

Present:

Chairman: Councillor Tom Ashton
Vice-Chairman: Councillor Alison Austin

Councillors: Peter Bedford, Katie Chalmers, Deborah Evans,
Paul Goodale, Jonathan Noble, Frank Pickett, Paul Skinner,
Peter Watson and Judy Welbourn

Officers: Assistant Director - Planning, Legal Advisor, Legal Services
Lincolnshire, Planning Officer and Democratic Services
Officer

114 APOLOGIES

Apologies for absence were tabled for Councillor Yvonne Stevens. No substitute Member.

115 MINUTES

Committee agreed the minutes of the previous meeting held on 27 July 2021.

116 DECLARATION OF INTERESTS

Standing declarations of interest are tabled for the following members in their respective roles as:

Members of Lincolnshire County Council. Councillors Tom Ashton, Alison Austin and Councillor Paul Skinner.

Members of the South East Lincolnshire Joint Strategic Planning Committee. Councillors Tom Ashton and Peter Bedford.

Representatives of the Internal Drainage Boards Councillors Tom Ashton, Peter Bedford and Paul Skinner.

Councillor Alison Austin declared (*during the meeting*) that in her role as Ward Member, she had called-in Planning Application B 21 0039 for determination by committee, due to the level of objection by residents on Heron Way. Councillor Austin confirmed that she would determine the application with an open mind based on the report tabled and in line with the public representation to be presented.

117 PUBLIC QUESTIONS

No public questions.

118 PLANNING APPLICATION B/21/0039

The Planning Officer presented the report confirming that the application was at reserved matters stage, for 75 dwellings within Phase 3 of the Heron Park development, from the initial Hybrid application for residential development of up to 200 dwellings across the site having been agreed by committee in February 2017.

Updates within the presentation confirmed that there had been no objections from any of the statutory consultees, but there had been two enquires:

Lincolnshire County Council as the lead local flood authority together with the Black Sluice Drainage Board, had requested clarification of ownership of the drainage assets. Referencing the late information submitted, the Planning Officer confirmed the plan showed the current ownership of all assets and that flood risk and drainage were both supported by a full suite of plans. Conditions ensured that all assets under water were secured to Anglian Water through a Sect. 104 agreement and all assets above water secured to a management company.

Lincolnshire County Council Highways had expressed a preference for an alternative scheme of access but had no grounds on which to object to the scheme presented. The amended plan submitted provided splayed entrances to the site and also a passing place on Heron Way which Officers felt were positive suggestions to ease traffic movements. Members were reminded that whilst the original layout agreed at outline showed no access to Heron Way, that original submission had been a Hybrid application within which only Phase 1 of the development had been determined. All other phases being for future determination. Should committee approve the application a delegation would be required to officers to finalise matters and conditions.

Furthermore, Members were reassured that whilst there was no affordable housing contribution within the application, it was acceptable as Phase 4 of the development would provide the required number of affordable houses, as mandated under the original outline application.

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

Confirming he was in attendance to represent all the residents of Heron Way Mr McBeath questioned the change in access which had been from Wyberton Low Road on the original outline plan and not from Heron Way. Referencing the change of access he further questioned it being a logical improvement and who would benefit from the change. Further concerns noted the Council's lack of notification of the change of access to the residents of Heron Way by means of a personal letter to each resident, stating they did not know about it, until it was too late. As a result of activity at the site, residents on Heron Way were subject to ongoing mud issues on both the road and on their vehicles. The road had deteriorated since the work began and delivery vehicles continued to cause damage to properties whilst turning in the road. Numerous issues had been reported, a site visit had taken place and residents had been told to contact the police if any future incident took place. The Council needed to ensure future control on parking issues and double yellow lines needed to be installed on the narrow lane. Two doctors resided on Heron Way and required access out of the road at all times when on call. Additional parking to the rear was required to accommodate increased parking and the area would become an epicentre for anti-social behaviour.

All existing residents would be affected by the impact of overlooking from the houses which were not in character with the pattern of the area, with no space between the two sites and no screening by borders.

Committee were asked to defer any decision to allow an official site visit to take place prior to making a final decision.

Representation was received by the applicant Mr Neil Kempster which included:

Referencing the Officer's comprehensive report, Mr Kempster stated that there had been no statutory objections to the application and all planning policy matters had been addressed. The principle of development had been established at outline permission and he recognised the reason for the application being submitted to committee for determination was due to the objections of the neighbours in respect of access and amenity.

Heron Way had 8 existing properties with a further 6 having been approved. With the additional 9 proposed facing Heron Way, the applicants Transport Consultant had calculated 10 movements per hour at peak time which was well within capacity for the road. The supplemental report included passing opportunities as an enhancement for residents and also, although not a planning matter, re-grading of the surface of Heron Way.

The applicant had sought to minimise impact on existing residents on Heron Way with the orientation of the dwellings and with separation distances of 29 metres from the new dwellings to the rear of those on Heron Way. A landscaping would also be implemented. Phase 1 and Phase 2 were near completion offering 103 affordable dwellings in partnership with a local registered provider.

If approved construction would begin shortly and would include 21 homes provided under the Government's pilot project for First Homes at 70% of the market value. Such homes needed to be completed by 2023 as a condition of funding for the scheme. The applicant was in negotiation with local registered providers for potential additional affordable homes on the site.

Prior to moving into committee deliberation the Assistant Director – Planning sought to provide a point of clarification and assurance to committee in respect of the objectors concern in respect of notification. The Council had issued the notifications in accordance with National legislation and the Council's own internal processes. The application under consideration was a major application and site notices had been issued along with press notices. Committee could determine the application all notifications had been issued as per legislation.

Committee deliberation followed which included:

On seeking clarification of the ownership of the dyke a Member was advised that the use of the word riparian had been intentional as it referred to the fact that after completion of Phase 1, that part of the site had been sold to a housing group who now owned that part of the dyke: it was not owned by the current applicant. The supplementary document to the original application clarified who owned all assets.

A management company would be set up for all above ground assets and it would not be a subsidiary of the applicant but an independent company.

Concerns in respect of the remaining affordable provision within Phase 4 were noted and the Planning Officer confirmed the application had been submitted which met the requirement set out at outline.

General comments agreed by the majority of Members included the supplementary document had addressed the majority of the key issues initially raised including issues in respect of traffic and access on Heron Way, drainage concerns and overlooking problems.

Design materials were in keeping with the area, no dwellings had been sited under the power line and separation distances and finished floor levels were all acceptable. All fluvial matters had been addressed satisfactorily and the offer to re surface Heron Way was appreciated.

Concerns noted by some members included overlooking from bedroom windows to the homes on Heron Way; the refusal by the applicant to site bungalows instead of houses at the 9 dwellings facing Heron Way and concerns at increased traffic which a Member felt would be in excess of the figures predicted.

It was moved by Councillor Alison Austin and seconded by Councillor Jonathon Noble that committee grant the reserved matters in line with officer recommendation and subject to the additional officer delegation to finalise the conditions and informatives as necessary.

Vote: In favour 10. Against: 1. Abstentions: 0

RESOLVED:

That the application is granted in line with officer recommendation subject to the following conditions and informatives, subject to any necessary amendments as delegated to the Assistant Director for Planning.

1. The development hereby permitted shall take place in accordance with the following approved plans:

- SD041 Rev A Standard Wall Details received by the LPA on 18 October 2021
- SD040 Standard Fencing Details received by the LPA on 18 October 2021
- Planning Block J - 913-V1-01 Floor Plans and Elevations received by the LPA on 9 December 2021
- MA11364 Drainage Strategy Summary received by the LPA on 18 October 2021
- MA10678-DS-R01 Surface Water and Foul Drainage Strategy Dated August 2017 received by the LPA on 18 October 2021
- House Type Schedule Heron Park Phase 3 Dec 21 received by the LPA on 9 December 2021
- HWB3/09 Rev K Site Layout received by the LPA on 7 January 2022
- HWB3/02 Location Plan received by the LPA on 18 October 2021
- 950-V1-01 Rev A Floor Plans & Elevations received by the LPA on 18 October 2021
- 927-V1-01 Rev B Floor Plans & Elevations received by the LPA on 18 October 2021
- 925-V1-01 Rev B Floor Plans & Elevations received by the LPA on 18 October 2021
- 920-V1 TF 02 Rev B Floor Plans & Elevations received by the LPA on 18 October 2021
- 920-V1 (3 Block)- 02 Rev A Elevations received by the LPA on 18 October 2021
- 920-V1 (3 Block)- 01 Rev A Floor Plans received by the LPA on 18 October 2021
- 913-V1 (3 Block)- 02 Rev A Elevations received by the LPA on 18 October 2021
- 913-V1 (3 Block)- 01 Floor Plans received by the LPA on 18 October 2021
- 913- V1 TF 02 Rev C Floor Plans & Elevations received by the LPA on 18 October 2022

- 912-V1 TF 01 Rev B Floor Plans & Elevations received by the LPA on 18 October 2021
- 912-V1 (3 Block)- 02 Rev A Elevations received by the LPA on 18 October 2021
- 912-V1 (3 Block)- 01 Rev A Floor Plans received by the LPA on 18 October 2021
- 909-V1 Rev D Floor Plans and Elevations received by the LPA on 29 January 2021
- 300 Rev B Site Section received by the LPA on 18 Oct 2021
- 16-225-01 Topographic Map received by the LPA on 18 October 2021
- 105-V1 - 01 Rev A - Floor Plans and Elevations received by the LPA on 9 December 2021
- 104-V1-01 Rev A - Floor Plans and Elevations received by the LPA on 9 December 2021
- 104-V1 (3 Block) 02 – Elevations received by the LPA on 9 December 2021
- 104-V1 (3 Block) 01 - Floor Plans received by the LPA on 9 December 2021
- 103-V1-01 Rev A - Plans and Elevations received by the LPA on 9 December 2021
- 103-V1 (3 Block) 01 Rev A - Floor Plans and Elevations received by the LPA on 9 December 2021

Reason: For the avoidance of doubt and in the interests of proper planning.

2. The development hereby permitted shall be carried out in strict accordance with document MA10678-DS-R01 Surface Water and Foul Drainage Strategy Dated August 2017 received on 18 Oct 2021, document MA11364 Drainage Strategy Summary received on 18 October 2021, the Flood Risk Assessment dated November 2017 and Amendment to Flood Risk Assessment dated march 2021 both received by the LPA on 18 October 2021.

Reason: To reduce the risk of flooding to the proposed development and future occupants in accordance with Policies 2, 3 and 4 of the South East Lincolnshire Local Plan (2011-2036) and paragraph 167 of the National Planning Policy Framework (2021).

3. The water consumption of each dwelling hereby permitted should not exceed the requirement of 110 litres per person per day (as set out as the optional requirement in Part G of the Building Regulations 2010 and the South East Lincolnshire Local Plan (2011-2036). The person carrying out the work must inform the Building Control Body that this duty applies. A notice confirming the requirement for the water consumption has been met shall be submitted to the Building Control Body and Local Planning Authority, no later than five days after the completion of each individual dwelling.

Reason: To protect the quality and quantity of water resources available to the district. This condition is imposed in accordance with Policy 31 of the South East Lincolnshire Local Plan (2011-2036)

4. Prior to the commencement of development above slab level of any dwelling, final details of measures that aim to reduce pollution and promote renewable and low carbon energy (including measures such as facilities for EV car charging) and details relating to the timing of their implementation, shall be submitted to and approved in writing with the Local Planning Authority. The development shall be constructed in accordance with the approved measures.

Reason: To help reduce pollution and promote renewable and low carbon energy in new development schemes and to accord with Policies 2, 3, 30 and 31 of the South East Lincolnshire Local Plan (2011-2036) and to accord with the intentions of the National Planning Policy Framework (2021)

5. The development hereby permitted shall be implemented in accordance with the recommendations of the 'Ecological Appraisal and Water Vole Report Report' forming part of the application.

Reason: In the interests of wildlife and biodiversity and to accord with Policy 28 of the South East Lincolnshire Local Plan (2011-2036)

6. Notwithstanding the details shown on the approved plans, prior to any works above the level of the damp proof course, a landscaping and biodiversity plan incorporating the principles set out in approved drawing no. HWB 83 09 Rev K Site Layout received by the LPA on 7 January 2022 shall be submitted to and approved in writing by the Local Planning Authority. This shall include full details of the species to be planted (grasses as well as trees and shrubs) and details of bird and bat nesting sites and other ecology measures, and a timetable for the implementation of those works.

The development shall then be implemented in accordance with the agreed details.

Reason: This condition is imposed in accordance with Policies 2, 3 and 28 of the South East Lincolnshire Local Plan (2011-2036).

7. The development shall proceed using the materials detailed in the document 'Facing Brick & Roof Tile proposals for Phase 3 Heron Way, Boston' dated January 2021 and received by the LPA on 18 October 2021.

Reason: In the interests of the architectural and visual integrity of the development and of the character of the locality and to accord with Policies 2 and 3 of the South East Lincolnshire Local Plan (2011-2036) and paragraph 130 of the National Planning Policy Framework (2021)

8. If during redevelopment contamination not previously considered is identified, then the Local Planning Authority shall be notified immediately and no further work shall be carried out until a method statement detailing a scheme for dealing with the suspect contamination has been submitted to and agreed in writing with the Local Planning Authority.

Reason: To ensure adequate and appropriate remediation of the site in accordance with paragraphs 183 and 184 of the National Planning Policy Framework (2021)

9. Prior to the commencement of any works other than site clearance a Construction Management Plan and Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The Plan and Statement shall indicate measures to mitigate the adverse impacts of vehicle movements on the neighbouring highways and to manage the drainage of the site during the construction stage of the proposed development. The Construction Management Plan and Method Statement shall include;

- the phasing of the development to include access construction;

- the parking of vehicles of site operatives and visitors;
- the loading and unloading of plant and materials;
- the storage of plant and materials used in constructing the development;
- wheel washing facilities and measure to control noise, dirt and dust during construction;
- the routes of construction traffic to and from the site including routes for the delivery of fill material and;
- strategy stating how surface water run off on and from the development will be managed during construction and protection measures for any sustainable drainage features. This should include drawing(s) showing how the drainage systems (permanent or temporary) connect to an outfall (temporary or permanent) during construction;
- details of complaint management and resolution procedures

The development hereby permitted shall be undertaken in accordance with the agreed details.

Reason: In the interests of the safety and free passage of those using the neighbouring road network, in the interests of the amenity of local residents and to ensure that the development hereby permitted is adequately drained without creating or increasing flood risk to land or property adjacent to, or downstream of, the permitted development during construction. This condition is imposed in accordance with Policies 2, 3 and 4 of the South East Lincolnshire Local Plan (2011-2036) and paragraph 130 of the National Planning Policy Framework (2021).

10. Construction of the development hereby approved and deliveries to and from the site must only be carried out between the hours of 07:00-18:00 Monday to Friday, 08:00 – 13:00 Saturday and must not be carried out at any time on Sundays, Bank or Public Holidays.

Reason: In the interests of the amenity of local residents. This condition is imposed in accordance with paragraph 130 of the National Planning Policy Framework (2021)

11. Prior to any works above the level of the damp proof course details of the proposed arrangements for future management and maintenance of the proposed streets within the development shall be submitted to and approved by the local planning authority.

The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under Section 38 of the Highways Act 1980 regarding streets to be adopted by the Highways Authority or a private management and maintenance company has been established which shall be responsible for any other streets within the development or shared private drives.

Reason: In the interests of highway safety and the amenity of the public and users of the site and to accord with policies 2, 3 and 33 of the South East Lincolnshire Local Plan (2011-2036) and paragraph 130 of the National Planning Policy Framework (2021)

12. Prior to the occupation of the first dwelling on site a management plan (including management responsibilities, maintenance schedules and any proposals for future adoption by a statutory authority) for the areas of publicly accessible open space and

any outdoor play areas, any streets, shared drives or footways not to be adopted by the Highways Authority and all elements of the Sustainable Urban Drainage System (SUDS) shall be submitted to and approved in writing by the Local Planning Authority. The management of these areas shall be carried out in accordance with the details so approved.

Reason: In the interests of the amenity of local residents. This condition is imposed in accordance with Policies 2, 3 and 4 of the South East Lincolnshire Local Plan (2011-2036) and paragraphs 130, 167 and 169 of the National Planning Policy Framework (2021)

INFORMATIVE NOTES TO APPLICANT

1. All roads within the development hereby permitted must be constructed to a satisfactory engineering standard. Those roads that are to be put forward for adoption as public highways must be constructed in accordance with the Lincolnshire County Council Development Road Specification that is current at the time of construction and the developer will be required to enter into a legal agreement with the Highway Authority under Section 38 of the Highways Act 1980. Those roads that are not to be voluntarily put forward for adoption as public highways, may be subject to action by the Highway Authority under Section 219 (the Advance Payments code) of the Highways Act 1980. For guidance please refer to <https://www.lincolnshire.gov.uk>

2. Please contact the Lincolnshire County Council Streetworks and Permitting Team on 01522 782070 to discuss any proposed statutory utility connections and any other works which will be required within the public highway in association with the development permitted under this Consent. This will enable Lincolnshire County Council to assist in the coordination and timings of these works. For further guidance please visit our website via the following links:

Traffic Management - <https://www.lincolnshire.gov.uk/traffic-management>

Licences and Permits - <https://www.lincolnshire.gov.uk/licences-permits>

3. Development should be commenced within 2 years from the date of this approval, in accordance with condition 7 imposed on the outline permission B/17/0317. Additionally attention is drawn to the need to comply with the conditions imposed on the outline in so far as they are relevant and not superseded by conditions attached to and forming part of this approval of reserved matters.

119 ADOPTION OF LOCAL LIST

The Assistant Director – Planning presented the report advising that on the 30th January 2021, Department for Levelling Up, Housing & Communities announced Lincolnshire (LCC as lead Authority) was one of 22 counties due to receive £70k to encourage the production of a local heritage list. Work began to deliver the project in April 2021. Since then, a project officer has been appointed, baseline data collected, a webpage and social media campaign launched and a public access platform produced and went live in 2021. The platform would be available to the public to enable residents to nominate local heritage assets of value to them, but would also allow streamlined sorting (using criteria) and digital storage of the data collected. Guidance and training would be provided.

The next steps for all 9 Local Authorities would be to adopt the criteria, which would become part of the shared platform and used to inform a consistent approach to identifying and assessing nominations. The Criteria have been adopted in East Lindsey, and South Holland District Council and currently going through the adoption process in other Local Authority Areas.

The National Planning Policy Framework (2021) set out in paragraph 192 that local planning authorities should maintain or have access to a historic environment record and that this should contain up-to-date evidence about the historic environment in their area. The Local List will form part of the Historic Environment Record for Lincolnshire. It is therefore considered that the production and adoption of the Local List is a non-executive function relating to planning.

The proposed listing criteria have already been scrutinised by specialist officers from all 9 authorities involved and follows the latest Historic England (HEAN7) guidance.

In the Council's constitution, the Officer Scheme of Delegation (section 6.2 and 6.3) identifies that the Assistant Director for Planning has the responsibility for non-executive functions including heritage asset management, and proposing buildings for listing, making of conservation areas etc. Therefore the Council already has the relevant structures in place for it to adopt a Local List (and commence that process), consider future additions to the list, and make amendments to the process including the criteria in future as may be necessary.

This report has been brought forward to enable the Planning Committee to endorse the move to adopt a local list, and the implications moving forward.

Member comment followed which included the following:

The Chairman welcomed the list stating giving protection to those assets that failed to meet the criteria to be listed but still had a significant value to the community. The list would ensure that properties captured would become a material consideration and whilst not guaranteeing they could be demolished, it would give greater degree of weight than currently.

Members supported the comments of the Chairman and the concept of the list. They were advised that any person could request a building for consideration even if they were not the owner of the property. The owner would then have to right to agree or decline.

The Assistant Director – Planning confirmed that any person buying a property on the list, would do so with the understanding of its local importance and being on the list could potentially open up funding.

Buildings on the list could be de-listed and equally if improved, up-graded to the National list. The list had mechanisms in place to allow movement and it would be regularly monitored. Historic Lincolnshire would be leading on the project and worked with the CBS and other heritage agencies throughout the country.

It was moved by Councillor Tom Ashton and seconded by Councillor Jonathon Noble that committee support the implementation of a Local List as per the officer recommendation.

Vote: In favour 11. Against: 0. Abstentions: 0

RESOLVED:

That the committee support the implementation of a Local List based on the aforementioned project and acknowledge that in future, buildings may be brought forward for Local Listing and that such designations will be material to planning decision making.

120 INFRASTRUCTURE FUNDING STATEMENT

The Assistant Director – Planning present the report noting that it provided a summary of the Council’s second Infrastructure Funding Statement (IFS), which has been produced in accordance with the introduction of the Community Infrastructure Levy (CIL) Regulations 2019. It also provides a wider update on activities relating to S106 agreements.

The IFS provides details of planning obligations entered into within 2020/21, following the adoption of the South East Lincolnshire Local Plan, and also details the payments received for historic agreements, where triggers for obligations have been met, S106 monies currently held by the Council and any spend of S106 monies made within that year.

Summarising the Assistant Director – Planning confirmed that 12 new developer agreements were entered into in 2020/2021, which contained a total of £1,041,584 of monetary obligations (including education and affordable housing contributions) and 168 new affordable housing units (from 10 development sites) provided within the borough.

Key information noted a total 112 affordable housing units were delivered in 2020/2021; health contributions of £32,856.00 were received towards Swineshead Doctors Surgery; education contributions of £134,559 were received for secondary education at Haven High Academy and CCTV surveillance was provided for Public Open Space Land on Broadfield Lane play area. The report would be displayed on the Council’s website.

Member comment / questions followed which included:

Members supported the report and tabled questions that the Assistant Director-Planning answered as follows:

Recent discussion with the developer has indicated that the relevant junction is anticipated to open within the coming months in line with the construction phasing of the site.

A Unilateral Undertaking was a form of legal agreement with the same power as a Section 106 agreement and was logged on the land charges register and subject to the same enforcement.

Committee noted the Infrastructure Funding Statement.

The Chairman closed the meeting thanking all Members and Officers for their attendance.

The Meeting ended at 12.20 pm