

Present:

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

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

Officers: Deputy Chief Executive (Corporate Director & Monitoring  
Officer), Legal Advisor, Legal Services Lincolnshire,  
Development Manager, Senior Planning Officer, Senior  
Planning Officer and Democratic Services Officer

#### **194 APOLOGIES**

*Prior to notification of apologies for absence the clerk advised a point of information;*

An official site visit had been at 0900 hours that morning at the location of planning application B 18 0136. The previous committee meeting had deferred their decision making on this application to allow the site visit to be undertaken.

The Council's Planning Code of Conduct only permitted members who attended a site visit to determine the application at the committee meeting and the clerk confirmed that with the exception of Councillors Peter Bedford and Yvonne Stevens, all members in attendance at the meeting had been in attendance at the site visit.

The following apologies for absence were then tabled:

Apologies for absence were tabled from Councillor Stephen Raven with Councillor Felicity Ransome substituting and from Councillor Brian Rush with Councillor Barrie Pierpoint substituting.

#### **195 MINUTES**

The Development Manager addressed the committee and confirmed that immediately following the previous meeting on the 24<sup>th</sup> July officers were made aware that the Government had issued their updated NPPF 2018 on the same day which came into force with immediate effect. Officers checked all the recommendation made on that day to ensure that the changes within the 2018 NPPF did not impact on the decision making which had been considered under the 2012 NPPF. Members will note from the minutes all the decision made that day have remained as recommended by committee. A further update would be provided prior to moving into part 2 of today's agenda in respect of NPPF impacts on the applications for determination.

Prior to seeking agreement to sign the minutes the Chairman confirmed that there was an amendment to the minutes tabled and referred members to page 24 of the minute and advised that under the last paragraph a new sentenced had been added which noted 'It is recorded that Councillor Alison Austin left the meeting during this item prior to the vote taking place'.

With the permission of the committee the Chairman then signed the minutes.

## **196      DECLARATION OF INTERESTS**

Standing declarations of interests were tabled in respect of:

Councillors Alison Austin and Paul Skinner as Members of Lincolnshire County Council.  
Councillors David Brown, Michael Cooper, Sue Ransome and Claire Rylott as Members of the South East Lincolnshire Local Plan and Councillor Alison Austin as a County Council Member of that Committee.

Councillors Peter Bedford, Michael Cooper and Claire Rylott as the Council's representatives on the internal drainage boards.

Councillor Claire Rylott declared she would absent from the meeting for planning application B 18 0039. She noted she had absented at the initial meeting of tabling of the application and felt it appropriate to do so at this second tabling: she noted that as Ward Member for the application site she had held detailed discussions with residents.

Councillor Stephen Woodliffe declared that having absented from the initial meeting where planning application B 18 0039 had initially been tabled, he felt able to determine this submission of the application as the reason for his initial abstention was no longer relevant.

Councillor Michael Cooper declared he would absent from the meeting for planning application B 18 0096 as the applicant was known personally to him. He further declared that he had been present at Fosdyke Parish Council when both planning applications B 18 0227 and B 18 0228 had been presented but had taken no part in any discussions relating to either application.

Councillor Peter Bedford declared that in respect of planning application B 18 0136 that he was a close friend of the manager of the site and his partner and as such would absent from the meeting for that item.

He further advised that the applicant for planning applications B 18 0227 and B 18 0228 was known to him but not to an extent that it would affect his decision making on the applications.

Councillor Yvonne Stevens declared she would absent from the meeting for planning application B 18 0136 as she had not been in attendance at the site meeting.

Councillor Barrie Pierpoint noted that the Development Manager had spoken with him following his attendance at the site visit for planning application B 18 0136 which was in his ward. But he wished it noted that he felt able to determine the application with an open mind and that was not compromised in any way: he stated that the applicants were known to him as constituents only and he had an open mind on the application.

## **197      PUBLIC QUESTIONS**

No public questions were tabled.

*Prior to moving into part 2 of the agenda and determining the planning applications the Development Manager provided members with an update:*

Providing a brief synopsis of the recent changes to the NPPF members were advised that a report would be prepared for members to digest all the changes between the 2018 and the 2012 version.

In respect of the agenda for the meeting the key changes related to the housing delivery and heritage impact. It was further relevant that the framework stated at para.3 that it should be read as a whole including all the footnotes and annexes. Members had been sent a copy via email and it was noted that there were 70 footnotes and 2 annexes to the document. In relation to housing delivery there was an updated presumption in favour of sustainable development which also applied in the 2012 version which applied when the delivery of housing was substantially below the housing requirement over the previous three years. Phased arrangements were set out in Annex 1 and the housing would be assessed under the Housing Delivery Test. It would apply the day following the publication of the numbers from the Government which would be sometime during November 2018. Until that time the Council was still reliant on the annual monitoring report published in March 2018 which indicated that currently Boston did not have a five year housing land supply: as such in respect of the applications on the agenda they needed to be treated in the same way as the 2012 version. Para.55 in the report had been replaced by para.78 and para.79 which were largely the same as para.55.

There was additional text within para.78 which stated planning policies should identify opportunities for villages to grow and thrive, especially where they would support local services. In respect of decisions that both officers and committee had made recently, it was considered that with the recent allowing of housing within the villages and within the envelopes, the Council had been in accordance with it with little change to the decision making.

There was also an application for a listed building. The Heritage impact statement of the NPPF placed greater weight on the impact of a development on the significance of a designated heritage asset. Weight should be given to the asset's conservation and the more important the asset the greater the weight should be. As such a grade 1 listed building would require significantly greater weight than a locally designated asset.

A further update to the Local Plan was provided which noted that for plans submitted before January 2019 the Secretary of State would consider those still in light of the 2012 NPPF. With consideration to the SELLP policies they still would be considered under the 2012 plan so the weight would still stand.

It is recorded that Councillors Peter Bedford and Yvonne Stevens absented from the meeting at this point in the proceedings.

## **198 PLANNING APPLICATION B 18 0136**

**Resubmission of B/17/0130 to remove condition 2 on planning approval B/15/0017 to enable a maximum of 25 caravans to be occupied by agricultural workers for a period of up to three years with the maximum continuous length of stay of any individual worker being limited to 10 months**

**Old Leake Caravan and Leisure Park, Shaw Lane, Old Leake, Boston,  
Lincolnshire, PE22 9LQ**

**M and A White**

The Development Manager presented the report to the committee with no update information to the report tabled.

No representation was received in respect of this item.

It was moved by Councillor Stephen Woodliffe and seconded by Councillor Barrie Pierpoint that the application be granted in line with officer recommendation and subject the conditions therein.

Vote: 5 in favour. 6 against.

This vote fell.

It was then moved by Councillor Jonathan Noble and seconded by Councillor Sue Ransome that the application be refused contrary to officer recommendation as the application contravened Policy G1 in that it would substantially harm the amenity and the general character of the area because of the nature of the occupation of the caravans from tourists to agricultural workers.

Vote: 6 in favour. 5 against

**RESOLVED:**

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

The development substantially harms the amenities of the general character of the area because of the nature of the occupation of the caravans from tourists to agricultural workers. The proposal is therefore contrary to Policy G1 of Boston Borough Local Plan 1999.

Refused Drawing Numbers:

- Location Plan 1:1250 (1/4)
- Caravan Pitch Numbers OL1 dated 10.7.18

In determining this application the authority has taken account of the guidance in paragraph 38 of the National Planning Policy Framework 2018 in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the Borough.

It is recorded that Councillors Peter Bedford and Yvonne Stevens returned to the meeting at this point in the proceedings.

**199 PLANNING APPLICATION B 18 0184**

**Retrospective Listed Building Consent for retention of front door and UPVC double glazed windows at front and rear**

**31 Sleaford Road, Boston, Lincolnshire, PE21 8EH**

**Mrs Karen Fletcher**

The Development Manager presented the report to the committee confirming there were not updates to the reports tabled.

No representation was received in respect of this item.

It was moved by Councillor Michael Cooper and seconded by Councillor Jonathan Noble that the application be refused in line with officer recommendation for the reasons provided therein.

Vote: 6 in favour. 7 against.  
The vote fell.

It was moved by Councillor Yvonne Stevens and seconded by Councillor Stephen Woodliffe that the application be granted contrary to officer recommendation due to the UPVC windows being present at the time of listing at 29 Sleaford Road and did not constitute substantial harm.

Vote: 7 in favour. 6 against.

**RESOLVED: That the application be granted contrary to officer recommendation for the following reason.**

In determining this application the authority has taken account of the guidance in paragraph 38 of the National Planning Policy Framework 2018 in order to seek to secure sustainable development. The development, in view of the UPVC windows granted listed building consent at 33 Sleaford Road and those present at the time of listing at 29 Sleaford Road are not considered to constitute substantial harm. The proposal therefore complies with the aims of the National Planning Policy Framework 2018.

## **200 PLANNING APPLICATION B 18 0227**

**Outline application for the demolition of existing bungalow and erection of up to 6 no. residential dwellings, with all matters reserved**

**The Bungalow, Old Main Road, Fosdyke, Boston, PE20 2BU**

**Mr & Mrs Adrian Butterfield  
Mr Adrian Brotherton – Ashgrove Associates**

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

No representation was received in respect of this item.

It was moved by Councillor Jonathan Noble and seconded by Councillor Alison Austin that the application be granted in line with officer recommendation subject to the reasons and conditions therein and subject to the additional condition that an acoustic fence be provided.

Vote: 12 in favour. 0 against. 1 absence.

**RESOLVED: That the application be granted in line with officer recommendation, subject to the following conditions and reasons and the additional condition requiring the provision of an acoustic fence.**

1. No development shall commence until details of the layout, access, 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:** 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.

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 51 of the Planning and Compulsory Purchase Act 2004.

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 51 of the Planning and Compulsory Purchase Act 2004.

4. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA), undertaken by S M Hemmings (27 May 2018), and the following mitigation measures detailed within the FRA:

- Finished floor levels are set no lower than 3.75 m above Ordnance Datum (AOD).
- Flood resilient/ resistant construction shall be incorporated into the dwellings to a minimum height of 300mm above the finished floor level.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme.

**Reason:** To reduce the risk and impact of flooding on the proposed development and future Occupants and to accord with the objectives of Local Plan policies G1 and H3.

5. Details shall be submitted at reserved matters stage to include details relating to the vehicular access to the public highway, including materials, specification of works and construction method. The approved details shall be implemented on site before the development is brought into use and thereafter retained at all times.

**Reason:** In the interests of safety of the users of the public highway and the safety of the users of the site. This condition accords with the objectives of Local Plan policy G6.

6. No development shall take place before a scheme has been submitted to and agreed in writing by the Local Planning Authority for the construction of a 1.8m wide footway, together with arrangements for the disposal of surface water run off from the highway at the frontage of the site. The agreed works shall be fully implemented before any of the dwellings are occupied or in accordance with a phasing arrangement to be agreed in writing with the Local Planning Authority

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

- 7 No development shall commence above slab level 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:** In the interests of satisfactory drainage and to accord with the objectives of Local Plan policies G3.

- 8 No development shall commence above slab level until a surface 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:** In the interests of satisfactory drainage and to accord with the objectives of Local Plan policies G3.

9. The development hereby permitted shall not be occupied until details of an acoustic fence along the site's boundary with the A17 has been submitted to and approved in writing by the Local Planning Authority. The approved fence shall be installed prior to occupation and retained thereafter.

**Reason:** In the interests of the amenity of future occupiers in accordance with Policy G1 of Boston Borough Local Plan 1999 and the National Planning Policy Framework 2018.

In determining this application the authority has taken account of the guidance in paragraph 38 of the National Planning Policy Framework 2018 in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the Borough.

## **201 PLANNING APPLICATION B 18 0228**

**Outline application for the erection of up to 10 residential dwellings with all matters reserved**

**Land adjacent to Lloyds Farm, Old Main Road, Fosdyke, PE20 2DB**

**Mr & Mrs Adrian, Butterfield  
Mr Adrian Brotherton – Ashgrove Associates**

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

No representation was received in respect of this item.

It was moved by Councillor Jonathan Noble and seconded by Councillor Yvonne Stevens that the application be granted contrary to officer recommendation.

Vote: 5 in favour. 8 against.  
The vote fell.

It was moved by Councillor Alison Austin and seconded by Councillor James Edwards that the application be refused in line with officer recommendation and for the reasons therein:

Vote: 8 in favour. 5 against.

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

1. The application site is located approximately 120m from the settlement boundary, outside the village envelope of Fosdyke as defined in the Local Plan and within an area defined as 'countryside'. This development will extend the built up area of the village to the south creating an awkward and alien encroachment within this flat, rural landscape. The development would also consolidate the surrounding urban environment and the resultant effect would substantially erode the character and appearance of the countryside and open rural landscape. This scheme will therefore promote an unsustainable pattern of development in this area and any benefits the development may provide relating to the supply of housing in the area would be significantly and demonstrably outweighed by its adverse effects. The application is therefore contrary to the objectives of Local Plan Policies C01, G1 and G2 and the environmental dimension of sustainable development as contained within the National Planning Policy Framework (2018).

Refused drawing numbers : site location and existing site layout ref AA-18-0008/01(1/2) and illustrative site layout ref AA-18-008/02 (2/2)

In determining this application the authority has taken account of the guidance in paragraph 38 of the National Planning Policy Framework 2018 in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the Borough.

**IT IS RECORDED THAT THIS MEETING ADJOURNED AT THIS POINT IN THE PROCEEDINGS AND RECONVENED AT 2 p.m.**

It is recorded that Councillor James Edwards tabled apologies and left the meeting at this point in the proceedings for the remainder of the meeting.

Councillor Claire Rylott also absented from the meeting at this point in the proceedings for the remainder of the meeting.



**202 PLANNING APPLICATION B 18 0039**

**Approval of reserved matters relating to scale, layout, landscaping and appearance attached to outline approval B/16/0380 for the erection of up to 193 dwellings and two flats including access off Middlegate Road West, public open space, play area, pumping station and swales/drainage infrastructure and landscaped bund**

**Land north of Middlegate Road (West), Frampton, Boston, PE20 1BX**

**Larkfleet Homes.**

The Senior Planning Officer presented the report and confirmed updates to the report tabled as follows:

1. An additional 8 letters had been received from 14,16,18,20,25,28,30 and 40 Middlegate Road. Concerns noted included there being no drainage ditch within the buffer area for run-off and the siting of the buffer area needed to be reconsidered; damage to properties caused through piling, overlooking by dormer bungalows and a loss of privacy as the fence intended would not prevent a loss of privacy. Further issues replicating previous concerns noted that the drainage details did not comply with the conditions from the appeal and the drainage details to date were inadequate. The plans indicated ponds and no swales. The development would urbanise the area with a loss of important views. The geophysical surveys provided were inadequate and members were advised that recent heavy rains had caused flooding to both existing residential homes and also on the proposed site itself. It was the intent of the residents to contact the Council's Chief Executive to ensure all conditions were complied with.
2. Amendments to condition 1 within the report as follows:
  - Structural Landscape and Public Open Space (sheet 1) – 7343\_L-101 Rev D
  - Structural Landscape and Public Open Space (sheet 2) – 7343\_L-102 Rev D
  - Structural Landscape and Public Open Space (sheet 3) – 7343\_L-103 Rev D
3. The Environment Agency requested that an additional condition be included to reduce the risk of flooding as follows:

Notwithstanding the recommendations of the Flood Risk Assessment approved under Outline Permission B/16/0380 (Millward ref MA 10325-FRA-R04 dated May 2017), the following mitigation measures shall be included in the development:

- Finished floor levels shall be set no lower than 1.0m above ground level for dwellings of two or more storeys and 1.25m above ground level for single storey dwellings (bungalows or ground floor flats).
- Details of flood resilient construction to at least 300mm above finished floor levels shall be submitted to the Local Planning Authority for approval in writing. The approved details shall be incorporated throughout the development.
- Resistance measures shall be incorporated including flood resistant doors, or 600mm high flood defences, to be fitted to all external doors of dwellings.

The approved mitigation measures shall thereafter be fully implemented prior to occupation of each unit and shall be maintained and retained in place.

To reduce the risk and impact of flooding to the development and future occupants and comply with the aims and objectives of the National Planning Policy Framework 2018

4. The Lead Flood Risk Authority had examined the latest plans and had made additional comments in respect of flood risk matters stating that the submitted details showed adequate space had been reserved within the layout of the proposed development for the provision of sustainable drainage featuring off side swales to collect and convey surface water run-off and balancing ponds to store surface water that would be attenuated in storm conditions to provide suitable surface water drainage for the proposed development.
5. Frampton Parish Council had responded following their meeting on the 25<sup>th</sup> July and they had reiterated their comments as noted within the report.

**Representation was received by Mr Richard Green in objection to the report which included**

Stating he lived in one of the bungalows directly adjacent to the site, the objector noted that he had 4 neighbours who were housebound and that his thoughts were with them recently when on Monday 13<sup>th</sup> August severe rain resulted in flooding of 3 inches around his home. He stated that on that occasion they were lucky because the flooding was purely run-off water and not sewage: Members were then advised that the proposed site had 3 – 4 inches of standing water on that day.

Concern was noted that the site showed a 1.23m increase in land height which would then allow flood water to drain into their gardens exacerbating flooding. The Millward drainage plan showed only a potential perimeter land drain separating the objector's garden from the site. Many homes on the objector's side of the street were lower than the street. Concern also noted that a 1.5 storey bungalow would result in overlooking of the existing bungalows. Further issues in respect of privacy noted concern that the buffer planting needed to be planted outside the proposed rear gardens to ensure it would not be removed by new residents. A buffer zone was suggested. The Appeal Inspector's report had taken the effect of raised land on privacy very seriously.

Residents were very concerned about piling which would be needed and would have a profound effect on their homes through noise and vibration. Referencing the Construction Management Plan conditioned by the Appeal Judge, the Council was asked to ensure if stipulated piling methods that minimised noise and vibration against the drop-hammer technique: furthermore residents requested that structural surveys be recorded on their properties prior to commencement of any work.

Movement of large heavy vehicles was another issue the management plan would need to address to minimise dangers to infrastructure and the fragile and narrow areas of Middlegate Road.

Concluding Mr Green stated that residents felt that their views were not being taken seriously with many decisions being made by professionals on their behalf. They felt that the application as it stood was incomplete and that their justified concerns should be taken into full consideration and their suggestions taken on board.

**Representation was received by Mr Mark Mann the agent acting on behalf of the applicant which included:**

The details were submitted in January 2018 and access had been approved at the outline stage. The outline consent accepted the principle that the site was capable of accommodating up to 195 homes. Since submission the applicant and agent had worked with the officers of the Council's and held meetings with some local residents in order to allay their concerns about the development.

One key concern was surface water drainage and foul water drainage. As a consequence of the Environment Agency's requirement that all new development in the Borough was required to be built up to ensure it was resistant to flooding there was a requirement that finished floor levels be between 1m and 1.25m above existing ground level. Existing properties on Middlegate were slightly higher. Raising the level was of concern but it should be noted the garden areas would be lower than the first floor level: it was not the entire site that would be raised by 1.m or 1.25m but just the finished floor level of the home.

The surface water drainage system submitted in the application was designed to allow all water from the site to flow away from the properties on Middlegate Road and had been agreed by the Inspector.

The swale on the Southern boundary of the site had an invert level of 2.22 metres close to the proposed western entrance on Middlegate. At that point the level of the road was 2.82 metres and so obviously higher. The flow from that swale flowed easterly along with southern boundary of the site into the central attenuation basin which had an invert level 1.9 metre. Provision had been made for a perimeter land drain which would allay fears for residents which Mr Mann confirmed as a gesture of goodwill the applicant would provide although it was not a requirement of the application.

Foul water would go directly to the sewage treatment centre to the north and would not go onto Middlegate which was confirmed at the inquiry to have capacity. Referencing concern in respect of privacy and outlook Mr Mann noted that the bungalows that back onto the site, would back onto bungalows and the distance between them would be between 26m to 31m: the generally accepted distance for 2 storey dwellings was 21m to safeguard privacy, so the distance on this site was substantially greater. There would be no significant effect on privacy nor outlook: in addition it was proposed to erect a 1.8m high fence along the boundary.

In conclusion Mr Mann stated that it was their intent to provide additional buffer planting to reinforce the existing planting alongside the boundary and as such there was no issue of residential amenity. No statutory consultees had raised any concern in respect of the reserved matters application; the applicant had worked with officers and liaised with residents to allay fears.

It was moved by Councillor Paul Skinner and seconded by Councillor Jonathan Noble that the application be granted in line with officer recommendation, subject to: the additional condition requesting that a 'kissing gate' be installed at the entrance to the footpath. The additional condition in respect of a full landscaping scheme to include early / pre build planting in suitable areas of the site not hindering or endangering development. The additional condition as requested by the Environment Agency. The requirement that all drainage proposals be returned to committee for determination. The amendments to condition 1 as identified by the officer. Furthermore that a letter be sent to the applicant requesting their liaison with residents in respect of Construction Management Plan.

*(It is noted that the request for a condition for surveys to be undertaken on residents homes ahead of the start of the development was rejected by the Development Manager who noted it was outside of the application site: it was however agreed that it was good practice for the developer to liaise with residents)*

Vote: 9 in favour. 0 Against 2 abstention

**RESOLVED: that the application be granted in line with officer recommendation and subject to the following conditions and reasons along with the letters of request to the applicant on behalf of the residents:**

1. The reserved matters hereby granted shall be completed strictly in accordance with the following approved plans and details:
  - Plot Materials Schedule – Middlegate Road
  - Middlegate Frampton Parameters Plan – DWG:PP-01
  - Garages Pair Design Sheet – A00/GAR/03/DS Rev A
  - H49 Bungalow Design Sheet – H9/DS
  - H62 Bungalow Design Sheet – H62/DS Rev
  - H59 Bungalow Design Sheet – H59/DS Rev A
  - Garages Triple Design Sheet – A00/GAR/04/DS Rev A
  - 2434 House Type Design Sheet – 2435/L00/DS
  - Garages Triple (single and double) Design Sheet – A00/GAR/05/DS
  - Garages Single Design Sheet – A00/GAR/01/DS Rev A
  - 2433 House Type Design Sheet – 2433/A00/DS/AS
  - Garages Double Design Sheet – A00/GAR/02/DS Rev A
  - 2426 House Type Design Sheet – 2426/A00/DS
  - 2434 House Type Design Sheet – 2434/A00/DS/AS Rev A
  - 2431 House Type Design Sheet – 2431/A00/DS/AS Rev B
  - 2404 House Type Design Sheet – 2404/A00/DS/01 Rev A
  - 2409 House Type Design Sheet – 2409/A00/DS
  - 2324 House Type Design Sheet – 2324/A00/DS Rev A
  - 2401 House Type Design Sheet – 2401/A00/DS
  - 2328 House Type Design Sheet – 2328/A00/DS Rev B
  - 2307 House Type Design Sheet – 2307/A00/DS Rev A
  - 2308 House Type Design Sheet – 2308/A00/DS/03 Rev A
  - 1207 House Type Design Sheet – 1207/A00/DS
  - 2318 House Type Design Sheet – 2318/A00/DS
  - 2318b House Type Design Sheet – 2318b/A00/DS/01
  - 2224 House Type Design Sheet – 2224/A00/DS Rev A
  - 2226 House Type Design Sheet – 2226/A00/DS
  - 2224 House Type Design Sheet – 2224/A00/DS/03 Rev A
  - 1303 Bungalow Type Design Sheet – 1303/A00/DS
  - Structural Landscape and Public Open Space (sheet 1)–7343\_L-101 Rev D
  - Structural Landscape and Public Open Space (sheet 2)–7343\_L-102 Rev D
  - Structural Landscape and Public Open Space (sheet 3)–7343\_L-103 Rev D
  - On plot planting (sheet 1) – 7343\_L-104
  - On plot planting (sheet 2) – 7343\_L-105
  - On plot planting (sheet 3) – 7343\_L-106
  - On plot planting (sheet 4) – 7343\_L-107
  - On plot planting (sheet 5) – 7343\_L-108
  - On plot planting (sheet 6) – 7343\_L-109
  - Boundaries Plan 1A – SL01 Rev B (ss)
  - Boundaries Plan 1B – SK02 Rev B (ss)
  - External Materials 1A – SL01 Rev B (ss)
  - External Materials 1B – SK02 Rev B (ss)
  - Roof Materials 1A – SL01 Rev B (ss)

- Roof Materials 1B – SK02 Rev B (ss)
- 2339 House Type Design Sheet Floor Plans – 2329/A00/DS/01
- 2339 House Type Design Sheet Elevations – 2329/A00/DS/02
- 2502 House Type Design Sheet Floor Plan – 2502/A00/DS/AS/01
- 2502 House Type Design Sheet Elevations – 2502/A00/DS/AS/02
- Location Plan – DWG 008
- 2512 Design Sheet with Chimney – L000/2512/DS
- 2308 Pair Design Sheet with Chimney – 2308/A00/DS/03 Rev A
- 2324 House Type (with Chimney) Design Sheet – 2324/A00/DS Rev A
- Boundary Treatments Plan – SK02 Rev C and SL01 Rev C
- Kirton Site Layout 1A – SL01 Rev D (coloured)
- Kirton Site Layout 1B – SK02 Rev D (coloured)
- CGI – House Types
- House Types Key
- Materials Plan – SK02 Rev C and SL01 Rev C
- Middlegate Kirton House Types
- Plot Materials Schedule Rev A
- Roof Materials Plans – SK02 Rev C and SL01 Rev C

**Reason:** For the avoidance of doubt and to ensure the development is carried out in accordance with the approved details and accord with the objectives of saved Local Plan Policy G1.

2. Before the development approved is first commenced details of a landscaping scheme of the 'buffer area' identified on the submitted layout plans between the even numbered properties fronting Middlegate Road West and the proposed development detailing both soft and hard landscaping at a scale of 1:50 or 1:100 and a 5 year aftercare plan shall be submitted for the written approval of the Local Planning Authority.

The scheme shall include; a) Fully annotated planting plans, showing locations of individual planted semi mature trees, shrubs and hedging and b) The height, design and appearance of the means of enclosure. Any tree which becomes defective, is destroyed, dies or becomes seriously damaged within 5 years of being first planted shall be replaced with a tree of the same species and size as originally planted. The approved details shall be implemented in full no later than the end of the first planting season available after each phase of the development hereby permitted being bought into first occupation.

**Reason:** To protect the visual amenities of the locality and future residential occupiers and accord with the aims and objectives of the National Planning Policy Framework 2018.

3. Before the development approved is first commenced details of the design, appearance, height and siting of the children's play equipment on the proposed Local Equipped Area for Play, together with a timescale for implementation shall be submitted for the written approval of the Local Planning Authority. The approved details shall thereafter be implemented in full and retained.

**Reason:** For the avoidance of doubt and to protect the visual amenities of the locality and accord with the aims and objectives of the National Planning Policy Framework 2018.

4. Before the development approved is first commenced details of the design, and appearance of the pumping station shall be submitted for the written approval of the Local Planning Authority. The approved details shall thereafter be implemented in full prior to the occupation of any dwelling and retained thereafter.

**Reason:** For the avoidance of doubt and to protect the visual amenities of the locality and accord with the aims and objectives of the National Planning Policy Framework 2018.

5. Before the development approved is first commenced elevational details of the design, and appearance of the garages at a scale of 1:50 providing access to the rear amenity areas and the plots they will be provided to shall be submitted for the written approval of the Local Planning Authority. The approved details shall thereafter be implemented in full prior to the occupation of the dwelling to which the garage relates.

**Reason:** For the avoidance of doubt and to enable the proposed occupiers access to their rear gardens, protect the visual amenities of the locality and accord with the aims and objectives of the National Planning Policy Framework 2018.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or any Order amending, revoking and/or re-enacting that Order, with or without modification. No extensions or alterations relating to Classes A, B, C & E of Part 1 of Schedule 2 or Part 2 Class A of Schedule 2 shall be erected.

**Reason:** To protect the amenities of the existing and proposed residential occupiers to accord with the aims and objectives of the National Planning Policy Framework.

In determining this application the authority has taken account of the guidance in paragraph 38 of the National Planning Policy Framework 2018 in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the Borough.

7. Notwithstanding the recommendations of the Flood Risk Assessment approved under Outline Permission B/16/0380 (Millward ref MA 10325-FRA-R04 dated May 2017), the following mitigation measures shall be included in the development:

- Finished floor levels shall be set no lower than 1.0m above ground level for dwellings of two or more storey and 1.25m above ground level for single storey dwellings (bungalows or ground floor flats).
- Details of flood resilient construction to at least 300mm above finished floor levels shall be submitted to the Local Planning Authority for approval in writing. The approved details shall be incorporated throughout the development.
- Resistance measures shall be incorporated including flood resistant doors, or 600mm high flood defences, to be fitted to all external doors of dwellings.

The approved mitigation measures shall thereafter be fully implemented prior to occupation of each unit and shall be maintained and retained in place.

**Reason:** To reduce the risk and impact of flooding to the development and future occupants and comply with the aims and objectives of the National Planning Policy Framework 2018

8. Prior to the commencement of the development hereby permitted, a timetable for the proposed soft landscaping, its phasing and completion as shown on plans 7343\_L-101 Rev D, 7343\_L-102 Rev D and 7343\_L-103 Rev D shall be submitted for approval in writing to the Local Planning Authority.

The timetable shall identify the planting of landscaping early within the phasing of the development to enable it to mature and provide appropriate mitigation for the development. The planting shall be provided in accordance with the approved timetable.

**Reason:** In the interests of the amenity and character of the area in accordance with the National Planning Policy Framework 2018 and Policy G1 of the Boston Borough Local Plan 1999.

9. Prior to the occupation of any dwelling on the development hereby approved, details of a scheme for the purpose of the future management and maintenance of the open space and soft landscaping areas within the development shall be submitted to the Local Planning Authority for approval in writing. The open space and soft landscaping shall be managed and maintained in accordance with the approved scheme."

**Reason:** In the interests of the amenity and character of the area in accordance with the National Planning Policy Framework 2018 and Policy G1 of the Boston Borough Local Plan 1999.

Following the resolution by Planning Committee, the applicant and Local Planning Department have been in discussion regarding the wording of conditions. It is not lawful to amend, through a Reserved Matters application, a condition attached to an Outline Planning Permission. The applicant is reviewing how this might be addressed. An extension of time has been agreed for the determination of this application until this matter is resolved.

The condition affected by this issue is condition 7 above and the following wording within the first bullet point:

- for dwellings of two or more storey and 1.25m above ground level for single storey dwellings (bungalows or ground floor flats).

*[It is anticipated the wording on the Outline Planning permission will be requested to be amended to achieve the above.]*

## **203 PLANNING APPLICATION B 18 0096**

**Resubmission of B/17/0307 for outline permission with all matters reserved (layout, scale, appearance, landscaping and access) for the erection of 9 no. dwellings**

**Land off Milkinghill Lane, Bicker, Boston, Lincolnshire**

**Mr Alan Chapman**

The Senior Planning Officer presented the report advising the committee of 4 further conditions to the application in respect of land contamination.

Representation was received by Mr Lewis Smith the agent which included:

Reiterating the outline was a re submissision of an earlier proposal withdrawn following concerns relating to impact on the countryside and the position of Bicker in the settlement hierarchy. The concerns had largely disappeared following the positive appeal decision on a site close to the application site.

The emerging SELLP proposed residential development in Bicker and the application site is part of the proposed allocation. The Local Plan Inspector asked for additional sites to be identified in the village which have not been objected to by the Council. The site lay partly within the settlement boundary and consisted of a number of commercial buildings largely encircled by existing and proposed residential development. The buildings are allocated for industrial use in the 1999 local plan, they have not been used a lot over recent years and indeed a recent increase in their use resulted in complaints from local residents. The original outline was for 14 dwellings subsequently reduced to 9 following the making of a Tree Preservation Order on 2 trees towards the eastern boundary of the site. The indicative layout shows the site could comfortably accommodate the proposal without causing detrimental impact on the adjoining development. Access to the site is from St. Swithins Close an adoptable highway and there are no objections from county highways. No statutory consultee had objected and the few objections from residents could be dealt with by conditions. In conclusion the application would result in the redevelopment of a brownfield site adjacent to existing and proposed residential development in a settlement that was considered suitable for development following recent appeal decisions and the emerging local plan.

It was moved by Councillor Jonathan Noble and seconded by Councillor Yvonne Stevens that the application be granted in line with officer recommendation and subject to the 4 additional conditions in respect of land contamination and for access to be from St Swithens Close.

**Vote: 10 in favour. 0 against. Unanimous.**

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

1. No development shall commence until details of the layout, access, 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:** 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.

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 51 of the Planning and Compulsory Purchase Act 2004.

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 51 of the Planning and Compulsory Purchase Act 2004.

4. No development shall commence above slab level 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:** In the interests of satisfactory drainage and to accord with the objectives of Local Plan policies G3.



5. No development shall commence above slab level until a surface 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:** In the interests of satisfactory drainage and to accord with the objectives of Local Plan policies G3.

6. Prior to the commencement of the development hereby permitted, a Construction Management Plan shall be submitted to the Local Planning Authority for approval in writing. The Construction Management Plan will prescribe how the construction of the site will be phased, 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 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

7. No development shall commence until a biodiversity enhancement plan has been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken and thereafter managed in accordance with the approved enhancement plan.

**Reason:** This is a pre-start condition to safeguard wildlife, in the interests of biodiversity and to accord with the objectives of Local Plan Policy G2.

8. All landscape works, including a fencing scheme, 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 Policies G1 and H3.

In determining this application the authority has taken account of the guidance in paragraph 38 of the National Planning Policy Framework 2018 in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the Borough.

9. 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) in writing 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 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 site's 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 Policy G1 of the Boston Borough Local Plan, 1999.

10. 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 Local Planning Authority in writing. 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 Local Planning Authority.

Reason: To ensure the proposed remediation plan is appropriate and to accord with Policy G1 of the Boston Borough Local Plan, 1999.

11. 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 Local Planning Authority.

Reason: To ensure site remediation is carried out to the agreed protocol and to accord with Policy G1 of the Boston Borough Local Plan, 1999.

12. On completion of remediation, two copies of a closure report shall be submitted to the Local Planning Authority. 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 Policy G1 of the Boston Borough Local Plan, 1999

13. If, during development, 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 by the Local Planning Authority. The scheme shall be implemented as approved.

Reason: To ensure all contamination within the site is dealt with and to accord with Policy G1 of the Boston Borough Local Plan, 1999.

14. Access to the proposed development shall be from St Swithins Close only.

Reason: In the interests of highway safety as Milkinghill Lane is narrow in accordance with the National Planning Policy Framework.

**204 APPEAL DECISION REPORT**

Committee noted the report tabled by the Development Manager.

**205 DELEGATED DECISION LIST**

Committee noted the report. No questions were tabled.

The Meeting ended at 3.00 pm