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Boston Borough Council

Chief Executive
Rob Barlow

Municipal Buildings
Boston
Lincolnshire PE21 8QR
Tel: 01205 314200

Monday, 25 November 2024

Notice of meeting of the Planning Committee

Dear Councillor

You are invited to attend a meeting of the Planning Committee
on **Tuesday, 3rd December, 2024** at **10.00 am**
in the Committee Room - Municipal Buildings, West Street, Boston, PE21 8QR

Rob Barlow
Chief Executive

Membership:

Chairman:	Councillor David Middleton
Vice-Chairman:	Councillor David Scoot
Councillors:	Alison Austin, Peter Bedford, Dale Broughton, David Brown, Anne Dorrian, Barrie Pierpoint, Claire Rylott, Lina Savickiene, Sarah Sharpe, Suzanne Welberry and Stephen Woodliffe

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

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

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

This meeting may be subject to being recorded.

Agenda

Part I - Preliminaries

A Apologies for Absence

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

B Declarations of Interest

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

C Minutes (Pages 1 - 8)

To sign and confirm the minutes of the last meeting.

D Public Questions

To answer any written questions received from members of the public no later than 5 p.m. two clear working days prior to the meeting – for this meeting the deadline is 5 p.m. Thursday 28 November 2023.

Part II - Agenda Items

1 Planning Application B 24 0366 (Pages 9 - 28)

Change of use of a dwelling to a children's home for a maximum of six children (Use class C2) and a garage conversion into a habitable space.

Walnut Tree Farm
Punchbowl Lane
Brothertoft
Boston PE20 3SB

Virtue Therapeutic Care and Education (East Sussex Ltd)

Rose Consulting.

2 Planning Application B 23 0153 (Pages 29 - 52)

Major – Full Planning Permission

Change of use from haulage and storage depot to housing development of 23 no. residential dwellings, estate roads and services in accordance with amended plans and supporting documents received by the Local Planning authority on 31st July 2024

G H Kimes Haulage Depot, Main Road, Wrangle, Boston, PE22 9AW

Mr Colin Pape, H H Adkins (Contractors) Ltd

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

The Human Rights Act 1998
It is implicit in these reports that the recommendations to and the consideration by Committee will take into account the Council's obligations arising out of the Human Rights Act and the rights conferred by Articles 6,8,14 and Article 1 of the First Protocol of the European Convention on Human Rights (ECHR). These are the rights to a fair hearing, respect for family and private life, the prohibition against discrimination and the peaceful enjoyment of possessions, respectively. The ECHR allows many to be overridden if there is a sufficiently compelling public interest.

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

Notes:

Please contact Democratic Services (demservices@boston.gov.uk) if you have any queries about the agenda and documents for this meeting.

Council Members who are not able to attend the meeting should notify Democratic Services as soon as possible.

Alternative Versions

Should you wish to have the agenda or report in an alternative format such as larger text, Braille or a specific language, please telephone 01205 314226.

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Boston Borough Council

Minutes of a meeting of the **Planning Committee** held in the Committee Room - Municipal Buildings, West Street, Boston, PE21 8QR on Tuesday, 5th November, 2024 at 10.00 am.

Present:

Councillor David Middleton, in the Chair.
Councillor David Scoot Vice Chair.
Councillors Alison Austin, Peter Bedford, David Brown, Anne Dorrian, Barrie Pierpoint, Claire Rylott, Lina Savickiene, Helen Staples. Suzanne Welberry and Stephen Woodliffe.

In attendance:

Officers:
Assistant Director – Planning & Strategic Infrastructure, Senior Planning Lawyer, Deputy Development Manager, Senior Planner and Democratic Services Officer.

7 Apologies for Absence

Apologies for absence were tabled by Councillor Sarah Sharpe with Councillor Helen Staples substituting and further apologies by Councillor Dale Broughton with no substitute member.

8 Minutes

With the agreement of the committee the Chairman signed the minutes of the previous meeting.

9 Declarations of Interest

Standing declarations of interest are tabled in these minutes for all members of the Council who are also members of

Lincolnshire County Council:
Councillor Alison Austin

The South East Lincolnshire Joint Strategic Planning Committee:
Peter Bedford and David Middleton.

The Internal Drainage Boards:
Councillors Peter Bedford, David Middleton, Claire Rylott, David Scoot, and Suzanne Welberry

Councillor Anne Dorrian declared that as the application tabled was part of her portfolio she would absent from the meeting. It is recorded that Councillor Anne Dorrian left the meeting at this part in the proceedings.

10 Public Questions

None tabled

11 Planning Application B 24 0377

The Senior Planning Officer presented the report confirming that the application had been referred to committee by the Assistant Director Planning, for transparency, due to the proposal having been submitted by Boston Borough Council. Members were reminded that the application for consideration was only for the redesign and redevelopment of the public realm which included landscaping and public space with the relocation of certain existing artwork and the siting of a new art installation along with a reduced coach drop off/parking area and a drop-off zone for the Len Medlock Centre. The proposal for consideration formed part of a wider schedule within the locality including the BM site and Crown House each being part of the PE21 development, and applications for those two developments would be tabled through committee at a later date.

The site was an area of public realm within Boston Town Centre. It ran from the St Botolph's footbridge in the east to the Len Medlock centre to the west. The site comprised footways, landscaping, art installations and a bus/coach parking area towards the west of the site. The vacant B&M store and car park formed the majority of the southern boundary and were partially included within the sites limits. The Len Medlock Centre was to the west, Boston Health Clinic to the north west and Crown House and Boston Police Station to the north. Access to the existing bus and coach parking bays was via Rosegarth Street with the Bus Station further along that road to the west.

The site sat within the designated Town Centre on Inset Map 1 of the Local Plan and adjoined the Boston Conservation Area which included the River Witham and the St. Botolph's Bridge. Notably the site was also within the setting of the Grade I Listed St Botolph's Church.

Following consultation comments had been raised by Environmental Health who had no objection and felt the outdoor space to be to a decent quality and would be beneficial in terms of heath, however they had recommended a condition requiring 300mil of top soil. The Council's Egologist had confirmed that they believed the 10% net gain in biodiversity habitat was achievable but recommended that the applicant aim for a higher biodiversity uplift to provide a buffer against any risk of failing to create the desired habitats, and then failing to achieve the required 10% gain. The Council's Archaeologist had recommended a potential scheme of archaeological work to develop the presence and significant character of any archaeological deposits on the site and further consideration would be given to the suggestion following the meeting.

Lincolnshire County Council Highways had suggested a Section.106 contribution for the amendment of the existing traffic regulation order that controlled the double yellow lines within the area however a formal submission had not been received.

The transport assessment submitted with the application indicated that there was very low usage of the bays and therefore the two retained would be sufficient.

The application was acceptable it accorded with Policies 9 and 25 and there was no conflict with the setting of the nearby listed buildings or the conservation area.

Members were advised of an update to the condition 9 within the report pertaining to archaeology, in that the condition submitted would be deleted and a pre commencement condition requiring a written scheme of investigation covering the whole site.

Representation was received from Mr Ashford the agent for the applicant which included:

Members were advised that the agent had been involved since inception of the project whereby a master plan had been developed to provide a gateway to Boston.

The site would be the main arrival point into the town for both coach and train customers. Consultation had taken place with the Len Medlock Centre to ensure that those utilising the facility were considered and an isolated drop-off bay had been provided for entry to that site. Sustainable urban drainage was on the site to accommodate rainfall. The site opened to greener space and significant tree planting had taken place to off-set the B&M site to comply with the net gain required under current legislation. A safer environment would be provided by the new site with a hierarchy of footways, along with benches and seating opportunities throughout. The buoys were being relocated with the finish to be determined. Further consultation would take place with Boston in Bloom to provide an associated planting area around the buoys to reflect their design ethos. Soft landscaping spaces would also be provided, designed to improve the biodiversity of the site inline with the comments from the ecology officer.

The setting to Crown House would be improved with the public realm which would be a catalyst for any future development which may arise.

Members tabled questions to Mr Ashford whose responses included:

The public realm would be built from resilient components to withstand weather and any possible physical attention, with design keys having been taken from other similar structures across the U.K which have been in place for a long time and made to a very robust standard.
All green areas would be accessible to pedestrians to provide an inclusive environment.
The Seamen's Mission Buoy would be relocated adjacent Crown House and be in a more prominent position than its current location and form part of the Arts Trail.
The B&M site and the Crown House sites each formed part of the Master Plan and were not for consideration within the application table. Both would be subject to separate applications.
The estimated timescale for delivery of the site was thirteen months to two years approximately.
It was envisaged that the site would create a safer place as a more natural surveillance was introduced. Footpaths would be wider, existing trees considered to be dead, dying, or diseased had been removed to open up the public footway enabling increased visibility. In the evening there would be a lighting scheme and CCTV would be introduced.

Member deliberation followed which included:

Significant concern was noted by some members at the change of access for both users and for deliveries to the Len Medlock Centre. They cited the loss of direct parking outside the main doors, to the proposed new isolated drop-off bay which was sited away from the main doors, and voiced concern at the context within the report which indicated no requirement to provide parking for the site. The centre was a significant building which was used by many residents including those who were not as able as others in their mobility and who would find it difficult accessing the building from the new 'drop-off' point.
Officers advised that it had not been their intent to indicate 'no need to provide parking the serve the building'. It was a town centre building in a location well served by public car parks and the site itself did not have its own car parking provision. As such, no parking assets had been removed from that site.
When a number of members questioned the lack of detail within the plan, officers confirmed that it was for full planning permission, but only for the area indicated within the

application tabled. The wider site within the overall master plan included both the B&M Site and Crown House, both of which would be subject to future applications which would be more detailed in nature.
Overall members agreed the scheme and recognised that the other areas within the master plan would be tabled as they came to fruition.

RESOLVED:
That the planning committee agreed the application in line with officer recommendation and subject to the following conditions and informative:

1. The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: Required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall only be undertaken in accordance with the following approved plans;

- Drawing No. 831-ALA-XX-XX-DR-L-9005 Rev PL01 - Site Location Plan
- Drawing No. 831-ALA-XX-XX-DR-L-9002 Rev PL01 - Landscape General Arrangement
- Drawing No. 831-ALA-XX-XX-DR-L-9003 Rev PL01 - Detailed Landscape General Arrangement 1
- Drawing No. 831-ALA-XX-XX-DR-L-9004 Rev PL01 - Detailed Landscape General Arrangement 2
- Drawing No. 831-ALA-XX-XX-DR-L-9009 Rev PL01 – Site Section 1 of 2
- Drawing No. 831-ALA-XX-XX-DR-L-9010 Rev PL01 – Site Section 2 of 2
- Drawing No. 831-ALA-XX-XX-DR-L-9013 Rev PL01 – Planting Plan 1 of 2
- Drawing No. 831-ALA-XX-XX-DR-L-9014 Rev PL01 – Planting Plan 2 of 2
- Drawing No. 831-ALA-XX-XX-DR-L-9015 Rev PL01 – Tree Retention and Removal Plan
- Drawing No. RGS-DCE-XX-XX-DR-C-5000 Rev P01 - Drainage Strategy
- Drawing No. RGS-DCE-XX-XX-DR-C-8000 Rev P01 - Drainage Proposal
- Drawing No. 831-ALA-XX-XX-DR-L-9504 P01 – Sculpture and Water Feature Detail

Reason: To ensure that the development is undertaken in accordance with the approved details, in the interests of residential amenity and to comply with Policies 2 and 3 of the South East Lincolnshire Local Plan (2019).

3. Development may not begin unless a biodiversity gain plan has been submitted to and approved by the Local Planning Authority.

Reason: To comply with Schedule 7A of the Town and Country Planning Act (1990, as amended).

4. Prior to its installation on site, the final design of 'The Wave' art installation shall be submitted to and approved in writing by the Local Planning Authority. The installations shall be in accordance with the approved details only.

Reason: In the interests of the appearance and character of the development and the visual amenity of the area including Boston Conservation Area in accordance with Policies 2 and 3 and 29 of the South East Lincolnshire Local Plan, 2019.

5. Prior to the implementation or enhancement of any habitat included within the approved gain plan, a 30 year management and maintenance plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include:

- Aims, objective and targets for management, including the target conditions as specified within the Statutory Biodiversity Metric and Biodiversity Gain Plan.
- Details of the management operations necessary to achieve those aims and objectives and the target conditions of all relevant habitats.
- Details of the monitoring needed to measure the effectiveness of management and details of an assessment as to whether the target condition is achieved within the time to target period specified within the approved metric.
- Mechanisms for adaptive management and remedial measures to account for changes in the work schedule to achieved required targets and to redress any shortfall in biodiversity units that may occur.
- Details of the persons responsible for the implementation and monitoring detailed above

The development shall be completed in accordance with the approved details and the management plan shall be adhered to for its duration.

Reason: In the interests on improving biodiversity and delivering the Mandatory Biodiversity Net Gain. This condition is imposed in accordance with policy 28 and 31 of the South East Lincolnshire Local Plan 2019.

6. The scheme of hard and soft landscaping and tree planting shown on drawing No 831-ALA-XX-XX-DR-L-9003 PL01 and 831-ALA-XX-XX-DR-L-9004 PL01 shall be carried out and completed in its entirety during the first planting season following completion of the development. All trees, shrubs and bushes shall be maintained for the period of five years beginning with the date of completion of the scheme and during that period all losses shall be made good as and when necessary.

Reason: To ensure that the development is adequately landscaped, in the interests of its visual amenity and character in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan 2019.

7. Notwithstanding the submitted details, prior to any works affecting the highway, the final design of footways and parking bays to serve the Len Medlock Centre and the Coach parking shall be submitted to and approved in writing by the Local Planning Authority. The development shall proceed in accordance with the approved details.

Reason: In the interests of safety of the users of the public highway and the safety of the users of the site in accordance with Policy 2 of the South East Lincolnshire Local Plan 2019.

8. The development hereby permitted shall proceed in accordance with the drainage proposals detailed on Drawing No. RGS-DCE-XX-XX-DR-C-8000.

Reason: To ensure that the site is adequately drained, to avoid pollution, and to prevent increased risk of flooding in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019 and national guidance contained within the National Planning Policy Framework 2021.

9. Prior to the development hereby permitted first being brought into use, the archaeological evaluation dated February 2024 and submitted with this application shall be deposited in an appropriate archive and confirmation of the deposition shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the implementation of an appropriate scheme of archaeological mitigation in accordance with national guidance contained in the National Planning Policy Framework, 2023 and accordance with Policy 29 of the South East Lincolnshire Local Plan, 2019.

10. 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 suspected contamination has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure all contamination within the site is dealt with and to accord with Policies 2 and 3 of the South East Lincolnshire Local Plan (2019).

11. The development hereby permitted shall be completed in accordance with the construction method statement.
Where works outside of the hours of 07.30-17.00 Monday to Friday are required. These hours shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the amenity of local residents in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

12. The development hereby permitted shall include topsoil capping of 300mm of clean topsoil.

Reason: To ensure all contamination within the site is dealt with and to accord with Policies 2 and 3 of the South East Lincolnshire Local Plan (2019).

BIODIVERSITY NET GAIN CONDITION

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition") that development may not begin unless:

(a) a Biodiversity Gain Plan has been submitted to the planning authority, and
(b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Boston Borough Council

Statutory exemptions and transitional arrangements

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These can be found at Paragraph: 003 Reference ID: 74-003-20240214 of the Planning Practice Guidance, which can be found at https://www.gov.uk/guidance/biodiversity-net-gain.

Irreplaceable habitat

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain

Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.

Effect of Section 73(2D) of the 1990 Act

Under Section 73(2D) of the Town and Country Planning Act 1990 (as amended) where -

(a) a biodiversity gain plan was approved in relation to the previous planning permission ("the earlier biodiversity gain plan"), and

(b) the conditions subject to which the planning permission is granted:

(i) do not affect the post-development value of the onsite habitat as specified in the earlier biodiversity gain plan, and

(ii) in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat within the meaning of regulations made under paragraph 18 of Schedule 7A, do not change the effect of the development on the biodiversity of that onsite habitat (including any arrangements made to compensate for any such effect) as specified in the earlier biodiversity gain plan.

(iii) - the earlier biodiversity gain plan is regarded as approved for the purposes of paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 (as amended) in relation to the planning permission.

The Meeting ended at 11.00 am.

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PLANNING APPLICATION B 24 0366

Application Type:

Full Planning Permission

Proposal:

Change of use of a dwelling to a children's home for a maximum of six children (Use class C2) and a garage conversion into a habitable space

Location

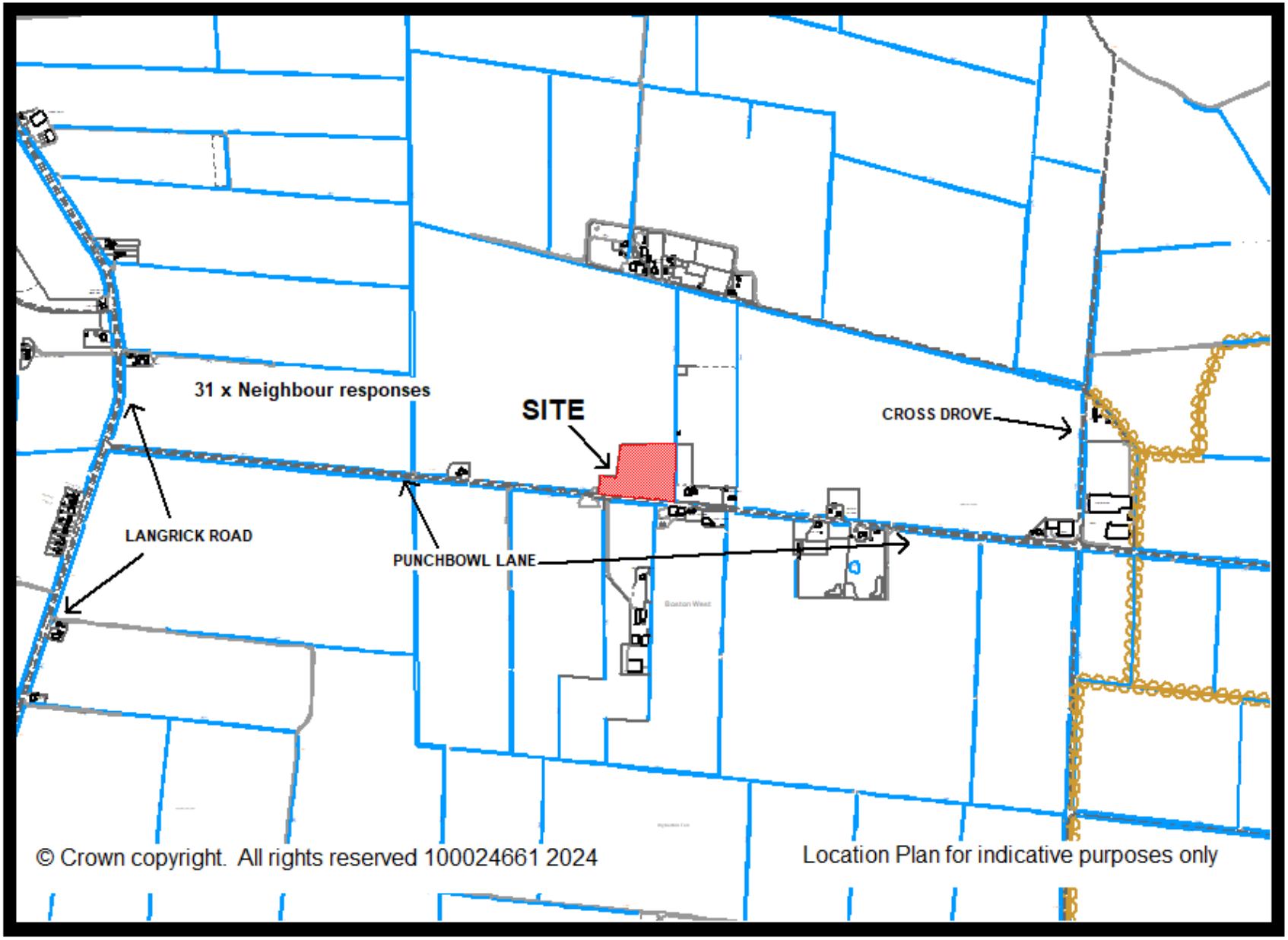
Walnut Tree Farm, Punchbowl Lane, Brothertoft, Boston PE20 3SB

Applicant

Virtue Therapeutic Care & Education (East Sussex Ltd)

Agent

Rose Consulting


31 x Neighbour responses
SITE
CROSS DROVE
LANGRICK ROAD
PUNCHBOWL LANE
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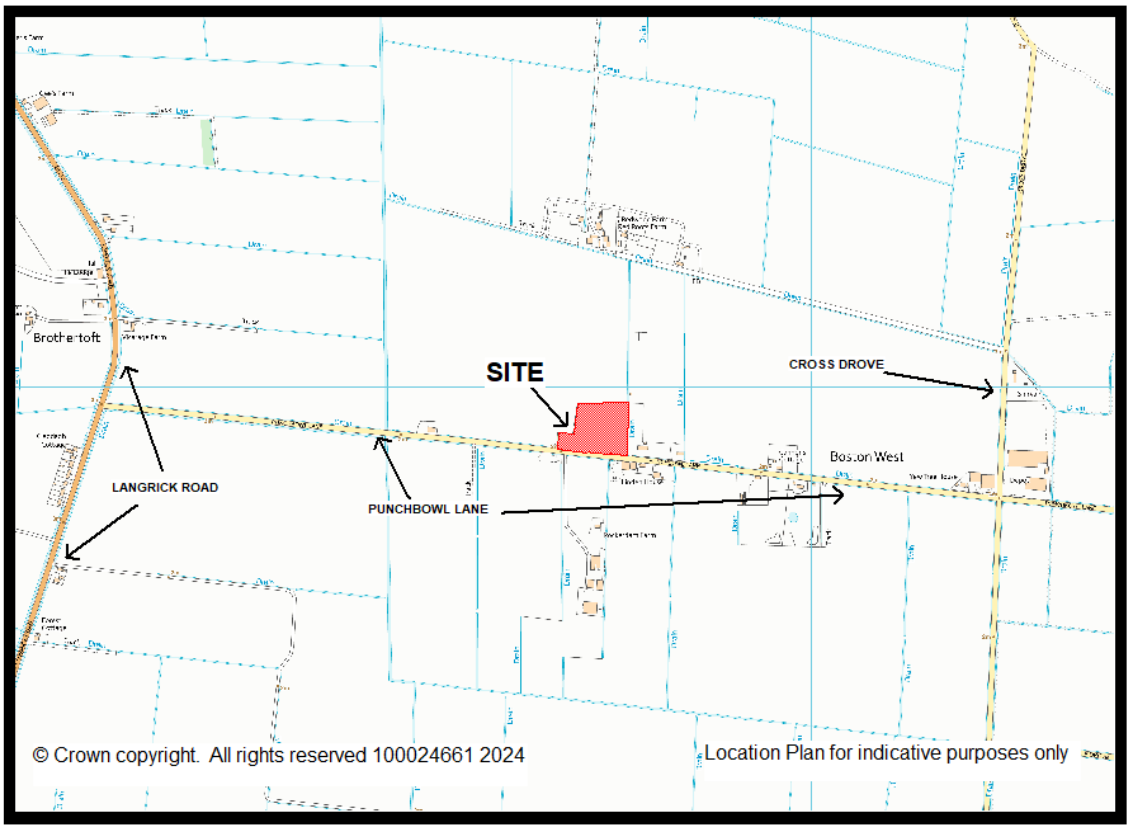
Location Plan for indicative purposes only

BOSTON BOROUGH COUNCIL

Planning Committee – 3rd December 2024

Reference No:	B/24/0366
Expiry Date:	14-Nov-2024
Extension of Time:	05-Dec-2024
Application Type:	Full Planning Permission
Proposal:	Change of use of a dwelling to a children's home for a maximum of six children (Use class C2) and a garage conversion into a habitable space
Site:	Walnut Tree Farm, Punchbowl Lane, Brothertoft, Boston PE20 3SB
Applicant:	Virtue Therapeutic Care & Education (East Sussex Ltd)
Agent:	Rose Consulting
Ward:	Swineshead and Holland Fen
Parish:	Brothertoft
Case Officer:	Charlie Parry
Third Party Reps:	31
Recommendation:	**Grant Planning Permission subject to conditions**



1.0 Reason for Report

1.1 The application is being presented to the planning committee following a call-in request from Councillor Evans, who is a ward member for the area. The call-in request was made within 10 days of the application being validated, for the following reasons:

- The site is within the wrong location
- The 'home' would be built miles from any shops or nightlife
- There are no bus-routes or pavements
- The road is fast, a 'rat-run' and busy
- It is a private business
- There is no main sewer anywhere near the site
- They have ticked to 'no' box for adjoining trees
- There is little mention of lighting and how this would impact bats
- There is no water run-off from the site and the dykes don't channel the water anywhere
- Applications B/07/0202 and B/07/0423 were both refused in the nearby area for being in the countryside and reliance on private car.

1.2 Following the 31 objections received from third parties, the application was put through the scheme of delegation notification to Local Ward Members on the 30th October 2024.

2.0 Application Site and Proposal

2.1 The site to which the application relates is an existing, detached, two-storey residential dwelling located on the northern side of Punchbowl Lane, Boston. The site is extensive, with the red line boundary including the dwelling itself, a wooded area to the west and two paddocks to the north, with the larger of the two extending past the eastern boundary.

2.2 The site does have a neighbouring property to the east (Orchard Meadow), but it is separated by the large paddock and is approximately 107.9m from the side elevation of Walnut Tree Farm. Opposite 'Orchard Meadow' are two other residential dwellings.

2.3 The site is within a countryside location and is approximately (when measured in a straight line) 2454.4m from the settlement boundary of Boston. Punchbowl Lane does not benefit from street lighting or a pavement. The site has no immediate neighbours and is surrounded by agricultural fields to the north and west. The site is located within Floodzone 3.

2.4 Planning permission is sought to convert the existing dwelling into a Children's Home that would house a maximum of six children (use class C2). Included in the proposal is the conversion of an existing garage into a habitable space. There is no increase to the overall footprint of the dwelling and no alterations to the existing access arrangements.

2.5 The home would facilitate and provide care for the children and young people for the duration of their placement. It is proposed that there will be 4 members of staff on site

during the day and 2 members of staff during the night. The facility would be registered and inspected by Ofsted.

3.0 Relevant History

3.1 B/05/0647 - Erection of single dwelling with garage
Refused: 09-Nov-2005

3.2 B/05/0264 - Single storey side extension
Granted: 17-Jun-2005

Appeal Decisions

Appeal Ref: APP/E2530/W/21/3276384 - Wayside, Main Street, Foston NG32 2JU

3.3 Planning permission was granted as a result of the appeal for the change of use of a dwelling (C3a) to a children's care home (C2) with a maximum of three children and two carers working on a rota basis sleeping overnight at Wayside.

3.4 The inspector determined that the vehicles movement at the site would be residential in nature and would not be significantly different to the existing. They also concluded that there would not be 'significant harm' to noise levels. The development was deemed to be acceptable in respect of its impact on residential amenity.

Appeal Ref: APP/E2530/W/24/3343621 - Barakat 52 Saltersford Road Grantham Lincolnshire NG31 7HG

3.5 Planning permission was granted as a result of the appeal for the change of use of a residential dwellinghouse (Use Class C3) to a children's care home (Use Class C2).

3.6 The inspector determined that the impact on highway safety was acceptable with the highest amount of vehicle movements being at shift handover time. They also noted that some comments regarding behaviour, noise and privacy are not appropriate to be addressed through the regulatory regime of planning as other regulatory regimes apply to care provision.

4.0 Relevant Policy

4.1 **South East Lincolnshire Local Plan (2019)**

- Policy 1 – Spatial Strategy
- Policy 2 – Development Management
- Policy 3 – Design of New Development
- Policy 4 – Approach to Flood Risk
- Policy 5 – Meeting Physical Infrastructure and Service Needs
- Policy 32 - Community, Health and Well-being
- Policy 36 – Vehicle and Cycle Parking

4.2 **National Planning Policy Framework**

- Section 2 – Achieving Sustainable Development;
- Section 4 – Decision Making;
- Section 11 – Making Effective Use of Land;
- Section 12 – Achieving Well-designed Places;
- Section 14 – Meeting the Challenge of Climate Change, Flooding and Coastal Change;

4.3 **National Planning Practice Guidance (PPG)**

4.4 **Biodiversity Net Gain**

- Schedule 7A of the Town and Country Planning Act 1990

4.5 **Written ministerial statement (23 May 2023)**

- "A written ministerial statement (which is a material planning consideration) was issued by the then Housing Minister specifically relating to the planning system and children's care homes. This stated (inter alia) that:

  the planning system should not be a barrier to providing homes for the most vulnerable children in society." … "local planning authorities should assess the size, type and tenure of housing needed for different groups in the community and reflect this in planning policies and decisions." … "In two tier authorities, we expect local planning authorities to support these vital developments where appropriate, to ensure that children in need of accommodation are provided for in their communities".

5.0 <u>Representations</u>

Councillor Comments

5.1 A Councillor as objected to the application on the basis that the development is in an unsuitable location and way from near services and nightlife. There are no bus-routes or pavements, and the road is dangerous with speeding cars. There would also be an increase in traffic.

5.2 In their second comment, the Councillor raised issue with there being no main sewer despite the FRA referring to the development being connected to it. The application form stated that there are no trees adjoining the site but there are at least 82 of them. There is no mention of lighting. The dyke to the front is unsuitable. It is contrary to Policy 1 and also referred to policy 'ED7' for industrial development.

Residential Objections

5.3 There has been a total of 28 objections from residents. Their concerns are summarised below, into relevant categories:

<u>Unsuitable Location</u>

5.4 The first aspect, which almost all objections referred to was the location of the site. With there being no facilities, public transport, footpath or lighting and a significant

distance from Boston, the objections received reference the site being unsuitable. There is concern that the site cannot be properly secured.

Concern Regarding Occupants

5.5 A key aspect from the objection comments is concern regarding the occupants of the proposed children's home. The concerns largely relate to there being 'nothing to do' in the immediate area and the children/teenagers becoming bored and therefore tempted to misbehave.

5.6 Concern regarding the children's behaviour was also noted in residents' comments in them feeling 'unsafe' or the Children/teenagers at the home may be a risk to their own children. Security to their properties is also mentioned in the comments.

5.7 Other elements to this were also raised with regard to how the children would be separated within the home and concern raised over potential for abuse between residents.

Relationship with the Surrounding Land Uses

5.8 Almost all of the comments mentioned the surrounding land uses in one form or another. They raise that there is a nearby farm, which is dangerous. The machinery in the farm can also pose a risk to the children. Notwithstanding this, the surrounding fields are sprayed with pesticides, which are of risk to the children. Next door to the site it is mentioned that chemicals and solvents are used which could be of harm to the children.

5.9 Concern regarding people's property and damages to their property from the future occupants of the site have also been raised.

5.10 The immediate area is largely made up by elderly residents and concern on how the children will integrate with them has been raised. One of the aspects is an increase in noise, a loss of privacy and the risk of criminal activity.

5.11 There is an acknowledgement that the site is within the country. The objections raise concern about the sites impact on wildlife and the increase in light spill. On this they relate to policy 1, saying there is not a countryside use for this development.

Highway Safety

5.12 Another primary concern raised in the objection comments related to Punchbowl Lane and that it is unsafe. The concerns relate to the lane being barely wide enough for two vehicles to pass. The road is a national speed limit, but people often go faster than this. The visibility from the site is not suitable. The dykes close to the grass verges are often full for prolonged periods of time and are unsafe. The road is busy, and this added with the speed is dangerous for the children at the site. There is a claim that there have been a number of traffic accidents down this road.

5.13 There would be an increase in vehicles and taxis, where they might not be able to pull in the site so would be waiting on the busy highway. There would be a damaging impact on the environment from the increase in motor vehicles.

Problems with the Submission

5.14 Some 'inaccuracies' have been pointed out by the objection comments with particular reference to the Design and Access Statement and whether the development would be for initial assessment of the children or as a halfway house.

5.15 They also raise that the FRA states that the site will connect to mains sewer when there isn't one and therefore this is not accurate.

5.16 The comments also refer to a lack of effort being made to integrate with the local community and a need for the development has not been put forward.

Other Aspects

5.17 The following other aspects have been raised:

- Loss of historic features to the dwelling
- Boston College does not provide a residential carers course with the prerequisites of safe guarding to provide 24 hr residential care
- State the staff would not be determined by Ofsted

Third Party Neutral Comment

5.18 Requested the inclusion of 5 swift nesting bricks.

6.0 Consultations

Environment Agency

6.1 The EA have no objection to the proposal but have raised some concern regarding ground floor sleeping accommodation subject to the LPA being satisfied to the availability of first floor refuge space. but have no objections to the development provided that the LPA is satisfied. They have requested a Flood Warning and Evacuation Plan is secured via a planning condition.

Lincolnshire County Council (Local Highway and Lead Local Flood Authority)

6.2 Raised no objection to the development. The Local Highway Authority concluded that sufficient visibility is provided at this location and adequate parking has been provided.

6.3 They acknowledged that there is a reliance on private cars but that does not make it an unsafe location. They also highlighted that there have been no recorded Personal Injury Accidents in the vicinity of the access in the last five years. The comments conclude that "the comings and goings associated with the use would not be materially different from a typical residential household."

6.4 From a Lead Local Flood Authority perspective, no objections were raised.

Holland Fen with Brothertoft Parish Council

6.5 Object to the application for the following:

- No mains sewer but listed as being connected to
- Large volumes of waste water
- Water pollution for dykes
- No pavements, streetlights or bus routes contradict the community integration push.

- Wildlife concerns
- Dangerous road
- Increased noise levels
- Increase in pollution
- Close proximity to a farm chemical store
- Impact on neighbouring properties and their privacy

Environmental Health

6.6 No objections.

Anglian Water

6.7 Anglian Water confirmed that the application falls outside of their remit.

7.0 <u>Planning Issues and Discussions</u>

7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that the determination of an application must be made in accordance with the Local Plan unless material considerations indicate otherwise. The key planning issues in the determination of this application are:

- Principle of Development
- Impact on the Character and Appearance of the Area
- Impact on the Residential Amenity of Neighbouring Dwellings
- Impact on Highway Safety and Parking Provision
- Flood Risk and Drainage Issues
- Impact on Biodiversity, Landscaping and Wildlife
- Other Matters

Principle of Development

7.2 In accordance with Inset Map 1 of the South East Lincolnshire Local Plan, the application site is located outside of the settlement boundary for Boston. It is therefore considered to be located within the countryside. Consequently, Part D of Policy 1 in the South East Lincolnshire Local Plan (2019) is relevant.

7.3 Part D of Policy 1 of the Local Plan indicates that, *"in the Countryside, development will be permitted that is necessary to such a location and/or where it can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community or environmental benefits."* The Reasoned Justification to Policy 1 indicates that *"housing needs may also, by exception, be justified in the Countryside"*.

7.4 The wording of Policy 1 means that a proposal need only satisfy one of the tests set out in the policy. It is noted that the site contains an existing building, with an existing residential use located within the countryside.

7.5 Taking the first test of whether the development is necessary to such a location, it is accepted that the development could be equally recognised within the confides of a settlement boundary.

7.6 The second test is therefore relevant to this application and the proposal should meet an economic, community or environmental benefit. Starting with the economic benefits, it is noted that the development would result in the creation of 5 jobs. This makes a positive contribution to employment in the Boston Borough, however it is not considered to be significant.

7.7 In terms of environmental aspects, it is accepted that the site does not benefit from a public footpath, cycle route or public transport routes within the immediate area and therefore there is a reliance on personal motor vehicle. However, the proposal is re-using an existing building. The car movements as a result of the development are not considered to be significantly more than occupants using the site as a single dwelling. Whilst the development does not result in significant environmental benefits, the proposed change of use would not result in an increased level of harm considered to be adverse.

7.8 In respect of community benefits, the proposal is to provide a home for children aged between 7 and 18 who have been the victim of trauma. The development therefore will provide accommodation for vulnerable children. Some of the objection comments raised whether there is a need for this type of development in this area, whilst others acknowledged there is a need for this type of development but that the location is unsuitable. Paragraph 1.1 of the applicant's Design and Access Statement refers to a ministerial statement from Rachel Maclean (Minister of State (Department for Levelling up, Housing and Communities) in May 2023. The key points of this are listed below:

- The planning system should not be a barrier to providing homes for the most vulnerable children in society
- The care system provides stable, loving homes, in the right places
- Access to good schools and community support

7.9 It should be noted the objection comments refer to the site not being within walking distance to schools or facilities. However, as explained in the design and access statement, the intention is to provide a family home for the children. The site has significant land to provide the children with opportunities they may not have had before and the improvements, along with Ofsted requirements would make it safe. The countryside location would reduce the risk of harassment and victimisation of the children.

7.10 Therefore, on balance, it is considered that the proposal would provide a community benefit to local vulnerable children that should be supported. The proposal requires minimal exterior alterations and makes use of an existing building and access. The change of use of the building to provide a children's home is considered to outweigh the reliance on a car for travel. The proposal therefore meets the requirements of Part D, Policy 1 through its provision of community benefits.

7.11 Notwithstanding the above, Policy 32 of the South East Lincolnshire Local Plan refers to Community Health and Well-being. Policy 32 outlines that development "shall contribute to: the creation of socially cohesive and inclusive communities…".

Furthermore, paragraph 96 of the NPPF states that "planning policies and decisions should aim to achieve healthy, inclusive and safe places.."

7.12 As previously mentioned, the proposal is to accommodate a specific need and therefore a specific community. By accommodating children that have been the victim of trauma, giving them a resemblance of a family home and a safe living space, not only does it make the immediate area more inclusive, but Boston as a whole. The proposed development is considered to meet the requirements of Policy 32 and P96 of the NPPF.

7.13 Some weight is also given to the Written Ministerial Statement (as mentioned previously), with particular regard to the planning system not being a barrier. The proposal is considered to provide a loving family home for the children.

7.14 On balance, and for the reasons set out above, the principle of the proposed change of use of an existing dwelling is considered to be acceptable in accordance with Policies 1 and 32 of the South East Lincolnshire Local Plan and P96 of the NPPF.

Character and Appearance

7.15 Policy 2 of the Local Plan states that a proposal requiring planning permission will be permitted provided that sustainable development considerations are met. These include size, scale, layout, density and impact on the amenity, trees, character and appearance of the area as well as the quality of its design and orientation. Policy 3 states that all development must create a sense of place by respecting the density, scale, visual closure, landmarks, views, massing of neighbouring buildings and the surrounding area.

7.16 Although there are minimal nearby properties to the site, the ones within close proximity are mixed in their design. The common themes include having two-storeys, pitched roofs and are either constricted from facing brick or rendered. They are also characterised by large driveways and land that surrounds the properties. The dwelling subject to this application is constructed from a mix of render (to the main aspect) and red brick (to the subservient extensions either side). It is served by an existing access and views into the site are clear due to the low fencing and limited landscaping. To the west is a large area consisting of trees.

7.17 The proposed development does not include any external alterations to the building. In this respect there is no impact on the character and appearance of the site. However, the applicant does propose alterations to the wider site in order to ensure the safety of the Children that it will house. These alterations include:

- 1.2m timber fencing to the north, west and south boundary of the wooded area
- 1.8m close boarded fence to the woodland's eastern boundary that separates it from the dwelling
- 1.8m close boarded fences to the south, east and north elevation, which will enclose the site.
- Bin and cycle storage to the north (rear) of the property
- Storage and garden shed to the north (rear) of the property

- Clearly identified parking spaces and turning zones including two EV charging points

7.18 The additions to the north of the property, as identified above, will not be visible from the public realm and will be well hidden behind the existing dwelling. These aspects are therefore deemed acceptable.

7.19 The 1.8m high fencing around the site would result in a change to the openness to the front of the site. This is not considered to be adverse on the character of the area and the benefits of securing the site are considered to outweigh any potential harm in this respect. The Highways Authority have not raised any objections to the fence in terms of visibility or highway safety.

7.20 On balance, it is not considered that the proposed development would significantly detract from the character and appearance of the site to such an extent that would sustain recommendation for refusal.

Residential Amenity

7.21 Policies 2, 3 and 30 of the Local Plan seek to ensure that new development does not significantly impact on neighbouring land uses by reason of noise, odour, disturbance or visual intrusion.

7.22 The first point in relation to this matter is that the proposal is not extending the existing dwelling. Therefore, there will not be a loss of outlook, privacy or light to neighbouring properties. In addition, there are no properties immediately adjacent to this site which further reduces potential impacts on neighbouring properties.

7.23 However, it is noted that the objection comments raise a number of residential amenity aspects. The first of which is their safety and the safety of the children. Concern has been raised that the children will be going into the surrounding fields and able to look in to or damage their properties, get on farming machinery or endanger themselves with the nearby road. These concerns are noted. However, the site is set well away from neighbouring properties and the applicant proposes to enclose the site with a 1.8m high fence which increases the sites security. Notwithstanding this, the development will be registered with and inspected by Ofsted and will therefore have to be a safe environment for the children, who will be under the provision of staff through day and night. For these reasons, the proposal is deemed to be acceptable in this respect and would not result in an adverse risk to the safety and wellbeing of the neighbouring land uses or the children.

7.24 Another aspect raised in the objection comments included an increase in light spill/pollution and how this would impact the surrounding land, particularly wildlife. The wildlife aspect will be explored further down in this report. However, point 6 of Policy 30 specifically refers to light pollution and therefore there is some relevancy to this section. Concern has been raised due to the lack of information on the lighting and how it will be managed. The plans do not indicate that there would be any external lighting to the site. Therefore, any light spill is likely to be caused by vehicle movements or would be generated from the building. This is not considered to be significantly

more than the existing use as a single dwelling and therefore the application is deemed acceptable in this respect. It should be noted that the Environmental Health team have raised no objection in respect of this.

7.25 The objection comments raised concern regarding an increase in noise and how this would impact the neighbouring land uses. The site is located approximately 108m from the nearest property. There is not considered to be a significant increase in noise levels to the site. The separation distance from neighbouring properties is considered to mitigate any concern. Environmental Health have been consulted and have raised no objection in respect of this.

7.26 There have been two recent Appeal decisions in neighbouring South Kesteven District Council, which are listed in the 'Planning History' section of this report. Both of the appeals overturned the refusal of planning permission. One of the aspects that the Inspectorate found acceptable, contrary to the planning decision, was the development's impact on residential amenity, with specific regards to light spill and noise.

7.27 On balance, it is therefore considered that the proposal would not have an adverse impact on the residential amenity on the future occupants or the neighbouring land uses. The development would not result in a loss of outlook, light or privacy to neighbouring properties. Furthermore, issues such as light and noise pollution are deemed acceptable. The proposal therefore accords with Policies 2, 3 and 30 of the SELLP (2019).

Highway Safety and Parking Provision

7.28 Policy 36 of the South East Lincolnshire Local Plan (2019) states that all new development, including change of use, should provide vehicle and cycle parking in accordance with appendix 6 of the Local Plan. Appendix 6 indicates that for a C2 use, 1 car parking space per 3 residents should be provided. It also states that 1 cycle space per 3 employees should also be provided.

7.29 The applicant proposes 6 car parking spaces on the site, which would be sufficient for 18 residents at the site. This exceeds the requirement for the proposed number of employees and users of the site. Sufficient turning space has also been provided in order for the cars to enter and exit the site in forward gear. The proposal also includes secure bicycle storage, sufficient for 5 bicycles. This exceeds the requirements of appendix 6. The Local Highway Authority have raised no concern regarding parking provision on the site. On balance, the proposal is considered to provide sufficient parking and meets the requirements of Policy 36 and Appendix 6 in this respect.

7.30 Notwithstanding the above, a main theme that was expressed in the objection comments related to highway safety. Including, but not limited to, the speed vehicles travel down Punchbowl Lane, the width of the road, how busy the road gets, visibility from the site (particularly to the west) and the risk of taxis waiting along the highway.

7.31 The Local Highway Authority have been consulted on the site and have raised no objection to the proposed development. They stated that the site utilises an existing

access that has sufficient visibility. They highlighted that that there have been no recorded Personal Injury accidents in the vicinity of the access in the last 5 years and the proposal would not result in comings and goings that are materially different from a typical residential household. It should also be noted that the gate for the site is located 4.8m back from the highway edge which is a sufficient distance to allow cars to pull off the highway whilst waiting for access to the site. It is noted that there is a mirror on the telegraph pole opposite the site, which aids with visibility of the site.

7.32 Notwithstanding the above, the two appeal decisions listed in the 'Planning History' section of the report, are of particular relevance. Both of the appeals overturned the refusal of planning permission. A common theme between the two was that Inspectors found the vehicle movements would not be significantly different from the existing use, nor would they cause significant harm. It was identified that the peak time for vehicle movements on the site would be shift handover.

7.33 Paragraph 115 of the NPPF states that: "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

7.34 Based on the Local Highway Authority's comments and from the utilisation of an existing access there is no evidence to suggest that the development would have an unacceptable impact on highway safety. The proposal is therefore deemed to be acceptable in this respect and meets the requirements of P115 of the NPPF.

7.35 It should also be noted that the proposal will be registered and inspected by Ofsted. The site will be required to demonstrate safety to a level that Ofsted are satisfied for the site to be operational. This falls outside of planning, but it is important to note that further safeguards will be in place by virtue of other regulatory measures (including highway problems).

Flood Risk and Drainage

7.36 Policy 4 of the SELLP state a proposed development within an area of flood risk (Flood Zones 2 and 3) will be permitted where it can be demonstrated that there are no other sites available at a lower risk of flooding. Development within all flood zones (and development larger than 1 hectare in Flood Zone 1) will need to demonstrate that surface water from the development can be managed whilst not increasing the risk of flooding to third parties.

7.37 As the proposal is to change the use of an existing building, the Sequential and Exceptions Test are not required. The sites location within Flood Zone 3 requires the application to be informed by a site specific flood risk assessment.

7.38 As mentioned in the 'Principle of Development' section, the proposal is considered to deliver a community benefit by accommodating a demographic that is in need. The applicant has provided a Flood Risk Assessment (FRA), in which it states that as the application is re-using an existing building it is not possible to raise the floor levels to 3m AOD. In order to counter this, the following mitigation measures are proposed:

- Maintain the existing floor levels
- Water resisting airbricks
- Backwater valves and non-return valves to be used
- New electrical installation to be above 3m AOD
- Safe refuge provided on the first floor

7.39 The proposed measures are considered reasonable, given the nature of the development and the proposal relating to the conversion of an existing building. The mitigation measures, and the development as a whole, will not result in an increased risk of flooding to the neighbouring land uses. A Flood Warning and evacuation Plan has been provided by the applicant as requested by the Environment Agency, which is considered to be acceptable.

7.40 Notwithstanding the above, considerable concern has been raised regarding a number of flood risk topics in the objection comments. These include the FRA incorrectly stating that the site will connect to a mains sewer and that the dykes are often full of standing water. The Parish Council also raised these issues but included that there would be large volumes of waste water.

7.41 The site will make use of the existing drainage systems and there will be no alterations to the foul or surface water drainage systems other than there will potentially be an increase in usage over use as a single dwelling. No concerns have been raised from the Lead Local Flood Authority, the Internal Drainage Board or the Environment Agency in this respect. The site is using an existing drainage system and therefore, whilst the concerns in relation to this are noted, the utilisation of an existing system would not result in a material change. Therefore no harm would arise from the proposed development in this respect.

7.42 Concern regarding the dykes is noted. However as mentioned the development is to make use of the existing site and drainage arrangements. The site will be secured which helps mitigate against concern of the children's safety. There would not be an increase in built development on the site and there is not considered to be a significant increase in risk of surface water flooding as a result of the development. In addition the proposal includes appropriate flood mitigation measures to the dwelling. The maintenance of the dykes falls outside of the planning remit and would be the responsibility of the owner and/or the IDB where relevant. The proposal would result in no material change in terms of the drainage and therefore is deemed to be acceptable in this respect.

7.43 On balance, the proposed development is considered to be acceptable in respect of flood related matters, subject to proposed mitigation measures and evacuation plan. The proposal would not create a material change over that of a dwelling, and utilises an existing drainage system, which is considered to be capable of accommodating the proposed use. No objection from the relevant consultees have been raised in respect of this. The proposal therefore meets the requirements of Policy 4 of the SELLP (2019).

Impact on Biodiversity, Landscaping and Wildlife

7.44 Policy 3 of the Local Plan requires the incorporation of existing hedgerows and trees into development proposals, and the provision of appropriate new landscaping to enhance biodiversity. Policy 28 requires all development proposals to provide an overall gain in biodiversity. Policy 31 requires all development proposals to incorporate measures which promote and enhance green infrastructure and provide a net gain in biodiversity.

7.45 First of all, it is noted that concern has been raised regarding how the site will impact the wildlife often seen in the surrounding areas, particularly with an increase of light spill.

7.46 As mentioned previously, it is not considered that there would be an adverse increase in light spill as no additional lighting is proposed. It is considered appropriate to attach a condition securing details of any additional lighting in terms of times and spill to ensure no adverse impacts.

7.47 The proposal relates to the area surrounding the main dwelling. There are no proposed alterations to the other land uses that fall within the ownership. The proposed alterations to this area are not considered to have an adverse impact on wildlife or the surrounding areas. As mentioned the site would be secured and it is not considered that the proposal would have a detrimental impact on the wildlife in the area over and above its existing use as a dwelling.

7.48 It is noted that a third-party comment requested the installation of 5 swift nesting bricks. However, the building is existing and there are no proposed extensions. Nevertheless, a condition requiring the submission of biodiversity enhancement measures should be attached to any grant of permission.

7.49 Notwithstanding the above, the proposal is for a change of use and the development as a whole would impact less than 25 square metres of onsite habitat. The proposal is therefore exempt from the statutory 10% uplift in Biodiversity Net Gain, as required by Schedule 7A of the Town and Country Planning Act 1990.

7.50 Subject to conditions, the proposal is deemed to be acceptable in relation to Biodiversity, Landscaping and Wildlife, in accordance with Policies 3, 28 and 31 of the SELLP (2019).

Other Matters

7.51 The representation comments referred to a number of aspects that fall outside of material planning considerations. The first of which relates to there being a risk of ‘sexual assault’ to the children who will live there. The concern arises from a potentially large age gap of the occupants. This is not a material planning consideration and weight cannot be given to this in the determination of this application. In addition the site will be registered and inspected by Ofsted, with relevant safeguarding in place and will have members of staff on site at all times.

7.52 Similarly to the above, concern has been raised regarding the staff including reference to Boston College not providing a residential carers course. This is not a material planning consideration and weight cannot be given to this in the determination of this application. It is reminded that the site will be registered and inspected by Ofsted, who will have to consider matters such as this.

7.53 Reference has also been made to a loss of historic features to the dwelling. The building is not nationally or locally listed. Furthermore, the application involves converting an existing building with minimal alteration. It is therefore not considered that there would be a loss of any historic features.

8.0 <u>Summary and Conclusion</u>

8.1 When assessing a planning application it is important to weigh up the 'planning balance'.

8.2 In terms of the principle of the development, the scheme would re-use an existing dwelling to provide a home for up to six vulnerable children, supported by two members of staff and a manager, and inspected by OFSTED. The scheme offers a valuable community benefit through the re-use of an existing building, and the provision of specialist housing to meet a need to provide suitable, local accommodation for looked-after children. Weight is also given to the Written Ministerial Statement. On balance, although the site is within the countryside, it is considered to meet the overall requirements of Policies 1 and 32 of the Local Plan as well the NPPF.

8.3 The proposals' impact on the character of the area is considered to be acceptable on the basis that it re-uses an existing residential building and would not increase detrimental impacts significantly above that of a residential dwelling. There are minimal alterations proposed to the site and those that are proposed are considered necessary to facilitate the scheme. The proposal therefore meets the requirements of Policies 2 and 3 of the Local Plan.

8.4 The scheme is not considered to adversely impact the residential amenity of the neighbouring land uses or the future occupants above that of the existing use as a dwelling. In this respect the proposal is considered to accord with Policies 2, 3 and 30 of the Local Plan.

8.5 With regards to highway safety, the proposal is considered to have sufficient parking provision and the access has raised no objections from LCC Highways Authority, despite concern raised in comments received. The proposed change of use utilises an existing access and the proposed vehicle movements would not be significantly different from the existing use. The proposal is therefore considered to meet the requirements of the Policy 36 of the Local Plan and the NPPF.

8.6 Similarly, the proposal demonstrates adequate mitigation measures in terms of flood risk, and a Flood Warning and Evacuation Plan has been submitted, as requested by the Environment Agency. It is therefore considered that the proposal would be acceptable in terms of flood risk. In relation to matters such as

biodiversity/landscaping and light pollution, the imposition of conditions requiring biodiversity improvements and details of any new lighting proposed would adequately mitigate any potential for harm. It is therefore considered that the proposal accords with Policies 3, 4, 28 and 31 of the Local Plan.

8.7 Concerns raised about behaviour of the children, safety in terms of nearby land uses and the road can be addressed via suitable management of the site, including OFSTED inspections and regulations. They are not material planning reasons to withhold planning permission.

8.8 The proposal is therefore considered to be in accordance with all of the relevant material planning considerations. The change of use would not materially increase the impact on the character or amenity of the area. It is therefore recommended that planning permission is granted, subject to conditions.

9.0 Recommendation

9.1 Grant Planning Permission subject to conditions.

CONDITIONS / REASONS			
Pre-commencement conditions?	n/a	Agreed with applicant/agent - Date:	

Conditions

1. The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this permission.

   Reason: Required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004

2. The development hereby permitted shall only be undertaken in accordance with the following approved plans;

   - Proposed Block Plan, Drawing No. BL-301.1 REV 2
   - Proposed Floor Plans, Drawing No. EP-300.2 REV 2
   - Proposed Site Plan, Drawing No. BL-301.2 REV 2
   - Design and Access Statement, Produced by Rose Consulting Planning and Regeneration, Dated 04/09/2024

   Reason: To ensure that the development is undertaken in accordance with the approved details, in the interests of residential amenity and to comply with Policies 2 and 3 of the South East Lincolnshire Local Plan 2019.

3. The development hereby approved shall be undertaken in complete accordance with the Flood Risk and Drainage Assessment [Produced by Roy Lobley Consulting, dated 23/09/24], unless otherwise agreed in writing by the Local Planning Authority, including the following mitigation measures:

- Maintain the existing floor levels
- Water resisting airbricks
- Backwater valves and non-return valves to be used
- New electrical installation to be above 3m AOD
- Safe refuge provided on the first floor

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

Reason: In the interest of reducing flood risk in accordance with Policy 4 of the South East Lincolnshire Local Plan 2019.

4. The measures set out in the Flood Warning and Evacuation Plan [Produced by Roy Lobley Consulting, dated 01/11/24] hereby approved shall be fully implemented prior to occupation and subsequently remain in place.

   Reason: To reduce the risk of flooding to the proposed development and future occupants in accordance with Policy 4 of the South East Lincolnshire Local Plan 2019.

5. Prior to occupation of the development, details of measures to enhance biodiversity on the site shall be submitted to and agreed in writing by the Local Planning Authority. Measures to improve biodiversity should, where appropriate, include:

   - Planting a range of native trees, shrubs and flowers
   - Installation of bird and bat boxes and hedgehog gaps

   The details approved shall be implemented prior to occupation of the development and shall be maintained thereafter.

   Reason: In the interests of biodiversity and in accordance with Policy 28 of the South East Lincolnshire Local Plan 2019.

6. Prior to the installation of any new lighting on the site, details of the type, location, spill and timings of operation shall be submitted to and approved in writing by the Local Planning Authority. The details shall be implemented as approved and retained thereafter.

   Reason: In the interest of protecting amenity and limiting light spill in the open countryside

7. The cycle storage, shown on Drawing No. BL-301.2 REV2 and the Bike Shed Sheet, shall be implemented prior to first occupation of the building and maintained in perpetuity thereafter.

   Reason: In the interested of amenity in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan 2019.

8. The bin storage, shown on Drawing No. BL-301.2 REV2 and the Bin Store Information Sheet, shall be implemented prior to first occupation of the building and maintained in perpetuity thereafter.

   Reason: In the interests of amenity in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan 2019.

9. The development hereby approved shall be occupied as a children's home for no more than 6 Children at any one time.

   Reason: In accordance with the submitted detail and in the interest of residential amenity, in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan 2019.

PLANNING APPLICATION B 23 0153

Application Type:

Major – Full Planning Permission

Proposal:

Change of use from haulage and storage depot to

development of 23 no. residential dwellings,

estate roads and services in accordance with amended plans

and supporting documents received by the Local Planning authority on 31st July 2024

Location

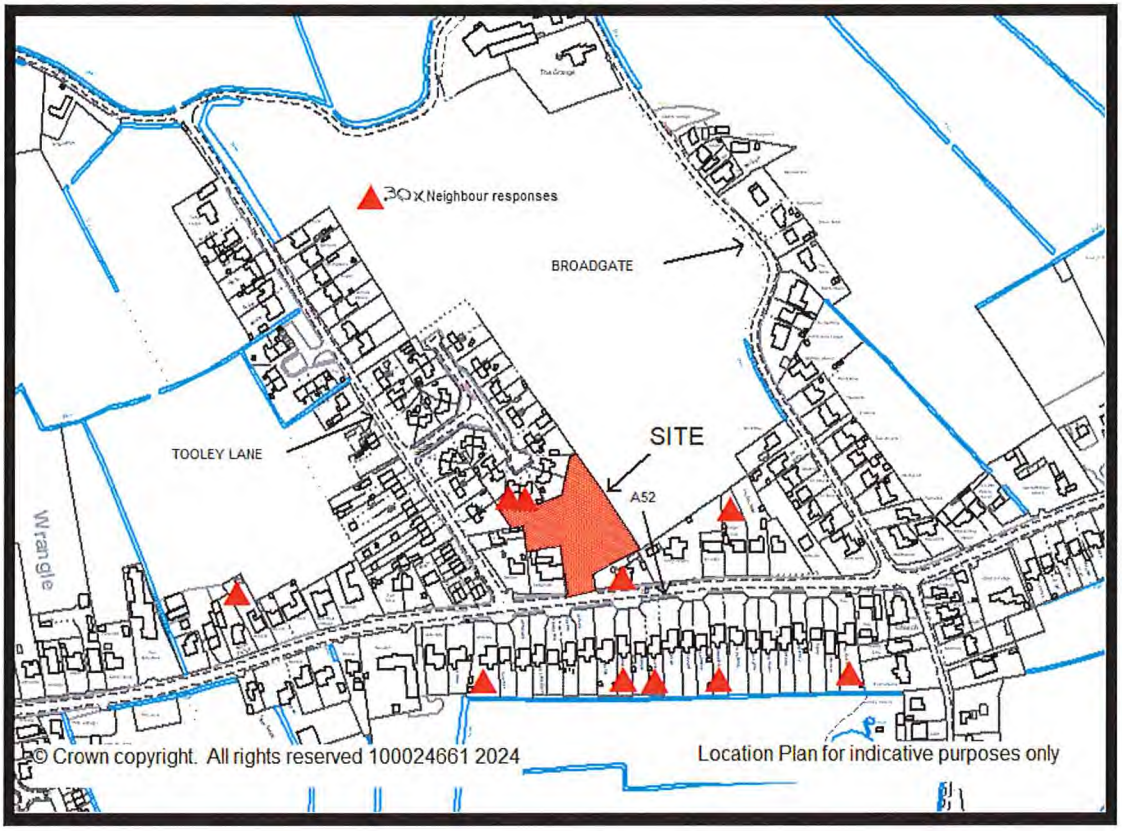
G H Kimes Haulage Depot, Main Road, Wrangle, Boston, PE22 9AW

Applicant

Mr Colin Pape, H H Adkins (Contractors) Ltd

Agent

Mr Colin Pape, H H Adkins (Contractors) Ltd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BROADGATE
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A52
Wrangle
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Location Plan for indicative purposes only

BOSTON BOROUGH COUNCIL

Planning Committee – 3rd December 2024

Reference No: B/23/0153

Expiry Date: 04-Aug-2023
Extension of Time: 09-Feb-2024

Application Type: Major - Full Planning Permission
Proposal: Change of use from haulage and storage depot to housing development of 23 no. residential dwellings, estate roads and services in accordance with amended plans and supporting documents received by the Local Planning authority on 31st July 2024

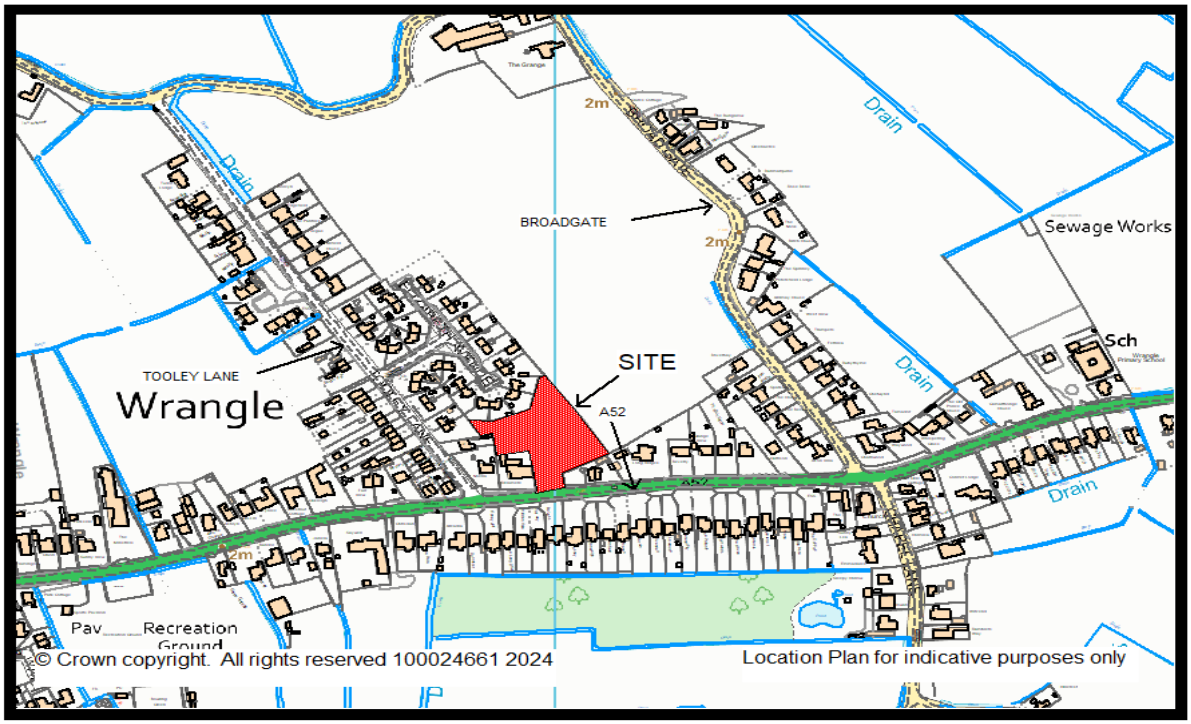
Site: G H Kimes Haulage Depot, Main Road, Wrangle, Boston, PE22 9AW

Applicant: Mr Colin Pape, H H Adkins (Contractors) Ltd
Agent: Mr Colin Pape, H H Adkins (Contractors) Ltd

Ward: Old Leake and Wrangle Parish: Wrangle Parish Council

Case Officer: Ian Carrington Third Party Reps: 36 from 12 addresses

Recommendation: Grant Planning Permission subject to conditions and the signing of a Section 106 agreement



1.0 Reason for Report

1.1 The application was called in for Committee determination by Cllr Butler with written support from Cllr Baxter for the following reasons:

1.2 "Neighbours' residential amenity (Policies 2.1 and 3.11). The relationship of the proposal to existing development (Policy 2.1) and harm to neighbour amenity through overshadowing (Policy 3.11). The properties at the rear of the development will cause serious overshadowing of the properties already in situ on Elizabeth Avenue. This is issue is heightened as the properties on Elizabeth Avenue affected are bungalows.

1.3 "Drainage and flood risk (Policy 4). Despite Anglian waters lack of concern residents cannot currently take baths or use the toilet in nearby properties. Adding another 24 properties onto a system that isn't fit for purpose is only going to make the situation worse. Gardens in Elizabeth Avenue already flood as the land is lower than that of the former Kimes yard. This development could make this issue worse.

1.4 "Scale and dominance, layout and density of buildings (policies 2 and 3, with particular reference to 2.1 and 3.1). I appreciate that the developer needs to build a certain amount to make a profit however residents and myself feel 24 on this relatively small plot of land is far too many. The properties are being crammed in on the land resulting a decrease in the standard of living for residents who boarder the site. We feel a smaller scheme would be more beneficial to the village and be far more in keeping with the character of the village".

2.0 Application Site and Proposal

2.1 The proposal is for change of use from the historic use as a haulage yard to residential, and for the erection of 23 dwellings with associated roadways and infrastructure.

2.2 The application site is a former haulage yard of approximately 0.5 hectares in area. The main buildings were on the eastern side of the site but following fire damage some years ago all buildings have been removed, and the site is currently bare and almost completely (95%) surfaced in concrete. There is an inspection pit in the south east corner - otherwise the site is featureless.

2.3 The location is to the north of the A52 Main Road, Wrangle, in the eastern part of the settlement. A wide concrete entrance joins the highway, and there are residential neighbours on the southern boundary and opposite on the south side of the A52. To the east is an open arable field, and further dwellings are located to the west and north of the site.

2.4 The site is flat, as is the local topography, and the location is in Flood Risk Zone 3 (FRZ3).

2.5 Wrangle is classified as a Minor Service Centre under Policy 11 of the Local Plan.

3.0 Relevant History

3.1 B/07/0108 - granted outline permission for between 21 and 27 dwellings.

3.2 B/10/0116 - granted Application for an extension of time (3 years) for the implementation of extant planning permission ref B/07/0108/OUTL: Outline planning permission for residential development (up to 27 dwellings).

3.3 B/13/0178 - granted a new planning permission to replace an extant planning permission (ref B/10/0116 - Outline planning permission for residential development - up to 27 dwellings) in order to extend the time limit for implementation.

3.4 B/16/0296 - granted outline consent with all matters reserved for the erection of 27 dwellings.

4.0 Relevant Policy

4.1 **South East Lincolnshire Local Plan 2019 (SELLP)**

Policy 1 – Spatial Strategy
Policy 2 – Development Management
Policy 3 – Design of New Development
Policy 4 – Approach to Flood Risk
Policy 5 – Meeting Physical Infrastructure and Service Needs
Policy 6 – Developer Contributions
Policy 10 – Meeting Assessed Housing Needs
Policy 11 – Distribution of New Housing
Policy 17 – Providing a Mix of Housing
Policy 18 – Affordable Housing
Policy 28 - The Natural Environment
Policy 30 – Pollution
Policy 31 – Climate Change and Renewable and Low Carbon Energy
Policy 32 – Community, Health and Well-being
Policy 33 - Delivering a more Sustainable Transport System
Policy 36 – Vehicle and Cycle Parking
Appendix 6 - Parking Standards
Appendix 8 – Developer contributions for education
Appendix 9 - Developer contributions for health care facilities

National Planning Policy Framework 2023 (NPPF)

National Design Guide (NDG)

Planning Practice Guidance (PPG)

5.0 Representations

5.1 As a result of publicity 36 representations have been received at the time of writing from 12 private addresses.

5.2 All third-party representations can be viewed in full on the Council's website. Summaries may incorporate multiple responses from an individual address. The objections and comments can be summarised as follows:

- Generally inadequate village infrastructure (drains, school, GP surgery, roads) cannot cope with further new housing;
- The local sewage system struggles to cope with existing volumes and problems will be made worse by new housing;
- Surface water drainage is very poor locally; groundwater levels are high making percolation drainage and SUDS unsuitable; some riparian drains shown on historic maps are not included in the plans; surface water run-off from the site is a threat to neighbouring properties especially when levels for new housing are raised;
- Local fresh water supply is inadequate;
- 1 Ypres Cottages will lose the vehicular access via the haulage yard which it has historically enjoyed;
- The central location of the public open space/play area is unsafe;
- Existing neighbours (to the north but also at Ypres Cottages) will suffer from overlooking and a loss of privacy;
- Existing neighbours to the north (Elizabeth Avenue) will suffer from overshadowing and loss of light which would be particularly severe in the winter months;
- Technical objections to the overshadowing projections supplied by the applicant - for full details see website. Some key matters raised include a) originally shadow projections underestimated the impact and used unreliable software; b) second round of modelling also underestimates the impact and the hours of sunshine suggested by the applicant are questioned; c) any shadowing of solar PV panels on neighbouring houses would reduce electricity production - has compensation been considered?; d) an alternative layout suggested moving the dwelling further south from the northern site boundary and creating a buffer with a repositioned public open space/play area.

6.0 Consultations

6.1 All consultee comments can be viewed in full on the Council's website. Summaries may incorporate multiple responses from an individual or organisation.

6.2 Environment Agency - initially objected on grounds relating to flood risk and in particular the levels of the site and surrounding land. Following negotiations and amendments the objection was withdrawn subject to minimum finished floor levels being set at 2.7m and a range of flood mitigation and resilience measures being implemented.

6.3 Environmental Health - no objections but requests conditions to investigate and if necessary remedy any contamination on the site due to its historic use.

6.4 Anglian water - no objection - comments: a) notes presence of Anglian Water assets in the area of the development and requests informative note on decision notice; b) states that 'The foul drainage from this development is in the catchment of Old Leake-Skipmarsh Lane Water Recycling Centre that will have available capacity for these

flows'; c) sets out details of the local vacuum sewer and requirements and timescales for connecting to that system.

6.5 LCC Highways/SUDS - no objection - comments include: a) design of highway entrance, internal roadway and access for Delamere are satisfactory; b) a new vehicular entrance to A52 for 1 Ypres Cottages 'would not be unacceptable to the highway authority, subject to suitable design and construction'; c) recommends incorporation of swales in central POS; d) the use of unbound material in driveways is not satisfactory; e) requests comprehensive construction management plan secured by condition; f) requested additional information regarding ground levels [provided]; g) requests that an interceptor drain is provided along the site boundary to prevent surface water run-off onto neighbouring premises or land.

6.6 Wrangle parish Council - no objection - comments include: a) 24 dwellings too many for the plot and contrary to local character - proposal compares unfavourably with Mel marshal Way development; b) boundaries should be hedges in the interests of wildlife and to reflect local pattern; c) local problems exist with surface water drainage - raising new properties could adversely affect neighbours; d) existing issues with sewage and water pressure; e) access for neighbouring property [1 Ypres Cottages] should be retained; f) parking restrictions should be in place to ensure access for emergency vehicles.

6.7 Boston Borough Council Housing Strategy - no objection - comments include: a) proposal provides affordable housing in line with policy requirements; b) housing mix of 1 x 2 bed unit as a First Home and 2 x 1 bed, 1 x 2 bed and 1 x 3 bed units as affordable rent is satisfactory; c) bedrooms meet minimum 6.5 sq m standards - development should meet 85% of nationally Described Space Standards; d) developer should work with a registered provider of social housing - Housing Strategy team is available to assist.

6.8 Lincolnshire Police - no objection

6.9 Lincolnshire Wildlife Trust - 'holding objection' - grounds are failure to incorporate Biodiversity Net Gain in line with the provisions facilitated by the Environment Act 2021. The Trust acknowledges that those provisions did not become mandatory until January 2024 (in fact the start date for major applications was submission on or after 12th February 2024) but states 'it is expected' that schemes will comply.

6.10 NHS Lincolnshire Integrated Care Board - requests a contribution of £15, 180 toward primary health care.

6.11 LCC Strategic Development - no comments and no request for a contribution towards education because 'there is sufficient capacity in the locality for the children generated by this scheme'.

7.0 Planning Issues and Discussions

7.1 The key planning issues in the determination of this application are:

- Principle of the application
- Design, appearance and local character
- Amenity impacts
- Flood risk and drainage matters
- Access and transport
- Affordable housing
- Pollution
- Biodiversity
- Other planning gain

7.2 **Principle of the application**

7.2.1 The historic and current planning use for the site is as employment land, and the application proposes the change of that use to residential. Policy 7 of the Local Plan states that such changes 'will be considered on their merits' subject to

1. whether the loss of land or buildings would adversely affect the economic growth and employment opportunities in the area the site or building would likely serve;

2. whether it is demonstrated that the site is inappropriate or unviable for any employment use to continue and no longer capable of providing an acceptable location for employment purposes; and

3. whether the applicant has provided clear documentary evidence that the property and/or land has been appropriately but proportionately marketed without a successful conclusion for a period of not less than 12 months on terms that reflect the lawful use and condition of the premises.

In this case the applicant has alternative sites for the business, and no adverse impact on the local economy is considered likely to result from the proposed change of use. Whilst the site could be brought back into use as a haulage yard (and that is the likely outcome should the scheme not go ahead) its size and location are less than ideal for the scale of modern heavy vehicles. The yard has housing on three sides, with no significant buffer between an often noisy and polluting historic commercial use and those domestic dwellings. Whilst some local residents have reported Kimes as being a 'good neighbour', a site better segregated from dwellings would have advantages both for the operator and neighbours. The site has not been marketed for alternative commercial use, but the principle of the change of use was in effect established with the historic consents, and whilst these were granted under a previous Local Plan those consents are given significant weight. Overall, it is considered that the balance of material planning considerations favours the view that the proposal complies with the thrust of Policy 7.

7.2.2 The site is within the built form of Wrangle village which is classified as a Minor Service Centre under Policy 11 of the Local Plan. It has a number of facilities including a primary school, church and community hall, and access to public transport. The settlement is considered a sustainable location for new housing. An allocated housing

site (wra013) lies to the north west off Tooley Lane with an area of 2.5 hectares and a capacity of 45 dwellings. This has not been built out, but two outline planning consents for 45 dwellings (B/17/0443 and B/22/0306) have been granted on this land. It is not considered that the proposed Kimes Yard development would prejudice this allocation. The SELLP gives little guidance on dealing with windfall sites such as this one, but paragraph 70(d) of the NPPF states that planning authorities should promote a good mix of sites including 'support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes'.

7.2.3 It is also noted that a theme running through the NPPF is the strong encouragement of the use of previously developed (sometimes known as 'brownfield') land. This theme is summarised at paragraph 124 (c) which states that planning policies and decisions should: 'give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land'.

7.2.4 Taking all material considerations into account it is considered that on balance the principle of the development is sound and will be in keeping with the requirements of policies 7 and 11 of the Local Plan and Sections 5 (Delivering a sufficient supply of homes), 6 (Building a strong, competitive economy) and 11 (Making effective use of land) of the NPPF.

7.3 **Design, appearance and local character**

7.3.1 Policy 2 of the Local Plan sets out the requirements for sustainable development whilst Policy 3 seeks to ensure that all development will confirm to high standards of design and requires proposals to create distinctive places that, amongst other things, respect the character of the surrounding area. These policies reflect overarching national policy set out in Section 12 of the NPPF.

7.3.2 The proposed layout shows 23no. dwellings, four of which are detached and the remaining twenty semi-detached. All are two storey houses with the layout being based on a spinal highway which loops to incorporate a central public open space and play area. Two private drives serve the north west and north east corners of the development.

7.3.3 The dwellings themselves are conventional in design and appearance with pitched and hipped roofs, front porches and good detailing over windows and doors. Materials are fully specified in the application with some houses finished in red brick and some in pale (buff) brick.

7.3.4 The number of dwellings proposed is lower than the 27no. previously approved in outline, and reduced by one from the 24no. when the application was first submitted. Whilst in discussions with the applicant officers expressed a preference for fewer still, it is accepted that the number of houses can be accommodated on the plot in a workable scheme. The density (23 dwellings on a half-hectare site, or 46 dwellings per hectare) is higher than the immediate built environment. Density varies across the

village, but to the north and west of the application site is approximately 20 dwellings per hectare. The larger dwellings fronting the A52 south of the site entrance are at a lower density, approximately 15 dwellings per hectare. Other relatively recent consents in Wrangle include outline permission (B/22/0306) on allocated site wra013 at 20.5 dwellings per hectare, and B/17/0147 on the land immediately east of the present site for 45 dwellings on 5 hectares, or 9 dwellings per hectare. The development in the west of the village referred to in Wrangle Parish Council's comments (B/02/0381, Mel Marshall Way) allowed 24 dwellings on 1.1 hectares, a density of 21.8 dwellings per hectare.

7.3.5 In broad terms the layout reflects the indicative layouts presented in the historic outline approvals. However the layout has undergone a number of detail changes since its initial submission. In particular an area of public open space including a play area which was first suggested for the north east corner has been incorporated in an enlarged central area. The play area as initially suggested was considered likely to cause amenity issues for nearby existing neighbours, and was contrary to good practice in that it was not overlooked, hence having the possibility of encouraging anti social behaviour. The area in the final version of the plans is overlooked, accessible to all and LCC Highways has confirmed that it does not consider access to be a problem in terms of road safety. In addition, the position and orientation of some of the dwellings has also been adjusted to pull them further back from neighbours to reduce overlooking (see 'Amenity Impacts', below).

7.3.6 The Council's refuse freighters will not use private drives in new developments. Provision for bin collection points has been made close to the junction of each private drive with the roadway, and the drag distances accord with national standards. The Council's waste services team has confirmed that it has no objections to the scheme, and that the proposed roadway is satisfactory for the waste collection service.

7.3.7 Policy 32 of the Local Plan (Community, Health and Well-being) sets out the standards for recreational space and community facilities in new development. These are expressed in terms of hectares of space per 1000 new population, and it is acknowledged that in smaller developments such as this there can be challenges scaling down. The Plan is silent on its assumptions regarding the number of occupants in a dwelling, but the UK Government reports that for England, 'In 2022-23, the mean number of persons per household was 2.2, lower than in 2019-20 when it was 2.4'. *(Source: https://www.gov.uk/government/statistics/chapters-for-english-housing-survey-2022-to-2023-headline-report/chapter-1-profile-of-households-and-dwellings#:~:text=In%202022%2D23%2C%20the%20mean,had%20the%20smallest%2C%201.8%20persons).*

7.3.8 Applying this figure to the 23no dwellings proposed projects 50.6 future occupants. By coincidence Policy 32 details 23 different forms of recreational space or community facility, although some of these by definition relate to off-site provision. It does not define any of these either in the policy, its supporting text or the Plan glossary and whilst some on the list are self-evident, others relevant to this case are less clear. Three are of particular importance: 'amenity greenspace', 'provision for children and young people' and 'park and garden'.

7.3.9 Taking the standard in the Policy of 0.1 hectares per 1000 residents for children's play areas and also for park & garden, for 50 occupants that would imply a 50 square metre provision. In fact, the central green space (for recreation and children's play) is approximately 150 square metres, so the requirement for these two types of provision is met. Applying the same formula to the undefined 'amenity greenspace' yields a requirement for 375 square metres, but it is unclear whether this should be on- or off-site, how it relates to other forms of space provision and whether they should be assessed individually or cumulatively.

7.3.10 Given these issues, it is not considered that the application could be sustainably refused on the ground that it did not meet the 'amenity greenspace' criterion. Multi-use leisure and recreation spaces are the norm, and the applicant has agreed to provide play equipment for the central public open space. That provides an area which exceeds the Policy 32 requirement 'park and garden' and 'provision for children and young people' whether assessed jointly or cumulatively and accords with Policy 32. On balance, the provision of leisure space is considered to be acceptable.

7.3.11 LCC Highways has expressed concern with the proposed use of unbound material in the driveways, and it is recommended that a condition is imposed requiring further approval of acceptable permeable surfaces in outdoor spaces on all plots. Other than this, the design of the dwellings, the form of the layout, the materials and the appearance of the scheme are considered to be in keeping with the requirements of policies 2 and 3 of the Local Plan and with the provisions of Section 12 of the NPPF. More problematic Is the density of the development. The number of dwellings proposed is less than that repeatedly consented in historic permissions for this site, but those were all outline consents and were granted under a previous iteration of the Local Plan. Whilst the outline permission (now expired) on the land to the east may have been anomalously low, the density of the permissions for the nearby allocated site was in line with that of the existing pattern of development nearby.

7.3.12 Paragraphs 128 and 129 of the NPPF require local planning authorities to ensure the 'efficient use of land'. However, the Framework also requires developments to respond sympathetically to their context and to the distinctive character of the locality. Policy 3 of the Local Plan states that 'high quality and inclusive' design will create 'a sense of place by complementing and enhancing designated and non-designated heritage assets; historic street patterns; *respecting the density, scale, visual closure, landmarks, views, massing of neighbouring buildings and the surrounding area*' [italics added].

7.3.13 In this case the matter is considered to be finely balanced. That a higher density of dwellings than is locally typical has been historically consented on the land, albeit under a previous Local Plan, is a material consideration. Moreover, in terms of its external visual impact the development is essentially self-contained, so the higher density housing would not be a feature in the wider street scene and hence could be argued to have a limited impact on local character. In addition, the dwellings themselves are in keeping with existing development including recent new housing in the village.

7.3.14 Taking all material considerations into account it is on balance considered that whilst the density is significantly higher than the nearby built environment, it would not be sustainable to refuse the application on this ground.

7.4 **Amenity impacts**

7.4.1 As background it is noted that the historic commercial use as a haulage yard is described by the applicant as 7 days per week and 365 days per year, and that housing is intrinsically likely to be a less intrusive use in terms of neighbour amenity impacts. However impacts through overlooking, overshadowing or disturbance are all potential consequences of residential development and these matters have been carefully assessed and their mitigation has resulted in a range of changes to the submission.

7.4.2 On the east side of the front (south) of the site are two semi detached dwellings known as Ypres Cottages. Occupants of both have raised a concern regarding overlooking, but in this case the separation distances from the new housing, the fenestration arrangements and the facing fenestration on the neighbours' dwellings are such that it is not considered that significant harm to residential amenity will arise. No objection has been received from occupants of Delamere, the bungalow on the western part of the southern frontage, but no significant harm to its occupants' amenities are considered likely, and the same applies to the dwellings on Tooley Lane backing onto the western site boundary.

7.4.3 Significantly more problematic is the relationship between the new dwellings and the existing neighbours to the north, all addresses on Elizabeth Avenue. These are bungalows and are set at natural ground level. In order to comply with flood mitigation measures, finished floor levels will be set no lover than 2.7m Above Ordnance Datum (AOD), and the northern neighbours have been surveyed at between 1.980m AOD and 2.253m AOD. The new dwellings will therefore be raised between 500mm and 700mm above the level of the existing neighbours, exacerbating the impacts of both overlooking and overshadowing.

7.4.4 Regarding overlooking, the position, orientation and fenestration of the new dwellings on the northern boundary have been changed significantly since the scheme was first submitted. All rear (i.e. north) facing upper storey windows have been removed and some units have been swivelled to minimise any potential for overlooking. In addition the dwellings have been pulled south away from the boundary, hence increasing the separation distances between the existing and proposed dwellings. Taken together it is considered that no material harm through overlooking will be caused to these northern neighbours, and it is noted that in the final consultation on the emended plans the occupants of these bungalows did not object on grounds of overlooking.

7.4.5 More problematic is the issue of overshadowing, and this is also exacerbated by the requirement to raise the new dwellings for flood risk reasons. It is also noted that when the basic layout first appeared (as 'indicative') in the historic outline approvals it was assumed that five other dwellings could be bungalows. Whether this was ever possible is unclear, but it is certainly not possible now. The severity of the flood risk is such that no ground floor sleeping accommodation is permitted, and hence a two-storey dwelling raised by at least 500mm is required.

7.4.6 Lying immediately south of the existing neighbours on Elizabeth Avenue, the proposal presents risks of overshadowing which were discussed on-site with affected neighbours. When the design was amended to increase separation distances the applicant submitted shadow modelling on the basis of which the most affected neighbours (two pairs of semi-detached bungalows on Elizabeth Avenue) withdrew their objections, although a resident who is not a direct neighbour maintained an objection (amongst other things) to the accuracy of the modelling.

7.4.7 The applicant then undertook a second round of shadow modelling which indicated a greater level of impact. This was particularly in the middle of winter when the sun is at its lowest. In December and January the shadowing goes beyond that which would be thrown in any case by the boundary fence, covering much of the back garden and clipping the rear elevation of two of the dwellings. In November and February the impact would be less severe, but shadowing would still extend some two metres beyond that which would be thrown by the boundary fence.

7.4.8 The applicant has argued that the actual impact of the overshadowing would be reduced by predominantly cloudy weather at the critical time of year, and estimates 1 hour of sunshine per day. No direct observations from Wrangle have been found to support this, but an internet search indicates 1.8 hours per day over the last 10 years at Heathrow airport (weatheronline.co.uk). Records for RAF Coningsby cited by weatherspark.com indicate 18% of the daypart being clear or mostly clear in December, representing 1 hour 21 minutes on December 21st, the shortest day. Whilst these are only indicative values for the Wrangle site, it is accepted that for most of the time the shadowing impact in winter will be limited by cloud cover.

7.4.9 After the publication of the second shadow modelling results the occupants of nos 2 and 4 Elizabeth Avenue wrote to restore their objections. Objecting neighbours have written that they have enjoyed the light in their premises for over 20 years, a reference to the Right to Light Act 1959. However, it is important to note that such a legal right applies only to buildings and not gardens, and provides only for a sufficient or adequate amount of light to provide for the 'comfortable use' of a dwelling house.

7.4.10 A planning determination must be made on planning grounds, and matters covered by other regulation or statute are left to those regulatory frameworks. This report does not give legal advice about the right to light, and it may be that affected residents may exercise their legal rights elsewhere. The planning determination is in regard to the assessed impact of the shadowing on the residential amenities of the occupants of the affected dwellings. 'Amenities' can be defined as those elements which contribute to the living conditions of a dwelling, and overshadowing is accepted to be such an element. The issue in this case is whether the level of overshadowing is sufficient to justify refusal of the application in the context of the other matters in the planning balance.

7.4.11 It is accepted that there will be overshadowing at some points in the year, and that in deepest winter that overshadowing may just reach part of the rear of two of the dwellings in addition to covering some or most of the gardens. Balanced against this is the fact that direct overshadowing (i.e. visible overshadowing in clear conditions) will

be curtailed by cloud cover and is unlikely to exceed an average of 2 hours per day. The matter is finely balanced, and it is accepted that there will be some harm to the amenities of the occupants of some neighbouring dwellings. But the degree of harm is not considered to be sufficiently great to warrant refusal of the application. It is also noted that the layout has already been substantially amended, in part to deal with this issue, and the applicant requests that the case is determined. The applicant has indicated that by altering the pitch of the roof of one of the new dwellings its shadowing might be reduced by at most 2m in December, but this would be a very limited reduction to the impact on neighbours.

7.4.12 Other possible amenity impacts (such as noise or odour) are not likely to be significant. On balance it is therefore considered that that whilst the development will adversely impact some of the existing neighbours, the degree of that impact is not sufficiently severe to warrant refusal on amenity grounds.

7.5 **Flood risk and drainage matters**

7.5.1 The application site is in Flood Risk Zone 3 (FRZ3) with the primary source of risk being tidal in the event of a breach of sea defences. The submission is supported by a site-specific Flood Risk Assessment (FRA). There are three main areas of consideration regarding flood risk and drainage: mitigating the risk of flooding; surface water drainage and foul water drainage.

7.5.2 The application site is in FRZ3 and also in the Coastal Hazard Zone. The Environment Agency's initial objection was in part due to its contention that the FRA estimated the likely flood depth band (0.25m - 0.5m) without allowing for the concrete surface of the yard. When this is removed, the Agency argued that a flood depth risk band of 0.5m to 1.0m would be appropriate. This would have the effect of raising the coastal risk category from 'Danger to Some' to 'Danger to Most'. Negotiations, the provision of further information and amendments were pursued for a year, and regarding the final version now before the Committee the Agency has withdrawn its objection subject to finished floor levels being set at least 2.7m AOD and a range of flood resilience and mitigation measures set out in the FRA being implemented. It is noted that the Environment Agency Standing Advice Matrix for 'more vulnerable' uses such as residential development in the 'Danger For Some' and 'Danger For Most' categories calls for consultation with the Agency, and this has been successfully carried out.

7.5.3 The application is for change of use and residential development. As a change of use application, the Sequential and Exception Tests do not apply in accordance with the guidance set out in paragraph 174 and footnote 60 of the NPPF.

7.5.4 The site is already equipped with a surface water drainage system which feeds into the system maintained by the Witham Fourth District Internal Drainage Board. Commenting on the application, the Board notes that there will be a 67% reduction in the impervious area of the site and hence a reduction in projected flows to the Board's system and states that it is content to receive the flows from the site. It also expresses some doubt over the efficacy of the use of subbase reservoirs, and notes the importance of ensuring that any increase of ground levels on the site does not displace waters onto neighbouring land.

7.5.5 Whilst not objecting, Lincolnshire County Council as Lead Local Flood Authority echoes this concern and requests the consideration of an interceptor drain around the perimeter of the site to ensure that no surface water from the site adversely affects neighbouring premises or land. In correspondence dated 21st August 2024 the agent has confirmed that this would be acceptable. LCC also strongly recommends the incorporation of swales into the central public open space area. It is therefore recommended that whilst the principles of latest iteration of the surface water scheme are sound, a condition should be imposed requiring further work on details and a final scheme to be agreed prior to the commencement of any works. Subject to this measure the surface water drainage of the site is considered acceptable and compliant with Policy 4 of the SELLP and Section 14 of the NPPF.

7.5.6 A number of residents have expressed concerns about the sewage system in Wrangle, and doubts that it will cope with the additional flows. Anglian Water is the statutory undertaker, and comments that 'the catchment of Old Leake-Skipmarsh Lane Water Recycling Centre that will have available capacity for these flows'. This statement must be accorded very significant weight. Anglian also notes that the local sewer is unusual in being part of a vacuum system. This requires a specific form of access (an interface valve chamber) to be created which would in the case of a development on this scale require a number of connection points. Whilst there may be complexities in implementing connections these are not material planning considerations. The responsible body has clearly stated that there is sufficient capacity in the system, and outlined the means by which that capacity may be accessed. It is therefore considered that foul water drainage of the scheme is satisfactory.

7.6 **Access and transport**

7.6.1 Policy 36 of the SELLP Access to the highways would be via an entrance incorporating the existing onto the A52. This is speed limited at this point, and has good sight lines in both directions. The internal estate road would be built to adoptable standards with two private drives serving the north west and north east corners. LCC Highways notes that the internal arrangements means a turning head is not required. It does not object to the scheme but requests a number of informatives and conditions including for estate road phasing and a Construction Management Plan. These are considered reasonable and necessary and appropriate conditions and informatives are recommended.

7.6.2 LCC also expresses itself content with the proposed access into the new estate roadway for the bungalow Delamere, one of the dwellings on the southern boundary of the site. One of the others (1 Ypres Cottages) has objected. It cites an arrangement with the applicant for vehicular access via the former haulage yard, something which would be replaced by new housing units under the proposal. However, no contractual or otherwise enforceable record of this arrangement has been demonstrated, and it is disavowed by the applicant. It appears there may well have been an informal understanding involving an earlier generation of the applicant's management, but any arrangement which may have existed is a private matter between land owners and not something which can be secured in a planning decision. LCC Highways has made clear in writing that it will not object to a new access directly onto the A52 being created,

and it therefore follows that although such an access (being onto a classified road) would require planning permission, there is no known reason why the Authority would withhold consent.

7.6.3 Policy 36 and Annex 6 of the Local Plan set out the requirements for parking provision. For the most part the proposals are compliant with the requirements of the Policy and Annex, though the density of the scheme in the available land makes some of the parking spaces appear particularly tight. There is concern that on a few plots (for example 20, 16 and 13) the parking spaces may be undersized, but this is a matter which can be refined. A condition is therefore recommended to require those details to be reassessed to ensure compliance with the policy. A condition is also recommended to secure electric vehicle charging provision for each dwelling.

7.6.4 Subject to the use of appropriate conditions the proposal is considered to accord with the transport requirements of policies 2, 3, 33 and 36 of the Local Plan.

7.7 **Affordable housing**

7.7.1 The revised plans and documentation propose the provision of 5 affordable units, which meets the requirements of policy 18 of the South East Lincolnshire Local Plan 2019, which states that on sites of 11 dwellings or more, 20% of new dwellings shall be affordable houses. The proposal has been assessed by the Council's housing strategy team which confirms that the housing types, which were amended at its request from those initially proposed, are acceptable. It also notes that the affordable units would have to meet 85% of the Nationally Described Space Standards and that the developer should work with an approved Registered Provide of social housing.

7.8 **Pollution**

7.8.1 The historic use of the site as a haulage yard and the storage of materials including fuel and lubricants means that there is a significant risk of soil contamination, a risk made more severe given the firte which took place in the buildings formerly on the site which may have produced additional contaminants. Until the concrete surface is removed this cannot be comprehensively assessed. Commenting on the scheme the Council's Environmental Health team does not object but requests a multi-part condition to ensure that the site can be properly investigated and any necessary remedial action taken. This is considered reasonable and necessary to comply with Policy 30 of the SELLP, and an appropriate sequence of conditions is recommended.

7.9 **Biodiversity Net Gain**

7.9.1 The application was submitted before the national Biodiversity Net Gain provisions under the Environment Act came into force in February 2024, and hence those measures do not apply in this case.

7.9.2 At the local level Policy 3.14 of the Local Plan states that development proposals will include 'the incorporation of existing hedgerows and trees and the provision of appropriate new landscaping to enhance biodiversity, green infrastructure, flood risk mitigation and urban cooling'. This is reinforced by Policy 28.3 which requires

proposals to improve biodiversity 'by ensuring that all development proposals shall provide an overall net gain in biodiversity'.

In this case the proposal includes a group of trees on the south western side of the internal roadway and further trees in the central public open space. In addition, the applicant has agreed to securing a native species hedge along the western site boundary. These measures are valuable, but it is acknowledged that one consequence of the density of the scheme is that there is limited land in the public realm on which biodiversity measures can be secured in perpetuity. A condition is recommended securing landscaping details, and subject to this the proposal is, on balance, considered to accord with the requirements of SELLP policies 3 and 28.

7.10 **Other planning gain**

7.10.1 Lincolnshire County Council has commended that no contribution for education is required in this case because there is adequate local capacity.

7.10.2 The NHS Lincolnshire Integrated Care Board has commented on the application. It is noted that its calculations are based on an average occupancy of 2.4 persons per dwelling, and on this basis it requests a contribution of £15,180 (i.e. £660 for each of 23 dwellings) toward primary health care. This is considered reasonable and appropriate, and the applicant has agreed that this shall be paid. This matter can also be secured through the Section 106 agreement.

8.0 <u>Summary and Conclusion</u>

8.1 This case has taken a significant period of time to process. There have been significant challenges in such areas as flood risk and drainage, neighbour impacts and design, and the applicant has engaged positively with the Authority and has made multiple amendments to the details originally submitted.

8.2 In some respects the scheme is now satisfactory to recommend approval subject to conditions. Flood risk was cited as a reason for call-in and has been particularly challenging, but whilst some further work is identified the planning balance is clearly in favour.

8.3 In officers' view this applies to other aspects of the scheme as well, but some areas are finely balanced. It is in particular noted that the density of the scheme (another reason for call-in) is significantly higher than the built environment around the site. Whilst on balance this is considered acceptable in this case (primarily due to the very limited external visual impacts of the scheme) there is nevertheless a clear tension between the proposal and the requirement in local and national planning policy and guidance for new development to respect and respond sympathetically to its context including in matters of density and scale. It is also noted that the density of the scheme limits both its flexibility when considering amendments and the amount of public open space for recreation, landscaping and nature.

8.4 There have also been major challenges in resolving issues of overlooking and overshadowing. These have also resulted in numerous amendments to the original

details. The overlooking issue is considered resolved, although at some cost (though not an unacceptable one) to the amenities of future occupants of the new dwellings who will have unusually constrained fenestration in upper floor windows. And the issue of overshadowing has also resulted in numerous changes, but has not been completely eradicated throughout the year. This aspect is also a matter of planning balance but whilst the proposal is not considered to cause harm to residential amenity in this regard which could be classified as unacceptable, a degree of harm to neighbours must be acknowledged.

8.5 In the final analysis the scheme will provide 23 units of housing in a sustainable location including five affordable homes. Although in some aspects fine, the planning balance is considered to be in favour of the scheme. Subject to the use of appropriate conditions as recommended below it is considered that the proposal will accord with policies 1, 2, 3, 4, 5, 6, 10, 11, 17, 18, 28, 30, 31, 32, 33 and 36 of the South East Lincolnshire Local Plan and with relevant paragraphs of the National Planning Policy Framework.

9.0 Recommendation

9.1 It is recommended that Committee approves the application subject to conditions and the signing of a Section 106 agreement securing the affordable housing and NHS contributions.

10. Conditions

In the event that members are minded to accept the recommendation, the following conditions are recommended:

1. The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this permission.

   Reason: Required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall only be undertaken in accordance with the following approved plans;

   - 48/23/01L Proposed Site Plan
   - CRP/MH/03C Topographical Survey
   - 48/23/03C 2 Bedroom Elevation; Plots 14, 15; Type A
   - 48/23/04B 2 Bedroom Elevation; Plots 14, 15; Type A
   - 48/23/15B 3 Bedroom Floor Plan: Plot 21; Type C
   - 48/23/16A 3 Bedroom Elevation: Plot 21; Type C
   - 48/23/18A 1 Bedroom Floor Plan: Type A
   - 48/23/23 2 Bedroom Elevation: Detached; Plot 16, 17; Type D
   - 48/23/24 2 Bedroom Elevation; Detached; Plot 16, 17; Type D

- 48/23/25 2 Bedroom Floor Plan; Detached; Plot 20; Type E
- 48/23/26 2 Bedroom Elevation: Detached; Plot 20; Type E
- 48/23/20B Section to show levels of gardens
- 48/23/02 Rev C Drainage Plan
- 48/23/05 Rev B 3 Bedroom Floor Plan Type A
- 48/23/06 Rev B 3 Bedroom Elevation Type A
- 48/23/07 Rev B 3 Bedroom Floor Plan Type B
- 48/23/08 Rev B 3 Bedroom Elevation Type B
- 48/23/09 Rev B 4 Bedroom Floor Plan Type A
- 48/23/10 Rev B 4 Bedroom Elevation Type A
- 48/23/11 Rev B 4 Bedroom Floor Plan Type B
- 48/23/12 Rev B 4 Bedroom Elevation Type B
- 48/23/13 Rev A 2 Bedroom Elevation: Detached
- 48/23/14 Rev A 2 Bedroom Elevation: Detached
- 48/23/17 Rev A Canopy Types

Reason: To ensure that the development is undertaken in accordance with the approved details, in the interests of residential amenity and to comply with Policies 2 and 3 of the South East Lincolnshire Local Plan (2019).

3. Prior to the commencement of any works a final schedule of external permeable materials to be used in domestic driveways and other domestic spaces and the bearing surface of private drives in the estate roadway system shall be submitted to and agreed in writing by the Local Planning Authority. The development shall proceed in accordance with the details so approved.

   Reason: Whilst it is important to maximise the amount of permeable surface within the development, the use of unbound material on domestic drives is not considered appropriate. This condition will allow a comprehensive schedule of surface materials to be agreed in accordance with policies 2 and 3 of the South East Lincolnshire Local Plan 2019.

4. Prior to the commencement of any works a Construction Management Plan and Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The development shall proceed in accordance with the details so approved. The Plan and Statement shall indicate measures to mitigate the adverse impacts of vehicle activity and the means to manage the drainage of the site during the construction stage of the permitted development. It shall include:

   - the phasing of the development to include access construction;
   - the on-site parking of all vehicles of site operatives and visitors;
   - the on-site loading and unloading of all plant and materials;
   - the on-site storage of all plant and materials used in constructing the development;
   - wheel washing facilities;

- strategy stating how surface water run off on and from the development will be managed during construction;
- measures for the control of dust, smoke, odour, fumes, vibration and noise
- hours of operation and deliveries
- detailed technical appraisal of the means and methodology of removing the existing concrete surface of the site and measures to mitigate the impacts of that process on nearby residents
- site security

Reason: In the interests of the amenities of nearby residents and the wider public, to ensure safety and free passage of those using the adjacent public highway and to ensure that the permitted development is adequately drained without creating or increasing flood risk to land or property adjacent to, or downstream of, the permitted development during construction. This condition is imposed in accordance with policies 2 and 3 of the South East Lincolnshire Local Plan 2019.

5. Prior to the commencement of any works other than the removal of the existing concrete surface of the site, details of a comprehensive contaminated land investigation shall be submitted to and approved by the Local Planning Authority. The assessment shall include the following measures unless the LPA dispenses with any such requirement in writing:
   - A Phase 1 desk study carried out to identify and evaluate all potential sources of contamination and the impacts on land and/or controlled waters, relevant to the site. The desk study shall establish a 'conceptual model' of the site and identify all plausible pollutant linkages. Furthermore the assessment shall set objectives for the intrusive site investigation works/quantitative risk assessment. A copy of the desk study and non-technical summary shall be submitted to the Local Planning Authority.
   - 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 take into account the sites existing status and proposed new use. A copy of the site investigation and findings shall be submitted to the Local Planning Authority.

   Reason: To ensure potential risk arising from previous site uses have been fully assessed and to accord with Policies 2 and 3 of the South East Lincolnshire Local Plan 2019.

6. Where the risk assessment 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 to and approved in writing by the Local Planning Authority. 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.

   Remediation shall be carried out in strict accordance with the approved remediation strategy.

Reason: To ensure the proposed remediation plan is appropriate and to accord with Polices 2 and 3 of the South East Lincolnshire Local Plan 2019.

7. 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 suspected contamination has been submitted to and approved in writing by the Local Planning Authority.

   Reason: To ensure all contamination within the site is dealt with and to accord with Policies 2 and 3 of the South East Lincolnshire Local Plan (2019).

8. The development hereby approved shall be undertaken in complete accordance with the Flood Risk and Drainage Assessment forming part of the approved application, with the exception that finished floor levels shall be set no lower than 2.7m above ordnance datum. All other flood mitigation measures as set out in the FRA shall be implemented in full prior to occupation and shall subsequently remain in place.

   Reason: In the interest of reducing flood risk in accordance with Policy 4 of the South East Lincolnshire Local Plan (2019).

9. Within one month of first being occupied, each dwelling shall sign up to the Environment Agency flood warning system and shall remain so thereafter.

   Reason: In the interest of reducing flood risk in accordance with Policy 4 of the South East Lincolnshire Local Plan (2019).

10. Prior to the first occupation of any dwelling a Flood Warning and Evacuation Plan (FWEP) shall be submitted to and approved in writing by the Local Planning authority. The development shall thereafter be operated in accordance with the details so approved.

    Reason: In the interest of reducing flood risk in accordance with Policy 4 of the South East Lincolnshire Local Plan (2019).

11. Prior to the commencement of any works, final details of the means of surface water drainage in the form of a surface water drainage strategy and plan shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include an interceptor drain on the site boundaries to ensure no surface water run-off affects neighbouring properties or land.

    Reason: In the interest of proper drainage and of reducing flood risk in accordance with Policy 4 of the South East Lincolnshire Local Plan (2019).

12. Prior to any works above slab level, an Estate Road Phasing and Completion Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall set out how the construction of the development will be phased and standards to which the estate roads on each phase will be completed during the construction

period of the development. Prior to any dwelling being first occupied the road or private drive servicing and any associated footway shall be completed.

Reason: To ensure that a safe and suitable standard of vehicular and pedestrian access is provided for residents throughout the construction period of the development and thereafter, and to accord with policies 2 and 3 of the South East Lincolnshire Local Plan (2019).

13. The external materials of the dwellings hereby permitted shall accord with those set out in the document 'House External Finishes Document' received on 22-Dec-2023 unless otherwise agreed in advance and in writing by the Local Planning authority.

    Reason: In the interests of good design and the character of the locality and to accord with policies 2 and 3 of the South East Lincolnshire Local Plan (2019).

14. The water consumption of the dwelling hereby permitted should not exceed the requirement of 110 litres per person per day (as set out as the optional requirement in Part G of the Building Regulations 2010) and Policy 31 of the South East Lincolnshire Local Plan (2019).

    The person carrying out the work must inform the Building Control Body that this duty applies.

    Reason: To protect the quality and quantity of water resources available to the district. This condition is imposed in accordance with Policy 31 of the South East Lincolnshire Local Plan (2019).

15. Three swift nest bricks shall be incorporated within the external walls of each dwelling hereby approved and shall be retained thereafter.

    Reason: In the interests of biodiversity and in accordance with Policy 28 of the South East Lincolnshire Local Plan 2019.

16. Prior to any works above slab level further details of parking arrangements in the development shall be submitted to and approved in writing by the Local Planning authority. These details shall include a demonstration that the scheme meets the requirements of Policy 36 and Annex 6 of the Local Plan, or justification for exceptions to its provisions.

    Reasons: to ensure proper provision for parking in the development and to accord with Policy 36 and Annex 6 of the South East Lincolnshire Local Plan (2019).

17. Prior to any works above slab level a scheme of landscaping, boundary treatments and tree planting for the site (including screening of bin collection points) based on the principles shown in the approved plans shall be submitted to and approved in writing by the Local Planning Authority. The details shall include, inter alia, the number, species, heights on planting and positions of all the trees, together with details of post-planting maintenance. Such scheme as approved by the Local Planning Authority shall be carried out and completed in its entirety during the first planting

season following practical completion of the development. All trees, shrubs and bushes shall be maintained for the period of five years beginning with the date of completion of the scheme and during that period all losses shall be made good as and when necessary.

Reason: To ensure that the development is adequately landscaped, in the interests of visual amenity and character in accordance with Policies 2, 3 and 28 of the South East Lincolnshire Local Plan, 2019.

18. Prior to any works above slab level, details of the play equipment to be incorporated in the play area/public open space shown on the approved plans shall be submitted to and approved in writing by the Local Planning Authority. The development shall proceed in accordance with the details so approved.

    Reason: In the interests of the amenities of future occupants of the dwellings and to accord with Policy 32 of the South East Lincolnshire Local Plan (2019).

19. Prior to any works other than the removal of the existing concrete surface, full details of the future ownership and maintenance responsibilities (including adoption by a public or statutory body) of all physical assets on the site above and below ground, including highways and associated infrastructure, private drives used as highways, drainage and sewage infrastructure, public open space, play equipment and lighting shall be submitted to and approved in writing by the Local Planning Authority. The development shall be operated in keeping with the details so approved.

    Reason: To ensure that all physical assets necessary for the proper running of the site are properly maintained in the interests of the amenities of the future occupants of the site and to accord with policies 2, 3, 4, 28 and 32 of the South East Lincolnshire Local Plan (2019).

20. No part of the development hereby permitted shall be occupied before the works to improve the public highway by means of the provision of pedestrian access dropped kerbs and tactile paving on either side of the Tooley Lane junction with the A52 have been certified complete by the Local Planning Authority.

    Reason: To ensure the provision of safe and adequate means of pedestrian access to the permitted development and to accord with policies 2 and 3 of South East Lincolnshire Local Plan (2019).

INFORMATIVE NOTES FOR DECISION NOTICE

1. The permitted development may require the formation of a new vehicular access for 1 Ypres Cottage. These works will require approval from the Highway Authority in accordance with Section 184 of the Highways Act. Any traffic management required to undertake works within the highway will be subject to agreement. The access must be constructed in accordance with a current specification issued by the Highway Authority. Any requirement to relocate existing apparatus, underground services, or street furniture because of the installation of an access will be the

responsibility, and cost, of the applicant and must be agreed prior to a vehicle access application. The application form, costs and guidance documentation can be found on the highway authority website, accessible via the following link: https://www.lincolnshire.gov.uk/licences-permits/apply-dropped-kerb.

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

3. The attention of the applicant is drawn to the comment on the application dated 13-Aug-2024 from Anglian Water Services, and in particular to the points regarding nearby Anglian Water assets and requirements for connection to the foul water sewer. The applicant is advised to discuss these matters with Anglian Water prior to the scheduling or commencement of any works.

4. The attention of the applicant is drawn to the comment on the application dated 23-May-2023 from the Witham Fourth District Internal Drainage Board. The applicant is advised to discuss these matters with the Board's officers prior to the scheduling or commencement of any works.