

**BOSTON BOROUGH COUNCIL**

**Planning Committee – 7<sup>th</sup> February 2017**

Reference No: B/16/0106

Expiry Date: 09-Jun-2016 (extension of time agreed until 1 April 2017)

Application Type: Full Planning Permission  
Proposal: Construction of 86 affordable dwellings (formerly 87 dwellings)  
plus roads, public open space and associated works

Site: Land north of Puritan Way, Boston, Lincolnshire

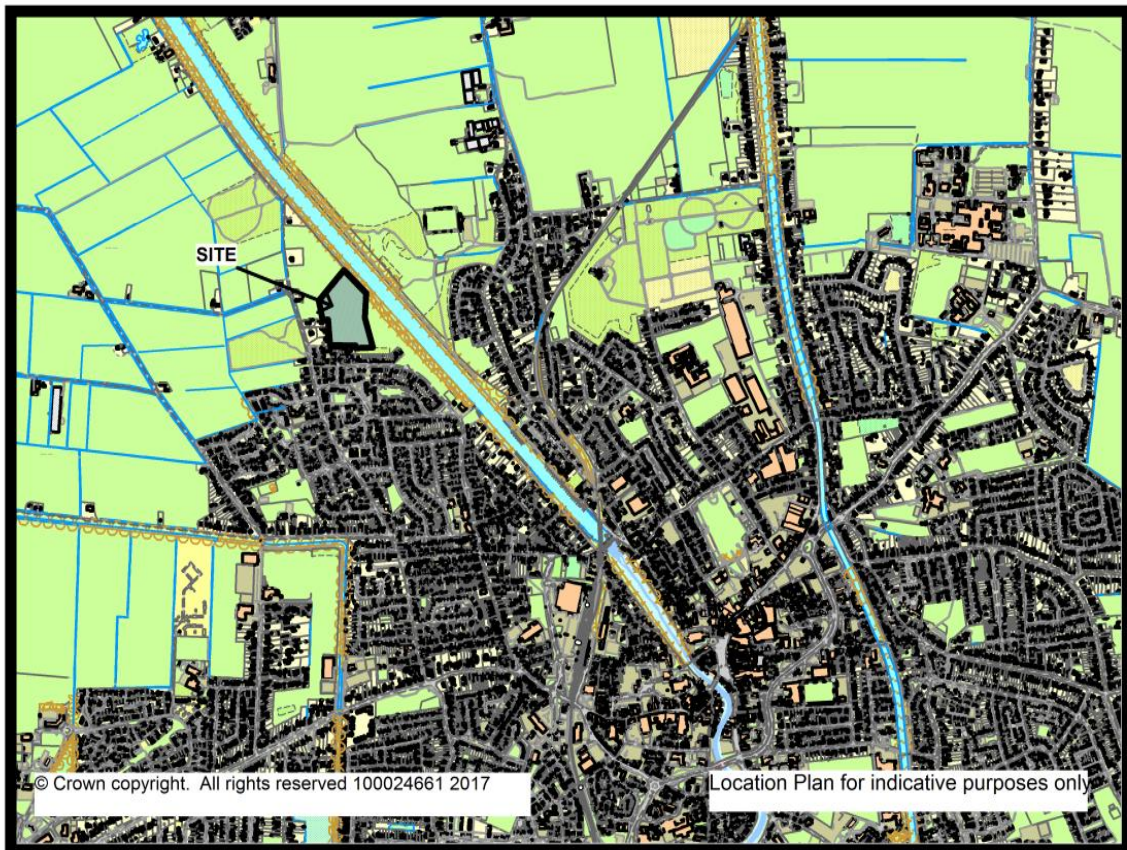
Applicant: Mr M Gosling, Mrs M Leggate and Mrs R Wicks

Ward: Fenside  
Parish: Boston Town Area Committee

Case Officer: Trevor Thompson

Third Party Reps: 8

**Recommendation: DELEGATE TO GRANT**



## **1.0 Reason for Report**

- 1.1 This application has been presented to the Planning Committee because this proposal is for a large housing scheme on the edge of the built up area of the town and objections have been received from neighbouring residents. The proposed development is also a departure from the Development Plan and is recommended for approval. It is therefore considered that the Planning Committee determine the application.

## **2.0 Application Site and Proposal**

- 2.1 The application site covers about 2.20 hectares of land which is currently in agricultural use. It lies to the north of Puritan Way and within Flood Zone 3a High Probability as detailed on the Environment Agency's Flood Zone Maps. To the west of the site lies a small group of large detached dwelling houses with access off Fenside Road. To the south of the site lies a large housing estate which is partly/wholly within the ownership of Boston Mayflower Housing Association. A footpath linking Puritan Way to Fenside Road runs along part of the site's southern boundary. The site extends in part up to the bank of the River Witham to the east.
- 2.2 This application is for full planning permission for 86 affordable dwellings (formerly 87 dwellings) plus roads, public open space and associated works. Vehicular access to the site will be off the existing estate road, Puritan Way, which junctions with Shaw Road, about 125m to the south. The proposed layout of the site has been designed to accommodate future housing developments in the adjacent fields beyond the application site.
- 2.3 The proposed housing mix consists of two and three storey dwellings and apartments both semi detached and terraced properties. It is proposed to raise existing ground levels by about 1m to meet flood risk requirements.
- 2.4 This scheme has been subject to a number of amendments since original submission.

## **3.0 Relevant History**

- 3.1 In March 2013, planning permission was granted for the development of an inland waterways marina including the construction of a new marina basin, new facilities building, offices, shops, brokerage, chandlery, restaurant, workshop, boatyard/lift, new footbridge/river gates, parking, landscaping and access off Fenside Road, Boston. (B/12/0245). This permission has now expired. The current application site covers part of the site area subject of B/12/0245.

## **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). 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 site is not specifically allocated within the development plan and lies within countryside, at the edge of the settlement boundary in an area where new development is strictly controlled unless the proposed development is supported by other Plan policies. There are no specific policies which support this application and therefore this development is not in accordance with the Development Plan.
- 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 G3 – Surface Water Disposal
  - Policy G4 – Safeguarding the Water Environment
  - Policy G6 – Vehicular and Pedestrian Access
  - Policy C01 – Development in the Countryside
  - Policy H2 – Windfall Housing Sites
  - Policy H3 – Quality of Housing Development
  - Policy H4 – Open Space in Housing Estates
  - Policy C7 – Development of sites adjacent to the River Witham
  - Policy T2 – Roads and Footpaths in New Developments

### **National Planning Policy Framework**

- 4.4 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.

### **Departure from the development plan**

- 4.5 The application has been publicised as a departure from the development plan in accordance with the regulations since it does not have any allocation or policies in the adopted Boston Borough Local Plan (1999) which would appear to support it. 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.

- 4.6 Although this application is in a countryside location and is not allocated for any specific purpose within the development plan, the size of the development is not large enough to require referral to the Secretary of State. It is concluded that provided the application has been publicised correctly (as a departure) there is no further requirement to refer it to the Minister if you are proposing to approve the application. The requirement for referral does not apply in the event that if you wish to refuse it.

## **5.0 Representations**

- 5.1 Neighbouring residents were notified of the application as originally submitted and on the various amendments that have been made to this scheme. As a result of this publicity 5 letters of representations were received from the occupiers of:

- 42 Puritan Way, Boston (x2)
- Xx Puritan Way, Boston
- Georgian Lodge, Fenside Road, Boston
- Foxwood House, Fenside Road, Boston

- 5.2 In addition, 2 letters have been submitted from Sills and Betteridge Solicitors who act on behalf of the occupiers of the following properties:

- Foxwood House, Fenside Road
- Georgian Lodge, Fenside Road
- Woodlands, Fenside Road
- The Grange, Fenside Road
- The Lodge, Fenside Road

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

- Impact on visual outlook and visual amenity, noise disturbance and disruption to peace and quiet, loss of privacy, overlooking, and amenity. Part of POS should be located at the entrance to the site along the western boundary to provide a 'buffer'.
- Proposed entrance will not be able to cope with additional traffic, access road not suitable, insufficient road along Puritan Way width due to on street parking. Lincs Design Guide refers to 200 dwellings as the maximum number off a cul-de-sac yet this is likely to be exceeded.
- Plans show only one car space per dwelling leading to cars parked on the road causing obstruction, delays and unsightliness
- Concerns about large vehicles and emergency vehicles being unable to gain access to the site
- Access to the site: Fenside Road, Shaw Road, Carlton Road/Puritan Way are residential areas with speed bumps. Concerns over childrens' safety caused by increased traffic generation and roads are unsuitable for heavy construction vehicles. Surrounding road network will not cope with additional traffic.

- Lincolnshire Highways consider in the draft SELLP that Puritan Way can only support another 65 dwellings.
- Current parking along Puritan Way is insufficient
- Impact on local services and infrastructure
- Impact on dentists, doctors, local schools given that the development could well exceed 200 dwellings
- Impact on countryside and character of area. Social housing will affect character of exclusive properties in select area of town
- Flood risk and third party flooding. The submitted FRA is inadequate since it contains no analysis of the risk from localised bank failure. No explanation why the EA has changed its view from 2002 and 2012 when it was considered that the greatest risk to the site was from the failure of localised flood defences. Plans are unclear as to the extent the proposed floors and do not accord with the DAS and should be re-drawn.
- An application was submitted in 2007 for housing which was refused on the grounds of flood risk following objections from the Environment Agency. Nothing has changed. (officer note: there is no record of any previous planning application for housing on this site in 2007)
- Concerns over density, layout and future developments including proposed dwellings becoming HMOs and social disorder problems often associated with this form of development
- Impact on trees, wildlife and wildlife habitat including a bat colony. An ecological assessment is required.
- Site consists of prime agricultural land which should not be lost to housing development. Previous approval for marina should not be taken as a precedent which included significant employment and flood defence benefits
- Need for an archaeological assessment
- Concerns whether the development accords with national or local planning policies.
- Development is not sustainable in terms of education provision given local schools are full and over-subscribed.

Officer comment: LCC Strategic Development Officer initially requested that the applicant provides an education contribution of £518,844. However following discussions between the applicant and LCC Strategic Development Officer, this figure has now been reduced to £100,000.

5.4 Following the submission of a further set of amended plans in January, the neighbouring residents were re-notified and one letter of objection/concern has been received from the new occupiers of Foxwood House. The neighbours are concerned about:

- Third party flooding
- Traffic congestion and road safety
- Pressure on the Pilgrim Hospital and local schools
- Impact on wildlife and protected/endangered species

Note: Following the submission of this letter, the Lincs Wildlife Trust has been consulted and a verbal update will be given on any replies received

5.5 The date for making further representations expires on the 7<sup>th</sup> February 2017. Any further representations from the neighbouring residents will be reported verbally at the meeting. The representations from neighbours relating to the scheme as originally submitted have not been withdrawn and remain a material consideration.

## **6.0 Consultations**

6.1 The County Highways Authority has no objections subject to 3 conditions.

6.2 Black Sluice Internal Drainage Board has no objections.

6.3 The Local Housing Authority supports the application subject to a legal agreement relating to the delivery of affordable housing.

6.4 Environmental Protection has no comments.

6.5 Lincolnshire Police Crime Prevention Design Advisor has made comment with regard to the layout and design of this scheme.

6.6 NHS England has written to say that it will not be requesting contributions or commenting on this application.

6.7 Heritage Trust of Lincolnshire has no objections subject to one condition.

6.8 Anglian Water Services has no objections subject to one condition relating to the disposal of foul water.

6.9 The Environment Agency has no objections subject to 2 conditions.

6.10 Lincolnshire County Council Strategic Development Officer considers that this development will have a direct impact on local schools and has requested that the applicant provides an education contribution of £100,000.

6.12 The Canals and River Trust (CRT) has not yet responded. The date for CRT making representations expires on the 13<sup>th</sup> February 2017.

## **7.0 Planning Issues and Discussions**

7.1 The main planning considerations in the determination of this application will be:

- Principle of development and the 5 year land supply
- Impact on highway safety
- Design, layout and density
- Affordable housing
- Loss of agricultural land
- Flood risk and third party flooding
- Developers contributions and impact on local schools
- Impact on the character of the countryside
- Sustainability
- Impact on residential amenity.

### **Principle of development and the 5 year land supply**

7.2 The site lies within countryside at the edge of the built up area of the town where Local Plan policy C01 would resist new residential development unless the development is supported by other Local Plan policies. As indicated above, the Borough does not have a five year housing land supply and therefore the presumption in favour of sustainable developments as contained within the Framework replaces the housing supply policies in the development plan.

7.3 Balanced against this presumption in favour, i.e. that in principle the land at the present time would make a significant contribution towards meeting the five year supply and affordable housing must be, amongst other things, the countryside location of the site, the potential impact on local infrastructure, residential amenity, highway safety, character of the area and loss of agricultural land. These are issues discussed below but the lack of the five year land supply and the NPPF's presumption in favour effectively means that that the principle of sustainable residential development is acceptable in this location unless the adverse impacts of doing so would cause 'significant and demonstrable harm' (Framework para 14).

### **Impact on highway safety**

7.4 Vehicular access to the site will be off Puritan Way and it is intended to provide 162 car spaces to serve 86 dwellings. The car spaces will either be alongside the side of the proposed houses or will be hidden within rear car courtyard areas to avoid a car dominated environment. The proposed estate roads will be adopted and the layout has been designed to enable future housing schemes to the east and the north of the site. The main spine road terminates at the north-western end of the site via a semi circular road pattern around part of the proposed public open space. The long term plan is to extend this road to form a full circle (roundabout) around the proposed enlarged play equipped area of public open space. Concerns have been expressed by neighbouring residents about the ability of the surrounding highway network to accommodate this and future development.

- 7.5 The NPPF (para 32) indicates that 'development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe'. There is no substantive evidence that this application will cause severe impact arising from this development and the County Highways Authority has no objections subject to conditions. A Construction Management Plan is however recommended to cover hours of working, where the site compound is, where deliveries are taken and their times, where contractors vehicles park, wheel washing facilities and disposal of waste in the interests of both highway safety and residential amenity.

### **Design, layout and density**

- 7.6 The density would be 39 dwellings per hectare (dph). The density of the estate to the south of the site is around 40 dph. If the detached dwellings off Fenside Road are included in this assessment, the surrounding density reduces to around 28 dph. On this basis, it is considered that the proposed density of the site is acceptable.
- 7.7 As indicated above, the layout of the scheme, including the road pattern has been designed to take into account potential future housing development on land to the north, south and east of the site. However, no application has been made to develop the adjacent sites and any permission for this current application does not guarantee any approval of any subsequent application for housing development. Nor is there any guarantee that any future application would ever be submitted.
- 7.8 In order to avoid a scheme which appears 'partly complete' the layout of the scheme has now been amended to ensure that if developed in isolation, it will result in a good quality housing scheme. This amendment includes the planting of hedges around most of the site's boundary which abuts agricultural land including across the proposed spur roads designed to serve future development in order to physically terminate these points of access and to provide a sense of place and enclosure for future residents.
- 7.9 The proposed layout includes a semi circular open play area at the northern end of the site enveloped in part by an arterial road which will form part of a 'village green' and will form the main focal point when entering this new estate. This equipped area covers about 7.5% of the site area which accords with the commentary Local Plan Policy H4. The layout plan also shows that this semi circular open space may be enlarged in the future to form a full circle to provide a 'central parkland' which may serve any future housing development on the adjoining fields.
- 7.10 The design of the proposed apartments and houses are contemporary and will be built of red multi bricks and a variety of cladding with Eternit slates or similar. It is considered that the design of the proposed dwellings is acceptable subject to a condition requiring the submission for approval of the materials to be used in this scheme.



## **Affordable Housing**

- 7.11 Originally it was intended to deliver 30% of the proposed dwelling units to be affordable but it is now intended to deliver all of the proposed 86 dwellings as affordable units. The delivery of the affordable dwellings will be secured through a s.106 planning obligation. The Local Housing Authority supports the application.

## **Loss of agricultural land**

- 7.12 The application site covers 2.2 hectares of agricultural land. The DEFRA database that the Council has access to indicates that the majority of the site is grade 2. Paragraph 112 of the NPPF advises that poorer quality land should be used in preference to the best and most versatile agricultural land.
- 7.13 Members may recall that upon dismissing the planning appeal at Wainfleet Road/ Sibsey Road, Boston, the Planning Inspector concluded that the loss of high quality land was regarded as a significant adverse effect of that proposal and found no evidence to demonstrate the level of development could not be accommodated without the loss of 3.75 hectares of grade 1 agricultural land.
- 7.14 Officer opinion is that it is clearly inevitable that high quality agricultural land will always be under pressure for development when much of the land surrounding Boston is high quality agricultural land, there are no remaining housing allocations in the Local Plan and that there is not a five year land supply (para 32). Thus, it is not considered that the loss of 2.2 hectares of grade 2 land will pose as a major constraint to this development. Policy G9 of the Local Plan which resists development on best and most versatile agricultural land is not a saved policy.

## **Flood Risk and third party flooding**

- 7.16 Part of the existing land levels within the site are to be raised and the finished floor levels of the dwellings will be generally 1m above existing average ground levels. A new on site adopted surface water drainage system is to be constructed which will accept surface water runoff from the adopted carriageway, residential properties and external hard surface areas. The piped network will discharge to a retention basin and with a flow channel/ swale running around the edge that will transport water to a downstream piped network. The surface water will eventually discharge into the River Witham.
- 7.17 The Environment Agency, the Internal Drainage Board and the Local Lead Flood Authority have no objections subject to conditions. A condition is recommended which requires the submission of details including a section plan showing the treatment of the transitional area between the raised ground levels along the western boundary of the site and existing ground levels of the neighbours gardens in order to maintain residential amenity and to avoid third party flooding.

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

- 7.18 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.
- 7.19 Lincolnshire County Council considers that this development will have an impact on local schools and initially requested a financial contribution of £518,844 to mitigate this impact. However following discussions between the applicant and the LCC, the requested contribution has been reduced to £100,000. The funding would be spent on secondary education and will be put towards a '1FE extension of Boston Haven High Academy via additional 3 classroom extensions and ancillary facilities'.

### **Impact on the character of the countryside**

- 7.20 The characteristics of the site may be defined as flat open agricultural land which forms part of a large field bordered in part to the west and south by residential development. The proposed housing development will have a significant impact on the flat open countryside of the surrounding landscape and will represent a significant change to this edge of town location. However, this impact will be only local and will not represent a significant change to the character of the surrounding environment in the wider context. Indeed it may be argued that this development represents a natural expansion of the existing housing estate and is in character to its surroundings.
- 7.21 Local Plan Policy C01 seeks to resist developments within a countryside location unless supported by other Local Plan policies. However more recently Planning Inspectors at appeal have questioned the conformity of this policy with the NPPF and given that this Council does not have a 5 year supply. The Policy is still a part of the development plan but it cannot attract the same weight as a Framework compliant policy. Such applications are now assessed more generally in relation to Local Plan Policy G1 which resists development that would substantially harm the character of the area. Consequently the fact that a development site may be within countryside does not by itself make it unacceptable in principle. However policy CO1 is still a material consideration because it forms part of the development plan.
- 7.22 Parts of the site's boundary will abut open agricultural land and does not follow any urban or natural feature. Consequently, the proposed development may form a 'hard sharp edge' to the area which may appear alien and overemphasise the encroachment of this development into countryside. As indicated above, although the submitted layout plan shows 'possible future development' beyond the northern, southern and eastern boundaries of the site, there is no guarantee this will occur or if an application were to be submitted, would be approved. The resultant affect of this development will appear 'incomplete' and may cause harm to the countryside. The amended plan which shows additional hedging along these boundaries will 'round off' the development and help soften the transition between urban and countryside.
- 7.23 On balance, it is considered that this application does not contravene the objectives of Policy C01 or G1.

## **Sustainability**

- 7.24 The NPPF indicates that for the purpose of the planning system is to contribute to the achievement of sustainable development, with sustainable development having three roles, social, economic and environmental.
- 7.25 It is considered that this development accords with the three dimensions of sustainable development as contained within the NPPF. In social terms, the development will provide a substantial contribution towards the supply of housing in the area. In economic terms, the proposal will provide significant employment, albeit temporary and will also help support local services and contribute to the social life in the area.
- 7.26 In environmental terms, it is considered that although an open area of agricultural land at the edge of settlement will be lost and that the character of the area would substantially change as a result of this development, the overall scheme is of good quality and that the character of this unprotected area will not be substantially harmed subject to a good quality landscape scheme along the site's boundaries. The future occupiers of the dwellings would not necessarily be dependent on the use of the motor car and would more likely use public transport, cycling or would walk to local facilities to access local facilities. As such the development will be sustainable in environmental terms.

## **Impact on residential amenity**

- 7.27 There are residential properties within the immediate vicinity of the site along Puritan Way, Carlton Road and Fenside Road. This application includes the erection of two storey dwellings along the western side of the new estate road which will back onto the rear garden areas serving Woodlands House, Georgian Lodge and Foxwood House and along the rear /side gardens of properties along Puritan Way.
- 7.28 A number of neighbours as detailed above have raised objections to this application regarding, amongst other things, impact on residential amenity in terms of overlooking and loss of privacy. Part of the existing land levels within the site are to be raised and the finished floor levels of the dwellings will be generally 1m above existing average ground levels. Consequently this has likely added to the concerns expressed regarding overlooking.
- 7.29 Following the submission of these objections, the application has been subject to extensive discussions with the applicant regarding the siting and design of the proposed dwellings, in particular at the entrance to the estate and the relationship with these adjacent properties which lie close to the site's western and southern boundaries.
- 7.30 In particular, the neighbouring property known as Woodlands House forms part of this small group of large detached properties off Fenside Road and lies closest to the site's western boundary (i.e. about 2m away). The other properties which form part of this cluster are at varying distances and angles to the site's western boundary.

- 7.31 Woodlands House incorporates first floor bedroom windows which directly overlook the site and ground floor windows behind a close boarded boundary fence. The proposed dwelling on plot 3 will be about 16m from the rear elevation of Woodland House and the proposed dwelling on plot 4 will be 19m away. All of these proposed houses along the western boundary of the site include first floor bedroom windows on their rear elevations.
- 7.32 There are no locally adopted standards relating to minimum distances between the rear elevations or windows of existing and proposed properties or in relation to overlooking of rear garden areas. Normally a distance of 22m between the respective rear elevations of two storey properties is considered acceptable and this distance is often used as a yardstick by many Local Authorities but this 'rule of thumb' assumes two storey properties on level land and where one dwelling is directly behind another.
- 7.33 The siting of the proposed dwellings on plots 3 and 4 are not now directly behind the rear elevation of Woodland House so the '22m' yardstick cannot be directly applied in this instance, especially given raised land levels. The amended layout plan has been designed specifically to avoid direct window –window overlooking between these properties and the gap between the proposed dwellings on plots 3 and 4 is now 20m specifically in order to improve the outlook and open views from the bedroom windows of Woodland House.
- 7.34 Given raised floor levels, it is also intended to erect high fencing along the rear gardens/patio areas of plots 2 and 3 to maintain residential amenity and along other boundaries of the site. Although there may be some overlooking between properties it is not considered that residential amenity of the occupiers of Woodland House, in particular will be substantially harmed. However, as indicated above, a condition is recommended which requires the submission of details for approval, which includes section plans and shows the respective finished ground levels of both the site and the neighbouring properties and the proposed boundary treatments in order to maintain residential amenity.
- 7.35 The relationship between the proposed houses and the other two detached neighbouring properties close to the western boundary of the site ie Georgian Lodge and Foxwood House is acceptable. Georgian Lodge is set at an angle to the western boundary whilst Foxwood House is approximately 14m away from this boundary. The rear gardens of the proposed houses on these plots along the western boundary vary between 14-16m and the distances between the rear elevations of the respective existing and proposed houses vary between 18.5m and about 28m. The rear elevation of Georgian Lodge will overlook a car parking area. Given these distances and the orientation between the existing and proposed houses, residential amenity of the occupiers of these properties will not be substantially harmed by this development.

- 7.36 Furthermore it should be noted that the northern part of Puritan Way terminates at the southern boundary application site. This road does not include a turning/reversing head at this point. Unlike the development at Monarchs Road at Sutterton (appeal application ref B/14/0176) where the developers gave no indication to neighbours about the potential of further housing development within the adjacent field, the design of this estate road (ie with no turning head) may have provided neighbours with some indication that there was every likelihood that this road would one day be extended to serve future housing development.
- 7.37 Local Plan policy H3 seeks to provide good quality housing schemes and a 'pleasant' environment for residents whilst Local Plan policy G1 resists developments that would cause substantial harm to the amenities of the area or neighbouring properties. Para 17 of the NPPF indicates that planning should always seek high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
- 7.38 The concerns expressed by the neighbouring occupiers are understandable and the physical presence of new housing on an open field where no buildings exists at present will be a substantial change to outlook and will have an impact on visual amenity. It is considered that although this development will have moderate impact on residential amenity of the surrounding occupants, this impact will not be substantial to warrant refusal.

## **8.0 Summary and Conclusion**

- 8.1 Although the application site is within countryside at the edge of the built up part of the town, it is in a sustainable location within easy and accessible walking distance to facilities within the town centre. It may therefore be argued that this development forms a logical and natural extension to the existing housing estate to the south.
- 8.2 The application has been the subject of a number of amendments in an effort to overcome some of the concerns expressed by neighbouring occupiers. It is considered that the recent amendments made to the siting/design of the proposed dwellings at the entrance to the estate in particular will not now substantially affect the amenity of the neighbours within the immediate vicinity. Nor is it considered that the development as a whole will substantially harm the residential amenity of the neighbours within the wider context.
- 8.3 The development will represent a significant change to the open characteristics of the surrounding area though the same arguments that the development of this site would harm the character of the countryside were made at the time the application for the proposed marina on 7.24 hectares of land was approved in 2013. This application is for a different development on a much smaller site. In an effort to provide a more organic and less formal edge to the site's boundaries and to minimise impact on the countryside, it is proposed to provide extensive hedging around the perimeter of the site. It should however be noted that parts of this landscaping scheme may not be necessary or may be removed in the event that further housing site is approved in the future on the adjacent land.

- 8.4 In terms of highway safety, although this development will gain access off one single existing estate road and will generate additional traffic on this estate and along the surrounding highway network, there is no substantive evidence that this application will cause severe impact arising from this development. The County Highways Authority has no objections subject to conditions.
- 8.5 Accordingly it is considered that this development is sustainable development whereby any limited harm would not significantly and demonstrably outweigh the benefits. It is therefore recommended that this application be supported.

## **9.0 Recommendation**

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

- a) any permission is not released until the applicants have entered into a section 106 planning obligation with the Council relating to a financial contribution for education of £100,000 and all of the dwellings being affordable units in line with the proposals, and
- b) No objections are received from the Canals and River Trust as a result of additional publicity
- c) 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 six months of instructions, the application will be returned to Committee.

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:

- Proposed site plan ref 14/2221-02 rev F (2c/27)
- House type proposals – plots 2 and 3 ref 14/2221-27 rev A (3b/27)
- House type proposals- plots 4-6 ref 14/2221-04 (4/27)
- House proposals – plots 7-8 ref 14/2221-05 (5/27)
- House type plots 9-12, 43-46, 80-83 ref 14/2221-06 (6/27)
- Proposals plots 13-14 and 57-58 ref 14/2221-07 rev A (7a/27)
- House type proposals- plots 15-17 ref 14/2221-08 rev A (8a/27)
- House type proposals- plots 18-21 ref 14/2221-09 (9/27)
- Proposals: plots 22-24, 64-66, 72-74 ref 14/2221/10 rev A (10a/27)
- House type proposals –plots 25-29 ref 14/2221-11 (11/27)
- House type proposals- plots 30-32 ref 14/2221-12 rev A (12a/27)
- House type proposals- plots 33-35 ref 14/2221-13 (13/27)
- Proposals –plots 36-40 ref 14/2221-14 rev A (14a/27)
- House proposals- plots 41- 42 ref 14/2221-15 (15/27)

- Proposals –plots 47-48, 55-56 ref 14/2221-16 (16/27)
- Proposals - plots 49-50, 53-54 ref 14/2221-17 (17/27)
- House type proposals -plots 51-52 ref 14/2221-18 (18/27)
- House type proposals - plots 67-68 ref 14/2221-19 rev A (19a/27)
- House type proposals – plots 69-71 ref 14/2221-20 rev A (20a/27)
- House type proposals – plots 75-77 ref 14/2221-21 rev A (21a/27)
- House type proposals- plots 78-79 ref 14/2221-22 (22/27)
- House type proposals- plots 84-85 ref 14/2221-23 rev A (23a/27)
- House proposals- plots 86-87 ref 14/2221-24 Rev A (24A/27)
- Public open space-play equipment ref 14/2221-POS (25/27)
- Proposals plots 62 – 63 ref 14/2221-26 (26/27)
- Proposals –plots 59-61 ref 14/2221-25 (27/27)

**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 within the site until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.

**Reason:** This is a pre-commencement condition in order to ensure that satisfactory arrangements are made for the investigation, retrieval and recording of any possible archaeological remains on the site before construction work begins and to accord with the objectives of the NPPF (20120

4. No development shall commence above slab level on the dwellings hereby approved until details of all external facing materials proposed to be used have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

**Reason:** To ensure that the new buildings are in keeping with the character of the area and to accord with saved Local Plan Policies G1 and H3.

5. The first property shall not be occupied until full details of hard and soft landscaping works have been submitted to and approved in writing by the local planning authority. The details shall include :

- i. hard surfacing materials
- ii. minor structures/ planters
- iii. planting schedules (species, sizes, planting densities, maintenance proposals)

**Reason:** In the interests of visual amenity and in accordance with Section 197 of the 1990 Act which requires Local Planning Authorities to ensure, where appropriate, adequate provision is made for the preservation or planting of trees, and to ensure that the approved scheme is implemented satisfactorily in accordance with saved Local Plan Policies G1, G2 and H3.

6. The approved hard and soft landscaping works shall be implemented in full in accordance with timescales to be submitted to and approved in writing by the Local Planning Authority before

**Reason:** In the interests of visual amenity and in accordance with Section 197 of the 1990 Act which requires Local Planning Authorities to ensure, where appropriate, adequate provision is made for the preservation or planting of trees, and to ensure that the approved scheme is implemented satisfactorily in accordance with saved Local Plan Policies G1, G2 and H3.

7. The proposed area of equipped public open space in the northern part of the site as shown on plan Proposed site plan ref 14/2221-02 rev F (2c/27)) shall be laid out in a manner to be submitted to and agreed in writing by the Local Planning Authority and shall be made available for use before the 40th dwelling constructed on the application site is first occupied.

**Reason:** To provide a satisfactory level of publicly available amenity open space within the development and to accord with Adopted Local Plan Policy H4.

8. A landscape management plan including management responsibilities and maintenance schedules of the public open space and play equipment shall be submitted to the local planning authority before the occupation of any dwelling. The landscape maintenance plan shall be carried out as approved thereafter.

**Reason:** To ensure the long term maintenance of the public open space and play equipment, in the interests of the amenity of residents and to accord with the objectives of Local Plan policy H4.

9. Before occupation of any of the dwellings hereby approved, the external parking areas shall be provided with lighting in accordance with details, including the maintenance of the lighting, to be submitted to and agreed in writing by the Local Planning Authority.

**Reason:** To provide adequate lighting of the private driveway in the interest of crime prevention and community safety and in accordance with Adopted Local Plan Policy H3.

14. 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 how the construction of the site will be phased, hours of working, where site accommodation and welfare facilities will be placed, where site vehicles and the vehicles of site personnel will be parked and where materials will be delivered and stored within the site. Construction of the permitted development shall be undertaken in accordance with the approved Construction Management Plan.

**Reason:** In the interests of the safety and free passage of the public and to accord with the objectives of Local Plan policies G1 and G6. This is a pre-commencement condition due to the fact that the management of plant, site equipment etc needs to be agreed prior to the commencement of any development to ensure that neighbour's amenity and safety are respected.



15. Notwithstanding the submitted details, before any development is commenced above slab level details of a wall and fencing scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of when the walls and fencing are erected, their height, design, materials and position in relation to finished ground levels of the site following development and the ground levels of the neighbouring properties to the west. The scheme shall be carried out as approved.

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

16. Prior to the commencement of the development, details relating to the treatment of the transitional area between the proposed raised land levels along the western boundary of the site and existing ground levels of the neighbouring land and to include site sections shall be submitted to and approved by the Local Planning Authority, and the development shall be built in accordance with the approved scheme. The details shall also include the boundary treatment and the means to ensure that surface water from this raised land does not cause flooding onto neighbouring land.

**Reason:** No such details have been submitted, in the interests of satisfactory drainage and residential amenity and to accord with the objectives of Local Plan policies G1 and G3.

17. No development shall commence until a foul water strategy has been submitted 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 to ensure that there is satisfactory drainage provision to serve the proposed development. This condition accords with the objectives of Local Plan policy G3.

18. The development hereby approved shall be carried out in accordance with the approved Flood Risk Assessment (RM Associates version 2 dated April 2016) and in particular the following mitigation measures as detailed within the FRA:

- Finished floor levels of the dwellings shall be set no lower than 3.5m AOD
- Flood resistant and resilient measures shall be incorporated throughout the development as stated

The mitigation measures shall be fully implemented prior to occupation.

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

19. The ground floor of plots 59, 60, 61, 62 and 63 shall be available for garaging, utility, w/c and storage only and at no time shall it be used for any other purpose.

**Reason:** To define this permission and to reduce the impacts of flooding on the development and future occupants and to accord with the objectives of the NPPF (2012).

20. 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 3 months from the date upon which the erection is commenced of the penultimate dwelling.

**Reason:** To ensure safe access to the site and each dwelling/building in the interests of residential amenity, convenience and safety and to accord with the objectives of Local Plan policy G6.

21. No dwellings shall be commenced before the first 50 metres of estate road from its junction with the public highway, as shown on drawing number 14/2221-02 Rev. F 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 Puritan Way. This condition accords with the objectives of Local Plan policy G3 and the NPPF (2012).

22. No development shall take place until a detailed surface water drainage scheme for the site, based on an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority.

The scheme shall:

- a) Provide details of how run-off will be safely conveyed and attenuated during storms up to and including the 1 in 100 year critical storm event, with an allowance for climate change, from all hard surfaced areas within the development into the existing local drainage infrastructure and watercourse system without exceeding the run-off rate for the undeveloped site;
- b) Provide attenuation details and discharge rates which shall be restricted to a rate to be agreed with the surface water receiving body;
- c) Provide details of the timetable for and any phasing of implementation for the drainage scheme; and
- d) Provide details of how the scheme shall be maintained and managed over the lifetime of the development, including any arrangements for adoption by any public body or Statutory Undertaker and any other arrangements required to secure the operation of the drainage system throughout its lifetime.

**Reason:** To ensure that there is satisfactory drainage provision to serve the proposed development and is necessary to ensure residents of the permitted development, adjacent properties and adjacent land are not adversely affected, by reason of flooding, by the construction of the permitted development. This condition accords with the objectives of the NPPF (2012).

23. The development shall be carried out in accordance with the approved drainage scheme and no dwelling shall be occupied until the approved scheme has been completed or provided on the site in accordance with the approved phasing. The approved scheme shall be retained and maintained in full in accordance with the approved details.

**Reason:** To ensure that there is satisfactory drainage provision to serve the proposed development and is necessary to ensure residents of the permitted development, adjacent properties and adjacent land are not adversely affected, by reason of flooding, by the construction of the permitted development. This condition accords with the objectives of the NPPF (2012).

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

**Paul Edwards**  
**Development Control Manager**

SN EA informative dated 8<sup>th</sup> August 2016.