Lincolnshire, PE22 9RP

**Applicant:** Mr Tim Atkinson

**Decision:** GRANT      **Decision Date:** 04-May-2018

**Parish:** Old Leake Parish Council

**Application Number:** B/17/0486      **Case Officer:** Lisa Hughes

**Proposal:** Erection of two storey side extension to existing industrial unit to provide office and ancillary accommodation following demolition of single storey extension

**Location:** Reflex Labels, Station Road industrial Estate, Station Road, Swineshead, Boston, Lincolnshire, PE20 3PW

**Applicant:** Mr Paul Pollard

**Decision:** GRANT **Decision Date:** 20-Apr-2018

**Parish:** Swineshead Parish Council

**Application Number:** B/18/0033 **Case Officer:** Lisa Hughes

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**Proposal:** Certificate of Lawfulness for the existing use of the eastern end of the barn as a residential dwelling

**Location:** Railway Farm, Hobhole Bank, Old Leake, Boston, Lincolnshire, PE22 9RT

**Applicant:** Ben Teague

**Decision:** GRANT **Decision Date:** 02-May-2018

**Parish:** Old Leake Parish Council

**Application Number:** B/18/0044 **Case Officer:** Lisa Hughes

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**Proposal:** Erection of a horse manege

**Location:** Slate House Farm, Rainwalls Lane, Sutterton, Boston, Lincolnshire, PE20 2HY

**Applicant:** Mr George Firth

**Decision:** GRANT **Decision Date:** 25-Apr-2018

**Parish:** Sutterton Parish Council

**Application Number:** B/18/0048 **Case Officer:** Stuart Thomsett

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**Proposal:** Application under s.73 for the removal of condition 2 (Agricultural habitation clause) of planning permission B18/0713/91 (Application for the construction of one dwelling in connection with agriculture)

**Location:** Eimo, Fendyke End Lane, Benington, Boston, Lincolnshire, PE22 0EE

**Applicant:** Mr Peter Young

**Decision:** GRANT **Decision Date:** 08-May-2018

**Parish:** Benington Parish Council

**Application Number:** B/18/0051 **Case Officer:** Stuart Thomsett

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**Proposal:** Application for approval of reserved matters (scale, layout, landscaping and appearance) following outline approval B/17/0122 (Outline planning application for the construction of 1no. dwelling including access)

**Location:** Land to the South of Church Lane, Swineshead, Boston, Lincolnshire, PE20 3JA

**Applicant:** Mr & Mrs N Fountain

**Decision:** GRANT **Decision Date:** 08-May-2018

**Parish:** Swineshead Parish Council

**Application Number:** B/18/0053 **Case Officer:** Stuart Thomsett

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**Proposal:** Application to have details approved relating to conditions 5, 6, 8 and 9 relating to deemed planning permission under Section 90 (2A) of the Town and Country Planning Act relating to The Boston Barrier Order 2017 No. 1329

**Location:** Boston Barrier, Boston

**Applicant:** Mr Simon Bligh, Environment Agency

**Decision:** CONDITION DISCHARGE **Decision Date:** 26-Apr-2018

**Parish:** Boston Town Area Committee

**Application Number:** B/18/0055 **Case Officer:** John Taylor

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**Proposal:** Siting of temporary static caravan to be used as annexe accomodation for a period of five years

**Location:** Filey Villa, Dowdyke Road, Sutterton, Boston, Lincolnshire, PE20 2LX

**Applicant:** Mrs E Daniels

**Decision:** GRANT **Decision Date:** 20-Apr-2018

**Parish:** Sutterton Parish Council

**Application Number:** B/18/0061 **Case Officer:** Stuart Thomsett

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**Proposal:** Conversion of existing outbuilding to form annexe accommodation ancillary to main dwelling

**Location:** The Old Farm House, Old Main Road, Old Leake, Boston, Lincolnshire, PE22 9HR

**Applicant:** Mrs Linda Greathead

**Decision:** GRANT **Decision Date:** 18-Apr-2018

**Parish:** Old Leake Parish Council

**Application Number:** B/18/0065 **Case Officer:** Stuart Thomsett

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**Proposal:** Erection of steel portal framed building for class IV MOT station  
**Location:** Wyberton Cars, Swineshead Road, Frampton Fen, Boston, Lincs, PE20 1SG

**Applicant:** Mr Chris and Jamie Callahan, Wyberton Car Sales

**Decision:** GRANT **Decision Date:** 02-May-2018

**Parish:** Frampton Parish Council

**Application Number:** B/18/0074 **Case Officer:** Stuart Thomsett

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**Proposal:** Application for Prior Approval for the change of use from agricultural building to residential dwelling (Class C3)  
**Location:** The Barn, Fen Road, Frampton West, Boston, Lincolnshire  
**Applicant:** Mr & Mrs M Wright, The Trustees of the Late J R Smith  
**Decision:** REFUSE **Decision Date:** 18-Apr-2018  
**Parish:** Frampton Parish Council  
**Application Number:** B/18/0080 **Case Officer:** John Taylor

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**Proposal:** Partial demolition of garage to make room for a two storey side extension. Demolition of existing rear extensions. Proposed material change from existing brick to render  
**Location:** White Loaf Hall Cottage, White Loaf Hall Lane, Freiston, Boston, Lincolnshire, PE22 0ND  
**Applicant:** Mr & Mrs Hughes  
**Decision:** GRANT **Decision Date:** 25-Apr-2018  
**Parish:** Freiston Parish Council  
**Application Number:** B/18/0081 **Case Officer:** Stuart Thomsett

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**Proposal:** Listed Building Consent for the demolition of modern brick gate piers and replacement with repositioned ornamental gates and railings  
**Location:** Manor House, Church End, Frampton, Boston, Lincolnshire, PE20 1AH  
**Applicant:** Mr & Mrs Curtis  
**Decision:** GRANT **Decision Date:** 26-Apr-2018  
**Parish:** Frampton Parish Council  
**Application Number:** B/18/0083 **Case Officer:** Stuart Thomsett

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**Proposal:** Demolition of modern brick gate piers and replacement with repositioned ornamental gates and railings  
**Location:** Manor House, Church End, Frampton, Boston, Lincolnshire, PE20 1AH  
**Applicant:** Mr & Mrs Curtis  
**Decision:** GRANT **Decision Date:** 26-Apr-2018  
**Parish:** Frampton Parish Council  
**Application Number:** B/18/0084 **Case Officer:** Stuart Thomsett

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**Proposal:** Advertisement consent for 2 no. vinyl fascia signs and 1 no. projecting sign (all non-illuminated)  
**Location:** Norwich and Peterborough Building Society, 24, Market Place, Boston, Lincs, PE21 6EH  
**Applicant:** Yorkshire Building Society  
**Decision:** GRANT **Decision Date:** 04-May-2018  
**Parish:** Boston Town Area Committee  
**Application Number:** B/18/0085 **Case Officer:** Stuart Thomsett

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**Proposal:** Change of use from hot food takeaway (Class A5) to residential dwelling (Class C3)  
**Location:** Kings Fish and Chips, 35 Horncastle Road, Boston, Lincolnshire, PE21 9JA  
**Applicant:** Mr Spanos Kings Fish and Chips  
**Decision:** GRANT **Decision Date:** 08-May-2018  
**Parish:** Boston Town Area Committee  
**Application Number:** B/18/0089 **Case Officer:** Stuart Thomsett

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**Proposal:** Erection of 2 no. single storey side extensions, and single storey rear extension  
**Location:** Ashtree Cottage, Main Road, Leverton, Boston, Lincolnshire, PE22 0BB  
**Applicant:** Mr & Mrs C Tyrrell  
**Decision:** GRANT **Decision Date:** 30-Apr-2018  
**Parish:** Leverton Parish Council  
**Application Number:** B/18/0091 **Case Officer:** Stuart Thomsett

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**Proposal:** Resubmission of B/17/0393 for the erection of single storey rear extension and siting of temporary static caravan during construction works  
**Location:** The Bungalow, Washdike Road, Algarkirk, Boston, Lincolnshire, PE20 2AW  
**Applicant:** Mr & Mrs Featherstone  
**Decision:** GRANT **Decision Date:** 02-May-2018  
**Parish:** Algarkirk Parish Council  
**Application Number:** B/18/0095 **Case Officer:** Stuart Thomsett

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**Proposal:** Resubmission of B/17/0035 for prior approval for proposed change of use from agricultural building to a dwelling house (Class C3) and for associated operational development  
**Location:** Agricultural Building, The Farm Yard, Mill Lane, Kirton End, Boston, Lincolnshire, PE20 1PB  
**Applicant:** Messr C & J Woods  
**Decision:** GRANT **Decision Date:** 04-May-2018  
**Parish:** Kirton Parish Council  
**Application Number:** B/18/0097 **Case Officer:** Stuart Thomsett

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**Proposal:** Outline application for 2 no. two storey semi-detached residential dwellings, with all matters reserved  
**Location:** Benington Village Hall, David's Lane, Benington, Boston, PE22 0BZ  
**Applicant:** Mrs Joan Barnes  
**Decision:** GRANT **Decision Date:** 04-May-2018  
**Parish:** Benington Parish Council  
**Application Number:** B/18/0100 **Case Officer:** Reddy Nallamilli

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**Proposal:** Erection of 2 no. detached residential dwellings, 1 no. detached garage, and new vehicular access  
**Location:** 52, Station Road, Kirton, Boston, Lincolnshire, PE20 1LD  
**Applicant:** Mr S J Tetther, Horizon Properties  
**Decision:** REFUSE **Decision Date:** 26-Apr-2018  
**Parish:** Kirton Parish Council  
**Application Number:** B/18/0101 **Case Officer:** Reddy Nallamilli

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**Proposal:** Application for Prior Approval for the removal of existing conservatory and erection of a rear single storey orangery style extension 4m (H) with an eaves height of 2.4m  
**Location:** 27, Abbey Road, Swineshead, Boston, Lincolnshire, PE20 3EN  
**Applicant:** Mr Nigel Blakey  
**Decision:** PRIOR APPROVAL NOT REQUIRED **Decision Date:** 23-Apr-2018  
**Parish:** Swineshead Parish Council  
**Application Number:** B/18/0102 **Case Officer:** Rachael Vamplew

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**Proposal:** Erection of wooden fence, aluminium sliding gates and aluminium pedestrian gates  
**Location:** 12 , Picketts Way, Wyberton, Boston, PE21 7JH  
**Applicant:** Mrs Ruta Spingle  
**Decision:** GRANT **Decision Date:** 08-May-2018  
**Parish:** Wyberton Parish Council  
**Application Number:** B/18/0104 **Case Officer:** Stuart Thomsett

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**Proposal:** Erection of two storey side extension  
**Location:** Eastbourne House, Wyberton West Road, Boston, Lincolnshire, PE21 7LG  
**Applicant:** Mr Micky Rate  
**Decision:** GRANT **Decision Date:** 08-May-2018  
**Parish:** Boston Town Area Committee  
**Application Number:** B/18/0105 **Case Officer:** Stuart Thomsett

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**Proposal:** Erection of single storey side extension  
**Location:** Rose Cottage, Willoughby Hills Road, Fishtoft, Boston, Lincolnshire, PE21 9SA  
**Applicant:** R Hardy Vegetables Ltd  
**Decision:** GRANT **Decision Date:** 08-May-2018  
**Parish:** Fishtoft Parish Council  
**Application Number:** B/18/0106 **Case Officer:** Stuart Thomsett

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**Proposal:** Application for Prior Approval to enclose existing agricultural building with hardwood timber cladding to store agricultural vehicles and animal feed  
**Location:** Dovecote Farm, Sutterton Drove, Amber Hill, Boston, PE20 3RF  
**Applicant:** Mr & Mrs Johnson  
**Decision:** WITHDRAWN APPLICATION      **Decision Date:** 18-Apr-2018  
**Parish:** Amber Hill Parish Council  
**Application Number:** B/18/0113      **Case Officer:** Stuart Thomsett

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**Proposal:** Application under s73 for the variation of condition 2 attached to planning permission B/16/0052 (Application for the erection of 63 no. residential dwellings with associated infrastructure) to amend site layout  
**Location:** Land off Station Road, Swineshead, Boston Lincolnshire  
**Applicant:** Imran Irfan, Ashley King (Developments) Ltd  
**Decision:** GRANT      **Decision Date:** 25-Apr-2018  
**Parish:** Swineshead Parish Council  
**Application Number:** B/18/0122      **Case Officer:** John Taylor

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**Proposal:** Erection of 2 no. bin stores  
**Location:** Fenside Manor, Shaw Road, Boston, Lincolnshire, PE21 8NN  
**Applicant:** Boston Mayflower Ltd  
**Decision:** GRANT      **Decision Date:** 09-May-2018  
**Parish:** Boston Town Area Committee  
**Application Number:** B/18/0150      **Case Officer:** Lisa Hughes

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