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Boston Borough Council

Chief Executive
Rob Barlow

Municipal Buildings
Boston
Lincolnshire PE21 8QR
Tel: 01205 314200

Monday 23 June 2025

Notice of meeting of the Planning Committee

Dear Councillor

You are invited to attend a meeting of the Planning Committee
on **Tuesday 1st July 2025 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, Anne Dorrian, Stuart Evans, 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 - 40)

To sign and confirm the minutes of the last meeting on 6th May 2025.

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. on 26th June 2025

Part II - Agenda Items**1 Planning application B 23 0379**

(Pages 41 - 96)

Major - Full Planning Permission

Proposed residential development of 89 dwellings and associated infrastructure, drainage and open space in accordance with amended plans received by the Local Planning authority on 31-Oct-2024

Land to the East of Gaysfield Road, Fishtoft, Boston PE21 0SF

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 314351.

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Agenda Item C

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 6th May 2025 at 10.00 am.

Present:

Councillor David Middleton, in the Chair.

Councillors Councillor David Scoot, Alison Austin, Peter Bedford, Dale Broughton, Anne Dorrian, Barrie Pierpoint, Lina Savickiene, Sarah Sharpe, Suzanne Welberry, Stephen Woodliffe, James Cantwell (substitute for Claire Rylott) and Stuart Evans (substitute for David Brown).

In attendance:

Councillor Helen Staples.

Officers:

Assistant Director – Planning & Strategic Infrastructure, Group Manager – Planning and Development, Development Manager, Principal Planning Officer, Senior Planning Lawyer and Democratic Services Officer.

39 Apologies for Absence

Apologies for absence were received from Councillor Claire Rylott, with Councillor James Cantwell substituting, and Councillor David Brown, with Councillor Stuart Evans substituting.

40 Declarations of Interest

Standing declarations of interest were received for all members of the Council who are also members of:

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

The Internal Drainage Boards: Councillors Peter Bedford, Anne Dorrian, David Middleton, Chris Mountain, Claire Rylott, David Scoot, and Suzanne Welberry.

41 Minutes

The minutes of the meeting held on 25th February 2025 were approved as a correct record and signed by the Chairman.

42 Public Questions

No questions were received.

43 Planning application B 24 0177

Major - Full Planning Permission

Proposed Residential Development Comprising 142 Affordable Dwellings and Associated Works

Land adj to 78 Puritan Way, Land off Puritan Way, Boston, PE21 8NW

The application had been called in for Committee determination by ward member, Councillor Anton Dani, to allow discussion of the following issues:

- Flooding to neighbouring properties.
- Overlooking other houses.
- Only one exit via Puritan Way for such a large residential area.

The application site was a roughly triangular piece of flat farmland extending across 4.6882 hectares, currently in arable use and located on the north-western edge of the built form of the settlement of Boston. The site was bounded to the west by Fenside Road, a rural cul-de-sac beyond which lay open arable farmland. To the north-west was Pioneer Wood, an area of woodland. To the immediate north at the apex of the triangle was a residential dwelling with a large domestic curtilage. The eastern boundary was formed by the River Witham, which at that point had high embankments. To the south was existing residential development centered on Puritan Way.

The application site formed the northern part of a larger area allocated for housing in the Local Plan, which extended to 8 hectares in total, and was described as allocation Fen006, Land East of Fenside Road, in Inset Map 1 and Policy 11 of the South-East Lincolnshire Local Plan. The southern part of the allocation had already been developed.

The site was in Flood Risk Zone 3 (FRZ3) and was also within the Coastal Hazard Zone. Environment Agency mapping indicated the hazard level as being in the category 'Danger For All'.

The proposal was for the erection of 142 dwellings with associated infrastructure, drainage and open space. All the dwellings would be affordable housing.

After the initial submission of the application, amendments were made to the layout to incorporate a wildlife corridor and natural planting, to add additional drainage at the boundary with existing neighbours and other detail changes.

The recommendation was to approve the application, subject to conditions and the signing of the Section 106 agreement.

The Principal Planning Officer presented his report. He drew the Committee's attention to matters in the supplementary agenda, which contained an assessment of a comment made by a third party in relation to barn owls. The reporting officer's recommendations remained unchanged and the supplementary agenda included a complete list of conditions and informatics which had been recommended for the application.

By way of update, there had been an additional comment received by the Barn Owl Trust who had reiterated that they considered that a suitably worded condition was an appropriate resolution, and that a mitigation strategy could be achieved if it was well designed. Their representation acknowledged that it was not ideal and best practice would include a robust strategy "up front". Part of the reason for this was a potential delay in works arising from identifying suitable alternative offsite routes. However, the

recommendation included a condition (condition 16) in the supplementary agenda which had been agreed with the Trust. The Council would be consulted on any application to discharge that condition.

The Principal Planning Officer presented the location plan and photographs, setting out the boundaries of the site, including the location of existing properties adjoining the site.

The proposed site plan was presented. The Principal Planning Officer confirmed that the housing would be off two spur roads, with a single access point through Puritan Way, with no vehicular access on to Fenside Road. A condition was recommended which would prevent the creation of vehicular accesses for these dwellings at a later stage. The Principal Planning Officer confirmed there would be two pedestrian access points, which would facilitate pedestrian access to the Woods Trust site.

In terms of house type, there would be a predominance of semi-detached dwellings, although there were a variety of house types and proposed landscaping. The plans also included a mix of materials and slight deviations in house types to provide distinction. Typical illustrations were displayed.

In terms of drainage, the proposed drainage scheme was outlined. The scheme had been submitted and agreed in principle by the Internal Drainage Board (IDB), the Environment Agency and Anglian Water. The Principal Planning Officer confirmed that none of them had raised objections to the proposals. He summarised that the drainage scheme proposed to collect water which would be piped under the roadways to underground attenuation tanks, and then pumped approximately 300 metres to the west into an IDB drain.

Part 7.24 of the report set out a more detailed assessment of what the drainage scheme entailed. An interceptor drain was proposed along the western edge of the site, which would be expected to catch residual run-off effectively and would infiltrate naturally.

The Principal Planning Officer drew attention to part 7.31 of the report showing that a resident had contracted a third-party study of the proposed drainage scheme and the response from the local lead flood authority was included within the report. The Principal Planning Officer confirmed that he was satisfied that this matter could be adequately addressed through conditions to secure the detailed design of the drainage scheme.

Members were advised that Puritan Way would be the main access point and that there was some on-street parking available. Lincolnshire County Council Highways had no concerns regarding the use of Puritan Way as an access point.

The Principal Planning Officer indicated that no objections had been received from any of the statutory consultees. However, a holding objection from the Wildlife Trust had been received prior to the submission of the biodiversity net gain information. They had since been re-consulted and had not provided an additional response.

The Principal Planning Officer indicated that the site was allocated, that the development was considered acceptable in principle and that whilst there was a predominance of semi-detached properties, the overall design was considered to be high quality. He acknowledged that there would be a change in character, particularly along Fenside Road,

which formed part of the allocation process. He confirmed that the site would not have been allocated if it had been considered to be a landscape harm that would prevent the site being developed for residential purposes; and acknowledged that the changes were considered acceptable.

In terms of neighbour amenity, the older properties along Fenside Road would experience the greatest degree of change, not harm, and the conclusion of officers was that the proposals would not have an unacceptable impact on neighbour amenity.

The scheme would be subject to biodiversity net gain conditions to secure the delivery of the 10% gain over 30 years, including its management and maintenance.

There had been a viability appraisal on the scheme which had been subsequently assessed by the Council's independent assessor. The total request was just under £1.2 million with contributions requested for education, health, highways improvements, bus services and bus passes.

The independent assessment identified that a fully affordable scheme was capable of supporting just over £150,000 in contributions.

The officer's report included an assessment of how that should be divided, recommending that monies first be given to secure the off-site improvement works. Thereafter, the NHS request would be fulfilled. The funding requests for bus routes were considered less hierarchically significant than other requests. The bus pass request and the request from Boston Woods Trust were not considered to be justified.

The Principal Planning Officer confirmed that the above division of contributions was a suggestion and that the Committee were able to consider alternatives.

In conclusion, the Principal Planning Officer advised that the scheme was considered to accord with the Local Plan and that the provision of 142 affordable dwellings weighed favourably against the shortfall in financial contributions.

Mr Richard Larrington, who lived adjacent to the site and was speaking in objection to the application, addressed the Committee. He requested and received confirmation that his supporting documentation had been received by members.

Mr Larrington advised that he did not oppose the development, he wanted to advocate for a solution that enhanced the area and at the same time address significant concerns about the development, which could result in the addition of an extra 300 cars to Puritan Way daily.

Mr Larrington indicated that a key issue was flooding which might arise from increasing the ground by 700 millimetres (which he demonstrated to the committee) and the 2,170 lorries that would bring the soil to the site, creating severe congestion. Additionally, the Shields Wilson report outlined a 20 to 1 slope, which would be 12 metres from each house back to the present level, directing rainfall towards both the homes of the Maddings and Larringtons (which would be surrounded on three sides) and which would create a funnel effect where the water would go into the gardens and on to Fenside Road. He highlighted the health and safety concerns of children using wet surfaces.

In relation to the French drain which had been proposed, Mr Larrington referred to the Shields Wilson report which confirmed that after 24 hours the soakaway test water levels did not change. He explained that the infiltration rate was zero and that the drain would quickly fill and overfill with water, rendering the proposed drain ineffective, and indicated that the French drain was not connected to the development drains, only to a soakaway. Mr Larrington stated that a proven solution had been implemented at the Allison Homes site in Frampton, where they had successfully levelled the ground five metres from the properties and had built a retaining wall which protected nearby homes from flooding whilst creating a safe, usable area for families. He invited the committee to consider this option as an alternative which would prevent flooding, including to existing properties.

Mr Larrington highlighted that £97,000 was to be spent on the Washdyke Road and Fenside Road junction which could instead be spent on a protective wall.

In relation to barn owls, Mr Larrington referred to concerns about the impact on them, their nesting sites and the extent of protections available to them. He proposed a compromise layout plan which would avoid the areas needing most protection for the barn owls, and proposed the sale of land to charities such as Boston Woods, which would create a new wildlife park for the residential area, resulting in the landowners receiving a settlement which provided a share for housing and a share for conservation land.

Mr Larrington concluded his representation by reiterating that his alternative proposal would result in the delivery of new homes and would resolve the issue of flood risk and compensated landowners whilst at the same time protecting local wildlife.

Members of the Committee requested clarification in relation to the following issues:

Mr Larrington was asked about the visual aid which he had used during his presentation to demonstrate the 700 millimetres depth of soil that he had referred to. He set out his calculation of 36,000 cubic metres of soil which would have to be transported to the site via Puritan Way to provide that depth of soil. He also used the visual aid to demonstrate the slope and angle of fall for drainage which would exist at his property and that it was likely to exacerbate the flooding issues. He indicated that the only mitigation was a 300-millimetre width drain, which would not cope with the anticipated water that would be directed to his property. He was then asked to clarify the diameters of the drain.

Mr Larrington pointed out his familiarity with the area, having lived there for 20 years (and his neighbours for longer) and that the area was known to flood already. He indicated that the impact of the plans would exacerbate flooding issues. Mr Larrington outlined an alternative drainage plan which he considered would mitigate the risk to his home and the area. The alternative plan included the installation of a second dyke to assist with the way in which the existing dyke would be overwhelmed.

The Committee was then addressed by Mr Clive Wicks, the agent for the applicants. He indicated that the plans were for a fully rental social housing project which would help young families on the waiting list. He explained that there were extensive waiting lists for affordable houses in the area and confirmed that the houses would be built to Homes England's strategic standards and the latest building regulations, using modern methods of construction. The properties would provide residents with lower bills.

Mr Wicks indicated that the site was in the Local Plan and that the Council had approved the neighbouring 79 houses at Phase One of the development. The present application would enable the completion of the site's central circular play area and public open space. He indicated that the proposed grassed area would form an important wildlife route for the local owls who fed on voles in the ditches to the west.

Mr Wicks confirmed that no flooding had taken place on the proposed site or on the existing 79 unit scheme adjacent to it. The verge along Fenside Road would be unchanged.

Mr Wicks concluded by indicating that the financial viability report had been endorsed by officers, that the flood risk report had been accepted by the leading flood authority and that Homes England was ready to start. The proposal would create £19 million of construction work into Boston's local economy and would complete the delivery of the site.

Members of the Committee requested clarification in relation to the following issues:

In relation to the alternative drainage scheme proposed by Mr Larrington, Mr Wicks clarified that the application had not considered the alternative proposal for a wall. He confirmed the extent of the trench testing which had been undertaken, including percolation tests, all of which had been successful. He also referred to drone footage which demonstrated that flooding had not occurred. He indicated that there had been no concerns from the existing built site and that the applicant's engineering experts had raised no concerns. He clarified that any overflow from the French drain would end up on the other side of Fenside Road.

In response to the information provided, the Principal Planning Officer demonstrated by reference to illustrations that in relation to the drainage strategy for Fenside Road there was a 1.2 metre slope, a post with gravel boards and the drain. He confirmed that these steps would eliminate the water from the site. The Principal Planning Officer highlighted condition 6 which required a surface water drainage scheme to be submitted. He stated that the Committee could address any additional concerns at the condition discharge stage. He also advised that none of the consultees, including the IDB, the Environment Agency and Anglian Water had raised any concerns.

Committee deliberation occurred in relation to the following issues:

In relation to access to the site for construction traffic, the Principal Planning Officer confirmed that Condition 3 required the submission of a construction management plan that included traffic management for the routing of construction traffic. Condition 11 provided for no vehicular access and he confirmed that any alterations to the conditions could be considered.

Further deliberation occurred in relation to the drainage plans and risk of flooding. Clarification was provided on the design of the drainage plans, including the role of water infiltration and gravel boards, with reiteration that there were no concerns from statutory consultees and if there were in future, any such issues could be addressed by conditions.

Resolved:

That the committee approve the application in line with officer recommendation and subject to the conditions and signing of the Section 106 agreement.

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

- 14-2221-300-LP Location Plan
- 14-2221-301-01 Rev D Proposed Site Plan – Roofscape
- 14-2221-301-02 Refuse Strategy
- 14-2221-302 House Type Proposals - Plots 1 + 2
- 14-2221-303 House Type Proposals - Plots 3 – 6
- 14-2221-304 House Type Proposals - Plots 7 + 8 and 71 + 72
- 14-2221-305 House Type Proposals - Plots 9 + 10 and 73 + 74
- 14-2221-306 House Type Proposals - Plots 11 + 12
- 14-2221-307 House Type Proposals - Plots 13 – 15
- 14-2221-308 House Type Proposals - Plots 16 + 17
- 14-2221-309 House Type Proposals - Plots 18 + 19
- 14-2221-310 House Type Proposals - Plots 20 – 23
- 14-2221-311 House Type Proposals - Plots 24 + 25, 46 - 51 & 63–66
- 14-2221-312 House Type Proposals - Plots 26 + 27
- 14-2221-313 House Type Proposals - Plots 28 – 31
- 14-2221-314 House Type Proposals - Plots 32 – 34
- 14-2221-315 House Type Proposals - Plots 35 – 38
- 14-2221-316 House Type Proposals - Plots 39 + 40
- 14-2221-317 House Type Proposals - Plots 41 – 43
- 14-2221-318 House Type Proposals - Plots 44 + 45
- 14-2221-319 House Type Proposals - Plots 52 + 53
- 14-2221-320 House Type Proposals - Plots 54 – 57
- 14-2221-321 House Type Proposals - Plots 58 – 60
- 14-2221-322 House Type Proposals - Plots 61 + 62
- 14-2221-323 House Type Proposals - Plots 67 + 68
- 14-2221-324 House Type Proposals - Plots 69 + 70
- 14-2221-325 House Type Proposals - Plots 75 – 77
- 14-2221-326 House Type Proposals - Plots 78 + 79
- 14-2221-327 House Type Proposals - Plots 80 + 81
- 14-2221-328 House Type Proposals - Plots 82 + 83
- 14-2221-329 House Type Proposals - Plots 84 - 89, 105-106 + 125-128
- 14-2221-330 House Type Proposals - Plots 90 – 91
- 14-2221-331 House Type Proposals - Plots 92 – 95
- 14-2221-332 House Type Proposals - Plots 96 – 98
- 14-2221-333 House Type Proposals - Plots 99 + 100
- 14-2221-334 House Type Proposals - Plots 101 + 102
- 14-2221-335 House Type Proposals - Plots 103 + 104

- 14-2221-336 House Type Proposals - Plots 107 + 108
- 14-2221-337 House Type Proposals - Plots 109 + 110
- 14-2221-338 House Type Proposals - Plots 111 + 112
- 14-2221-339 House Type Proposals - Plots 113 + 114
- 14-2221-340 House Type Proposals - Plots 115 – 118
- 14-2221-341 House Type Proposals - Plots 119 + 120
- 14-2221-342 House Type Proposals - Plots 121 + 122
- 14-2221-343 House Type Proposals - Plots 123 + 124
- 14-2221-344 House Type Proposals - Plots 129 + 130
- 14-2221-345 House Type Proposals - Plots 131 + 132
- 14-2221-346 House Type Proposals - Plots 133 + 134
- 14-2221-347 House Type Proposals - Plots 135 + 136
- 14-2221-348 House Type Proposals - Plots 137 + 138
- 14-2221-349 House Type Proposals - Plots 139 + 140
- 14-2221-350 House Type Proposals - Plots 141 + 142
- 23-88-01 Topographical Survey (1 of 4)
- 23-88-01 Topographical Survey (2 of 4)
- 23-88-01 Topographical Survey (3 of 4)
- 23-88-01 Topographical Survey (4 of 4)

In addition, the following drawings are embedded in submitted drainage documents:

- SW23-228-REP-01 – Surface & Foul Water Drainage Strategy Report with the following Appended Drawings:
 - o SW23-228-001 – Existing Flood Exceedance Plan
 - o SW23-228-010B – Proposed Drainage Strategy Arrangement
 - o SW23-228-011A – Proposed Drainage Strategy Details
 - o SW23-228-015 – Proposed Flood Exceedance Plan
 - o SW23-228-030 – Fire Tender
 - o SW23-228-031 – Refuse Truck SW23-228-020
- SW23-228-L01A – Riparian Drain Condition & Flow Capacity Review Statement
- SW23-228-L02A – Drainage Principle Review Statement
- SW23-228-L03A – Site Boundary Drainage Review Statement with the following Appended Drawing:
 - o SW23-228-SK004 – Proposed Boundary Section

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 the development hereby permitted, a Construction Environment Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall include (although not restricted to) the following details:

- a traffic management plan incorporating the routing of construction traffic and details of heavy vehicle movement patterns (including the earliest and latest times, and the suspension of trips during peak traffic times)
- hours of work for site preparation, delivery of materials and construction

- c) measures to minimise and control noise, vibration, dust, dirt and fumes during the development period
- d) details of on-site parking facilities for both visiting construction vehicles and deliveries and workers on the site
- e) the loading and unloading arrangements for heavy plant and machinery and materials
- f) the location of storage of plant and materials used in constructing the development
- g) measures to avoid disturbance to nesting birds and other wildlife
- h) measures to prevent mud being deposited on the surrounding highway
- i) details of any protective fencing to maintain public access and public safety for the public footpaths that cross/are adjacent to the site
- j) measures to ensure that the site is properly drained during the construction period
- k) a programme for the implementation of all of the above items.

Development shall then be carried out in strict accordance with the approved CEMP.

Reason: To satisfy Policies 2 and 30 of the South East Lincolnshire Local Plan (2019) and to ensure that appropriate measures are put in place before any development commences to limit noise, nuisance and disturbance to the occupiers of neighbouring properties during the construction of the development and to prevent any obstruction of or disturbance to the operation of the Highway.

4. The development shall proceed in strict accordance with the contamination recommendations set out in the contaminated land assessment for the site (GDP Project Number 2385) forming part of the approved application.

Reason: To ensure all contamination within the site is dealt with and to accord with Policies 2 and 30 of the South East Lincolnshire Local Plan (2019).

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

Reason: To ensure all contamination within the site is dealt with and to accord with Policies 2 and 30 of the South East Lincolnshire Local Plan (2019).

6. The permitted development shall be undertaken in accordance with a surface water drainage scheme which shall first have been approved in writing by the Local Planning Authority prior to the commencement of any works above ground level.

The scheme shall:

- be based on the results of evidenced groundwater levels and seasonal variations (e.g. via relevant groundwater records or on-site monitoring in wells, over a 12-month period);
- be based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development and the principles set out in the submitted documents Flood Risk Assessment; Surface & Foul Water Strategy Ref SW23-228-REP-01; Site Boundary Drainage Review Statement; Drainage Principle Review Statement and Drainage Principle Review Statement which form part of the approved application;
- provide flood exceedance routing for storm event greater than 1 in 100 years;

- provide details of how run-off will be safely conveyed and attenuated during storms up to and including the 1 in 100-year critical storm event, with an allowance for climate change, from all hard surfaced areas within the development into the existing local drainage infrastructure and watercourse system without exceeding the run-off rate for the undeveloped site;
- provide attenuation details and discharge rates which shall be restricted to a rate approved by the Local Planning Authority;
- provide detailed drawings and associated calculations of all drainage assets forming part of the scheme;
- provide details of the timetable for and any phasing of implementation for the drainage scheme; and
- provide details of how the scheme shall be maintained and managed over the lifetime of the development including the maintenance of the interceptor drain and any arrangements for adoption by any public body or Statutory Undertaker and any other arrangements required to secure the operation of the drainage system throughout its lifetime.

No dwelling/ no part of the development shall be occupied until the approved scheme has been completed or provided on the site in accordance with the approved phasing.

The approved scheme shall be retained and maintained in full, in accordance with the approved details.

Reason: To ensure that the permitted development is adequately drained without creating or increasing flood risk to land or property adjacent to, or downstream of, or upstream of, the permitted development and to accord with Policy 4 of the South East Lincolnshire Local Plan (2019).

7. Prior to any works above slab level the locations of fire hydrants to be provided at the developer's expense shall be submitted to and approved in writing by the Local Planning Authority. The development shall proceed in accordance with the details so agreed.

Reason: In the interests of the safety and amenity of future occupants of the development and to accord with policies 2 and 3 of the South East Lincolnshire Local Plan (2019).

8. No part of the development hereby permitted shall be occupied before the works to improve the public highway by means of upgrading uncontrolled pedestrian crossing points to include tactile paving and dropped kerbs where necessary at the junctions of Puritan Way with Shaw Road and Puritan Way with Carlton Road have been certified complete by the Local Planning Authority.

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

9. The carriageways of the estate roads hereby permitted shall be constructed up to and including binder course level prior to the commencement of the erection of any residential development intended to take access therefrom and no dwelling hereby permitted shall be occupied before the footway between that dwelling and the existing public highway is also constructed up to and including binder course level. The carriageway and footway binder course surfaces shall be maintained to a standard that will provide safe and suitable

access for residents and their visitors until such time as the final surface courses are laid and the final surface courses shall be laid no later than three months following the date of occupation of the penultimate dwelling.

Reason: In the interests of safety, to avoid the creation of pedestrian trip hazards within the public highway from surfacing materials, manholes and gullies that may otherwise remain for an extended period at dissimilar, interim construction levels and to accord with policies 2 and 3 of the South East Lincolnshire Local Plan (2019).

10. The permitted development shall be undertaken in accordance with an Estate Road Phasing and Completion Plan, which shall first be 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.

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 to accord with policies 2 and 3 of the South East Lincolnshire Local Plan (2019).

11. There shall be no vehicular access from the development to Fenside Road nor any access of any kind from any individual dwelling forming part of the development to Fenside Road and no such accesses shall be made in the future from the development or any dwelling forming part of the development.

Reason: In the interests and amenities of users of Fenside Road, of visual amenity and of local character, and to accord with policies 2 and 3 of the South East Lincolnshire Local Plan (2019).

12. The development shall be carried out in accordance with the submitted FRA dated June 2024, ref: 'ECL1081b/SHIELDS WILSON', prepared by Ellingham Consulting Ltd and the following mitigation measures it details:

- Finished floor levels to be set no lower than 3.2 metres above Ordnance Datum (AOD)
- The development to have at least two storeys
- Flood resilience and resistance measures to be incorporated into the proposed development as stated

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

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

13. None of the dwellings hereby approved shall be occupied until details of the public open space and how it is managed and maintained as part of the development has been submitted to and approved in writing by the Local Planning Authority. The scheme shall cover the full lifetime of the open space and drainage system and, as a minimum, shall include:

- (i) details of the public open space and how the POS will be landscaped (hard and soft) along with provision of play equipment or other facilities;
- (ii) arrangements for adoption by an appropriate public body or statutory undertaker, or management and maintenance by a Residents' Management Company.
- (iii) arrangements concerning funding mechanisms for the ongoing maintenance of all elements of the POS (including mechanical components) to include details such as:
 1. on-going inspections relating to performance and asset condition assessments;
 2. operation costs for regular maintenance, remedial works and irregular maintenance of limited life assets; and
 3. any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime including
 - (i) means of access and easements for maintenance purposes;
 - (ii) A timetable for implementation.

The POS shall thereafter be installed in accordance with the details and timetable contained within the duly approved scheme, and shall be managed and maintained as such thereafter.

Reason: To ensure that satisfactory measures are put in place for the management and maintenance of the public open space area throughout the lifetime of the development and to accord with Policies 2, 3, 6 and 31 of the South East Lincolnshire Local Plan (2019).

14. Prior to any works above slab level a detailed scheme of landscaping and planting based on the principles set out in the approved proposed site plan and including details of species and future maintenance shall be submitted to and approved in writing by the Local Planning Authority. Plan 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).

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

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

16. Prior to the commencement of any works on the development hereby permitted, a strategy for the mitigation of the impact of the scheme on barn owls shall be submitted to and approved in writing by the Local Planning Authority.

The method of works and mitigation strategy shall be prepared by an appropriately qualified ecologist and shall include:

- Strict timings of works accompanied by immediate pre commencement checks conducted by a suitably qualified ecologist;
- Appropriate buffer zones around the existing nest site and any proposed temporary alternative mitigation;
- Ensure permanent provision i.e. wildlife tower positioning is in a location unlikely to suffer from high levels of disturbance post development and not obscured by soft or hard landscaping;
- Design landscaping in such a way to maximise chances of continued use of the existing nest site post development for example by removing trees and shrubs from entrance 'corridors';
- Provision of on- and/or -off-site barn owl nesting facilities
- Monitoring programme to determine the effectiveness of the mitigation strategy to at least 2029.

The development shall proceed in accordance with the details so approved.

Reason: In the interests of barn owls and biodiversity and to accord with Policy 28 of the South East Lincolnshire Local Plan (2019).

17 The scheme shall proceed in accordance with the details of the ecological enhancements set out in the approved plans and supporting documentation together with such measures as shall be part of measures to be determined to achieve Biodiversity Net Gain and the protection of barn owls. The measures shall thereafter be so maintained.

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

18. 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).

19. 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 phasing and implementation of the habitats
- 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 achieve 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
- Reporting on the delivery of on-site gains on years 1, 2, 5, 10, 20 and 30 following the implementation of the habitats in accordance with the above details

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.

20. Prior to any work above slab level on the development hereby approved a schedule of external materials and hard surfaced areas shall be submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing by the Local Planning Authority, the development shall be constructed in accordance with the materials so approved.

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

BNG APPLIES	
BNG1	<p>BIODIVERSITY NET GAIN CONDITION</p> <p>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:</p> <p>(a) a Biodiversity Gain Plan has been submitted to the planning authority, and (b) the planning authority has approved the plan.</p> <p>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</p>
BNG3	<p>Statutory exemptions and transitional arrangements</p> <p>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.</p> <p>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.</p> <p>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</p>

	<p>(b) the conditions subject to which the planning permission is granted:</p> <p>(i) do not affect the post-development value of the onsite habitat as specified in the earlier biodiversity gain plan, and</p> <p>(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.</p> <p>- 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.</p>
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INFORMATIVE NOTES

1. The attention of the applicant is drawn to the comments dated 8-Sep-2024 from Anglian Water including references to company assets in the vicinity and connection to foul and surface water drainage. Anglian water includes the following informative notes:

1. INFORMATIVE - Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.
2. INFORMATIVE - Protection of existing assets - A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water.
3. INFORMATIVE - Building near to a public sewer - No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact Development Services Team on 0345 606 6087.
4. INFORMATIVE: The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact our Development Services Team on 0345 606 6087 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements.

The applicant is advised to discuss the Anglian Water comments with the company's officers prior to the scheduling or commencement of any works.

2. The applicant's attention is drawn to the comment on the application dated 05-Jukl-2025 from the Black Sluice Internal Drainage Board referring to rainfall run-off, works within and affecting watercourses and other matters. The applicant is advised to discuss the matters raised with the Board's officers prior to the scheduling or commencement of any works.

3. In accordance with Section 59 of the Highways Act 1980, please be considerate of causing damage to the existing highway during construction and implement mitigation measures as necessary. Should extraordinary expenses be incurred by the Highway Authority in maintaining the highway by reason of damage caused by construction traffic, the Highway Authority may seek to recover these expenses from the developer.

4. 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>

5. The highway improvement works referred to in condition 8 are required to be carried out by means of a legal agreement between the landowner and the County Council, as the Local Highway Authority. For further guidance please visit our website; www.lincolnshire.gov.uk/highways-planning/works-existing-highway

6. Please contact the Lincolnshire County Council Streetworks and Permitting Team on 01522 782070 to discuss any proposed statutory utility connections, Section 50 licences and any other works which will be required within the public highway in association with the development permitted under this Consent. This will enable Lincolnshire County Council to assist in the coordination and timings of these works. For further guidance please visit the Highway Authority's website via the following link: Traffic Management - <https://www.lincolnshire.gov.uk/traffic-management>

7. The existing ground level of the site must not be raised above the ground level of any surrounding land without further consultation with the Lead Local Flood Authority and Local Planning Authority, to consider suitable mitigation measures to ensure that surface water flood risk is not created or increased to land adjacent to the permitted development.

44 Planning application B 24 0121

Major - Full Planning Permission

Construction of 102no. residential dwellings

Agricultural land adjacent to White House Lane, Fishtoft, Boston PE21 0BE

Prior to the consideration of this item, Councillor Sarah Sharpe left the committee table and took a seat in the public gallery. She did not take part in the committee's deliberation on this item.

The application had been called in for committee determination by ward member, Councillor Sharpe, for the following reasons:

Policy 2 – Development Management:

- That the number of dwellings exceeded those allocated to the site under the Local Plan
- That there were concerns about accessibility to the properties given that they each had steps leading to the access point.
- That there were concerns about road safety and infrastructure.

Policy 3 – Design of a new development:

- That the plans were incongruous of the existing properties in the area.
- That there was also limited public transport available.
- That there were issues with the accessibility of the properties.

The application site was on the south-eastern edge of Boston to the east of White House Lane. It was 3.01 hectares in size and had been in agricultural use although currently fallow. To the north was 72 White House Lane and allotments. To the west was White House Lane with existing dwellings facing the application site. To the south was 1 White House Lane with agricultural fields beyond as well as to the east. The site was predominantly open with a few trees and hedgerows dotted along the northern and southern boundaries.

The application site was agricultural land and, according to the Borough wide Defra records, designated Grade 1. The site was within the Environment Agency Flood Risk Zone 3. The Council's Strategic Flood Risk Assessment (SFRA) 2010 identified the majority of the site as having a Flood Hazard rating of 'Danger for All' and a 'medium' tidal flood probability. The site had a depth from flooding for the 200-year event (2115) predominately in the range 0.5m – 1.6m.

There were no listed buildings or tree preservation orders on the site.

Running approximately east-west through the middle of the site were overhead power lines and a pylon approximately 50 metres from the site boundary with White House Lane. A Tree Preservation Order (Fishtoft No 5) applied outside of the site, the closest protected tree was within the rear garden of Jasmine (number 76), to the north of the application site on White House Lane. This would not be affected by the development.

In 2019 the South East Lincolnshire Local Plan had allocated the site for residential development as allocation Fis003, Land east of White House Lane, with a notional estimated capacity of 90 dwellings (see Inset Map 1 and Policy 11).

The Development Manager outlined that the application was for 102 dwellings and associated infrastructure and had been recommended for approval, subject to conditions and the completion of a section 106 agreement. He referred to the original report and the supplementary report, the latter of which was in response to additional information following discussions which had taken place between the applicant and consultees. It primarily related to a vehicle tracking diagram, amended house tenure layout, a refuse strategy and further details of the ecological mitigation. He confirmed that the additional information did not alter the officer's assessment of the proposal or the recommendation.

The Development Manager presented information about the application site, including the boundaries and the location of existing properties.

Details were provided about the site layout, which included a mixture of one, two, three and four bedroomed properties, including affordable properties which would be spread across the site rather than concentrated in one area. Areas of green space were provided as well as a buffer zone at the boundary of the site which formed part of the ecological

mitigations, details of which had been provided, including the location of a Dyke. Details of the indicative drainage layout were provided. A detailed condition existed which would secure the drainage plans. Details of street scene, boundaries and examples of house type were provided. They included design details relating to the steps to the properties, which had been a source of objection to the application. Details of the location of pylons were also provided, which had also been a source of objection to the application.

In relation to the principle of development, the Development Manager confirmed that the site was allocated in the Local Plan for 90 dwellings and had received outline planning consent for up to 83 dwellings, although that consent had since lapsed. The principle of the residential development of the site had been established through the site allocation and the issue to be considered was the housing numbers proposed, their design and consideration of all other material considerations.

Housing numbers was the main concern of objectors and although the applicant proposed a higher number of houses than the allocation, any site allocation set an initial target of houses to be developed. It was not a prescriptive number and did not prevent an applicant seeking permission for a greater number of houses provided and neither did it warrant a reason for refusal of the application. In relation to the density of the site, the plans were considered acceptable based on the National Planning Policy Framework (NPPF) and a refusal based on density would be difficult to defend on appeal given the absence of identifiable harm.

In relation to design, the development proposed a mixture of houses with between one and four bedrooms, including bungalows. The tenure of the housing would be policy compliant. There would be flood risk mitigations.

The Development Manager accepted that the officer's report was finely balanced.

Planning officer's concerns in relation to the presence of steps had been noted. There were also concerns about the issues of design and accessibility which might be presented for future residents. These concerns had been considered against the requirements of the Local Plan, the NPPF and national design guides and it was considered, on balance, that the concerns regarding accessibility would not justify the refusal of the application.

Concerns had been raised about visual amenity at the site but given the landscaping mitigations, it was considered that it did not warrant the refusal of the application. Biodiversity Net Gain of 10% could be achieved.

Concerns about neighbouring amenity had been raised and officers were content there was sufficient distance from existing properties with no loss of light, or privacy, and no direct facing of properties. There would be a change of outlook with the loss of the field however the right to a view was not a relevant planning consideration.

In relation to flood risk, the statutory consultees had not raised any objections to the scheme. The applicant had provided detailed information about the proposed drainage scheme and a condition would be included requiring a suitable drainage scheme prior to construction commencing.

In relation to highways safety, the plans demonstrated that the existing highways network could absorb additional traffic without a safety risk and there had been no objection to the proposal from Lincolnshire County Council. The site would benefit from enhanced pedestrian and cycle routes to access services.

The Development Manager outlined the independent viability assessment and appraisal. Agreement had been reached that there would be a contribution of £131,000 towards affordable housing provision secured through a section 106 agreement.

The Development Manager concluded by indicating that despite officer concerns on some of the issues outlined, the principle of the development of the site was acceptable and on balance, the harm arising from those concerns were not considered to be significant or would warrant the refusal of the application. The scheme would deliver housing on an allocated site within the Local Plan.

Mr Ian Scott, who was speaking in objection to the application, addressed the Committee.

Mr Scott outlined the concern that the site would have a greater density of housing than intended by the Local Plan and that the number of houses should be reduced to take that into account. He proposed that the number of properties already built in Fishtoft since April 2011 should reduce the number of properties proposed at the site by 12 dwellings.

Mr Scott stated that the application was not compliant with disability access and human rights legislation by having only stepped access. He indicated that developers had received more than 10 years grace to ensure compliance with the legislation.

On grounds of loss of privacy, Mr Scott suggested that 32 dwellings be removed from the application. In relation to concerns about the location of pylons, he indicated that 8-31 dwellings should be removed from the application.

Taking in account the above factors, Mr Scott advised that the application should be rejected and re-submitted to comply with primary legislation, as the Local Plan provided mandatory requirements which required compliance. In relation to the stepped access to the dwellings, he indicated that mandatory primary legislation would not be complied with if the plans were approved. The site would discriminate against 25-48% of citizens.

Mr Scott confirmed that minimum privacy distances were not being complied with and indicated that 32 dwellings should be removed or re-positioned as a result of the breach of privacy which would arise.

In relation to the location of electricity pylons, there would be no buffer space on either side. Mr Scott referred to local policies and indicated that any principles advanced in support of the application had been disregarded by a nearby development in Fishtoft where a precedent existed for an open space corridor of 10-20 metres from the pylons to provide for public safety from radiation.

Members of the Committee requested clarification in relation to the following issues:

Mr Scott was asked to elaborate on concerns regarding loss of privacy. He advised that there were requirements for minimum distances between facing houses and referred to his

supporting documents which demonstrated that some of the dwellings at the site would fall within an arc of overlapping (as being within 21-25 metres) which was within the minimum distance requirement. On that basis and as a result of the density at the site, there should be an adjustment to remove or re-position properties which would suffer from a loss of privacy.

In relation to the pylons, Mr Scott clarified his earlier comments about the precedent of more open space and a wider corridor between dwellings and pylons having been established by an existing development in Fishtoft. He confirmed that there was no fixed law on the issue but there were concerns about the health impact which might arise from the proximity of pylons to dwellings.

In response, the Development Manager indicated that there was no planning law requirement and that clarification had been obtained from the electricity board regarding the concerns raised. In relation to privacy, he indicated that there was guidance but no planning law which set in statute and advised that each planning authority set their own guidance by which the plans had been assessed, and in the opinion of officers there were no concerns in relation to loss of light or privacy. In regards to separation distances, officers had no concerns in relation to overlooking into habitable rooms or about overshadowing. The Development Manager disagreed with the suggestion that there had to be a 25 metre separation, which was not a legal requirement.

Councillor Sharpe addressed the Committee as a public speaker. She referred to the Local Plan and recommendation that the site should have an allocation of 90 dwellings and pointed to the application seeking approval for 102 homes, which exceeded the Local Plan recommendation. She referred to the proposed density as being described in the report as significantly higher than average within the area.

Councillor Sharpe stated that any new development should reflect the existing area's distinctive development form. Of particular concern were plots 93 and 94 which were not set back from the road like others within the same scheme. The inconsistent positioning would make them appear awkward and out of place within the streetscape.

In terms of density, Councillor Sharpe indicated that the plans reduced internal square footage per resident. She cited concerns that the plans would provide below standard privacy for many dwellings and an overall cramped feel; and had concerns for the properties, particularly number 65, which would be subject to headlights shining through their windows as they would be opposite the main road of the development.

Councillor Sharpe referred to the report by SEA Consulting Engineers which stated in Section 5.3.1 that the proposed development would not meet the minimum car parking provision outlined in policy 6, 36 and Appendix 6 within the Local Plan. She outlined her concerns about where additional cars and visitor cars would park, particularly those visiting plot 94 where the driveway exited directly onto a busy road. Additionally, she highlighted the use of tandem parking which she considered to be problematic. The increased likelihood of on street parking could pose risks for passing traffic, refuse collection and emergency services. Section 3.3.7 of the Local Plan stated that it was necessary to ensure that developments did not have an adverse impact on physical or social infrastructure such as roads. Although tactile crossings were proposed, they would not alleviate the issues on

White House Lane, which was already heavily trafficked and had only a single footpath located on the opposite side of the road from the proposed development.

Councillor Sharpe referred to concerns regarding road safety on adjacent roads, and one incident involving a child. Since the SEA report, three years ago, traffic from new developments had increased at Toot Lane, including increased HGV use of local roads. Although the Parish Council had arranged the installation of speed signage approval of the application at a greater density to what had originally been proposed would exacerbate those concerns. She also referred to poor pedestrian visibility, particularly on roads near the primary school.

In relation to accessibility, the properties featured steps to the front entrance and into the rear garden, which could severely limit access for less able people, people with mobility issues, or those with young children, especially those using prams and push chairs.

Councillor Sharpe stated that the design choice was contrary to the principle of inclusive housing and went against policy 17 of the Local Plan. She referred to 7.15 in the report and the National Planning Policy Framework which stated that planning decisions should create places that were safe, inclusive and accessible, and section 7.16 which referenced the National Design Guide, paragraph 120, which stated that well designed homes and buildings should be functional, accessible and sustainable, and should meet the needs of a diverse range of users. She expressed concern that this could not be achieved when the designs included steps into the house and garden. She highlighted a recent nearby development on the corner of Toot Lane which had successfully addressed flood risk issues by adjusting ground levels to provide step free access, which the applicant had been asked to provide.

Councillor Sharpe concluded by indicating that there were design shortcomings and that residents deserved homes that were appropriately sized, afforded sufficient privacy and were accessible to all.

Members of the Committee requested clarification in relation to the following issues:

Clarification was provided in relation to the location of the specific properties which might be affected by not being set back from the road at the junction to the proposed development and the impact of car lights on the facing properties.

In relation to parking for the dwellings, clarification was requested in relation to the number of parking spaces for properties and their design.

The Development Manager confirmed that the scheme had been amended by the applicant and that it complied with the County Council's road parking requirements and that no objections had been received, specifically concerns regarding safety and capacity had not been raised by Lincolnshire County Council Highways. He added that the amended plan included the required number of parking spaces per property.

Councillor Sharpe was then required to leave the meeting in accordance with the Committee's protocol.

The Development Manager reiterated that in any Local Plan where there was an allocation for a housing number, it was not prescriptive, and that it was possible for an applicant to

exceed this number. Density requirements were not being breached by the application. In relation to accessibility, he referred to section 7.18 of the report and the Local Plan which did not require accessibility standards.

Committee deliberation occurred in relation to the following issues:

Deliberation occurred in relation to accessibility to the properties. It also occurred in relation to the location of the properties in proximity to the electricity pylons and possible health considerations.

Concerns were expressed about road safety adjacent to the site and it was queried whether there were any statistics which would help inform the committee. The Development Manager confirmed that traffic management data existed and that Lincolnshire County Council had confirmed there was no road accident pattern at the site and that the application was not considered to breach the significant harm threshold.

The density of housing at the site was also re-considered.

Resolved:

That the application be refused on the following grounds: that the density of housing at the site would be out of keeping with the character and appearance of the surrounding area, landscape and local built environment.

The meeting adjourned at 12.09 and reconvened at 13.45 to consider the following item.

Councillor Lina Savickiene left the meeting at 12.09 p.m. and did not return for consideration of the next item.

45 Planning application B 23 0379

Full Planning Permission

Proposed residential development of 89 dwellings and associated infrastructure, drainage and open space in accordance with amended plans received by the Local Planning authority on 31-Oct-2024

Land to the East of Gaysfield Road, Fishtoft, Boston PE21 0SF

Councillor Sharpe returned to the Committee for deliberation on this item.

The application had been called in for Committee determination by ward member, Councillor Helen Staples, to allow discussion of the following issues:

1. The impact of the new development on existing neighbours;
2. The number of dwellings and the density of the proposal and its relationship to the character of the village;
3. Access and egress, and the impact on the local highway network;
4. Access to the development for emergency vehicles;

5. Design of the dwellings including room sizes and storage space, and their suitability as family homes; and
6. Flood risk and drainage, and the drainage impacts of the proposal on existing residential neighbours and other buildings.

The application site was an area of arable field 3.83 hectares in extent lying to the east of Gaysfield Road, Fishtoft. The western boundary was marked by existing linear housing development on Gaysfield Road with further residential development around Fishtoft Manor on the northern boundary. To the south and east was open farmland. There was also an existing Scout Hut, located to the west, with an enclosed triangle of land also associated with Scouts' facilities to the south, which would be adjacent to the development.

The topography was largely flat although there was a slight rise toward the northern boundary. Access would be via a new connection adjacent to the Scout hut, the southernmost building on Gaysfield Road. The existing housing on the western boundary were mixed, with mostly modern houses and bungalows. The site was in Flood Risk Zone 3 (FRZ3).

Fishtoft was classified as a Minor Service Centre in Policy 1 of the Local Plan. Part of the site had been allocated for housing in the Local Plan as allocation Fis046 on Inset Map 15.

The proposal was for a residential development of 89 dwellings and associated infrastructure, drainage and open space. The submission included 20% affordable housing. The application had been amended since the original submission, including revised layouts, amended house types and materials specifications and an augmented drainage strategy.

The Development Manager presented the officer's report and referred to the supplementary report, which included an amended plan that had been received from the applicant, showing the location of the affordable dwellings proposed, which had been accepted by the Council's Housing Team. The supplementary report also included comments that had been received from an objector which had been addressed. He confirmed that the supplementary report did not alter the officer's assessment of the proposal.

The site plan was presented to the Committee. To the east of the site was open countryside. The plan demonstrated the location of existing properties that formed the current limits of Fishtoft in that locality. The proposed access points on to the public highway were demonstrated.

A large proportion of the site was already allocated within the Local Plan for housing. By reference to the site plan, the Development Manager advised that the allocation did not cover the entire site but a significant proportion of it.

The layout of the site was demonstrated. The Development Manager identified the main internal spine road and a number of small cul-de-sacs. The layout showed the attenuation ponds linking to the drainage and areas of public open and green space.

The drainage plan was presented and the Development Manager indicated that infiltration was not a viable option, therefore the applicant was proposing a SUDS scheme using a series of roadside swales and network of underground drains to capture and channel surface water, which would then head to the attenuation pond shown on the plan. This would then lead to a pipe taking it to the existing drainage board water course and the land drains identified.

In terms of the landscaping plan, the green space and plantings were outlined. The plan included a proposal to plant and enhance the western boundary of the site where it ran adjacent to a number of properties.

Examples of house types were provided to the Committee as well as photographs of the location. The location of other buildings, including the Scout hut, primary school and existing properties were identified.

In terms of the principle of development, the Development Manager confirmed that a large portion of the application site was located within the Local Plan for 45 dwellings, being predominantly the northern part of the site.

Planning permission had previously been granted which covered a large area of the southern part of the site. The application did not cover the entirety of the two plans. There was a slight extension to the site along the eastern boundary, but in the view of the Development Manager this was largely incidental to the allocation and to the planning consent that had previously been granted and still existed for the site. As such, in the opinion of officers, it could be taken that the principle of the residential development of the site (or the majority of the site) was acceptable and established through the allocation and also through the extant planning permissions that existed.

The Development Manager indicated that the issues to consider were the number of dwellings, their design and all other material matters. In relation to the number of dwellings, he recommended that the density proposed was acceptable. He acknowledged that the density proposed to this site may not mirror every element of the settlement itself, but it was the officer's view that it was reflective of some of the more modern parts of the settlement that had been granted consent and taken place over recent years and would not be entirely at odds with the existing built environment or the existing settlement pattern of Fishtoft. In terms of harm that would be generated, he indicated that he did not believe this would be significant or adverse.

In relation to the design, in response to concerns raised by the case officer regarding the layout and the design of the properties, the applicant had worked proactively and positively with the Council, making a number of amendments to the scheme. It was the view of officers that the amendments had cumulatively resulted in a much better overall and more organic scheme, which was of a suitable quality design.

The Development Manager indicated that the layout would not be visually harmful and responded well to the character of the locality. The development would also benefit from a landscape scheme which would help to further soften the visual impact to a satisfactory manner.

In relation to neighbouring amenity, it was acknowledged that the development would result in a change of outlook for the properties that bordered the site, but it was important to note that a property did not have a right to a view in legislation, and the principle of the development of the site had already been established on the loss of the field for development through the extant consents and the Local Plan allocation. As a result, it did not represent justified reason for the refusal of the application. Separation distances would exist and would not result in any loss of light to any neighbouring dwellings.

The Development Manager confirmed that in terms of amenity, some harm would arise to the loss of the field and the extent of the harm was not considered to be significantly adverse or unacceptable. Where any harm would arise, that harm was outweighed by the benefits of the scheme, including affordable housing for the borough on an allocated site.

In relation to flood risk and drainage, the Development Manager acknowledged that the site was within Flood Zone 3, although it was more favourable than other sites within Fishtoft, hence its allocation within the Local Plan.

Following a consultation exercise, there were no objections raised to the proposal from any statutory consultees. In relation to drainage, subject to further mitigation measures, including a roadside swale network of the underground drains leading to the attenuation basin, which would be secured through condition. It had also been proposed to install an interceptor drain along the boundary with a number of neighbouring properties which would help capture surface water in the area. It was considered that the proposed development could be satisfactorily serviced by appropriate drainage infrastructure, secured through condition, and as such the development would not result in an adverse increase in flood risk.

In terms of highways, the application had been supported by a series of plans and assessments from the applicant, which demonstrated that the surrounding network could absorb the level of traffic that would be generated both from a highway safety and capacity perspective. There had been no objection from the Highways authority and conditions were recommended to overcome any concerns that had been raised by the Fire and Rescue service. Access roads would be constructed to the standard required by the Highway authority's design codes and in the opinion of officers, concerns about highway safety would not warrant the refusal of the application.

The proposal would provide affordable housing. The applicant had submitted a viability appraisal, which had been subject to an independent review. It had demonstrated that a lower provision of affordable housing and contributions was reasonable. Officers had recommended the provision of 20% on site affordable provision and a financial contribution of £400,000 towards education provision and healthcare, which was a proportionate planning gain.

In relation to ecology, the amended layout demonstrated that sufficient ecological enhancements could be achieved, with 10% biodiversity net gain, which would be secured through condition.

In conclusion, the Development Manager indicated that the principle of the residential development of the site had been accepted and would deliver benefits through the provision of housing and the provision of affordable housing on a site that was in the main

allocated for such in the Local Plan. It was the view of officers that the amount of development proposed could be accommodated within the site without resulting in significant or demonstrable harm being caused to the locality, to neighbouring residents or to the environment, subject to the conditions within the report. He advised that the application was recommended for approval, subject to the conditions and the completion of a Section 106 agreement.

Mr Ian Scott, who was speaking in objection to the application, addressed the Committee.

Mr Scott stated that 44 dwellings should be removed to ensure compliance with the Local Plan of 45 maximum and the removal of 1.14 hectares from the site for non-compliance with the Local Plan. He indicated that rainwater flood mitigations still excluded key waterfalls, with SUDS providing less than 25% of the capacity needed.

Mr Scott advised that 18 dwellings should be removed for boundary privacy along the western boundary, as they ignored government policy. He urged the Committee to reject the application and resubmit it to comply with the Local 10-year Plan, and went on to outline key points from his supporting documents. The area of land of Plot 46 was a clearly defined boundary. The area was 2.69 hectares, not 3.8 hectares which was an excessive 42% overall allocation. The maximum number of dwellings was 45 rather than 89, which was 98% more than the Plan required.

Mr Scott indicated that there had been two unacceptable e-mail discussions from planners: in November 2023 from the Boston Forward Planning Officer to the Planning Department giving inaccurate and false opinions and (ii) in April 2024, with requirements from the Planning Officer to the developer which had been completely ignored by the developer. He stated that 45 dwellings should not be removed from a plan and then increased to 66 and then increased again to 89.

Mr Scott confirmed that there was a major design fault with the proposed SUDS attenuation pond. The Internal Drainage Board (IDB) drain had a higher maximum water level than the pond. Floodwater discharge would stop completely at times of persistent rain, but the pond design relied upon a continuous outflow discharge.

After more than two years, there was still no drainage plan from the developer. Mr Scott referred to local evidence from photographs on pages 8 and 9 of his supporting document which showed the IDB drains in the area, topping out when they had persistent rain, which he indicated happened on a six or seven-year cycle. He indicated that extra storage capacity must be built into the SUDS pond, although a five day storage capacity may be acceptable. He indicated that critical drain design flaws were ignored by the developer, with only the hard surfaces calculated in their plans. Rain falling onto the swales and ponds was excluded. Rain flowing from saturated gardens into swales was ignored. Surface water by the boundary French drain was ignored and the off-site outflow was undefined. He indicated that the recent assertion by planning officers was incorrect. For the hard surface alone, rain volumes alone on a five day interceptor pond outflow, would require a pond volume more than 2.5 times the current plan.

Mr Scott provided supporting information about existing issues in Old Leake (case reference B 16 0317) where a planning application had resulted in flooding. He advised that there was clear government policy for minimum privacy between properties of 21 and

25 metres within sight of new dwellings. Where new dwellings would be adjacent to existing neighbours, as in Gaysfield Road, he suggested that greater privacy was expected and there must be a 15-metre gap to the boundary fence line. Where there were two storey houses overlooking, the distance increased to 35 metres. The suggestion would require 18 dwellings along the western boundary to be removed or relocated.

Mr Scott referred to the riparian drainage boundary along the north where four houses required access to maintain that drain. He indicated that the planning department's assertion that riparian issues were not a planning responsibility was false. He drew attention to the recent Environment Agency warning directive where prosecutions would be pursued for ignoring primary legislation. Planning had the administrative duty to progress information received, as identified, and the riparian drain issue needed to be dealt with.

Members of the Committee requested clarification in relation to the following issues:

Information was requested about whether Mr Scott was a Fishtoft resident. He confirmed that he lived in Wrangle and had been asked to look at the plans by a councillor and residents of Fishtoft. He indicated that there were no restrictions on who could look at or comment on applications.

Mr Scott was asked about the situation with the riparian drain. He indicated that a drain had been identified along the northern boundary of the site and reference to a low brick wall in or near the ditch. The drain took water from that part of the site. It had not been maintained by the landowner. The applicant had proposed a boundary fence, which ignored the problem and would create issues with the maintenance of riparian responsibilities for four householders. He was asked which authority would enforce those responsibilities. He indicated that it could be raised by the Parish Council if the landowner was known and then escalated to the Borough Council and would ultimately be the Environment Agency which would provide enforcement.

Mr Scott was asked to provide clarification in relation to which Drainage Board would be responsible for flooding topping out issues – Councillor Bedford confirmed that it would be Witham Fourth IDB. Mr Scott referred to the location of the attenuation pond and drain which were at the same level. He referred to measures to stop backflow into the attenuation pond which he indicated would stop the outflow from the pond when the drain filled up. He indicated that the drainage ditch photographs in his supporting document were taken within a three-mile radius of Wrangle. They showed that when the pumps were working in persistent rain, the ditches were topped out by the level of the pumps and sometimes they overflowed. The ditches in the photographs were 1.5 metres deep. The SUDS assessment for the development would be inadequate as it did not account for what would happen if the outflow stopped.

Mr Scott was asked for his view on what would happen if his concerns about the drainage materialised. He indicated that the ponds were just for the hard surface areas and if it ceased to work, his calculation at page 10 of his supporting document showed a one day, three day and five day stoppage and how much bigger the pond would have to be to cope. His assessment was that it would require a capacity of 250% more than as at present if there was a five day stoppage. He also referred to separate issues relating to the capacity

of the drain. He confirmed that in the event of failure, it was likely that existing properties on Gaysfield Road would flood.

The Chairman reminded the Committee that they had received expert information from consultees in relation to drainage and that although Mr Scott had provided detailed information, he was not an expert in the same way as the Drainage Boards. Mr Scott commented that he had mentioned Old Leake as the reports prepared for that planning application were similar and yet flooding had occurred.

Clarification was sought in relation to the role of Internal Drainage Boards in dealing with flooding issues. The Development Manager clarified that it would be a dangerous precedent if the Committee were to consider that statutory consultees were not the experts in their field of drainage. The planning officers sought their expert views on relevant matters and to disregard their advice based on anecdotal information would create a difficult position for the Committee in trying to defend an appeal. He indicated that there had been extensive liaison between the IDB, the lead flood authority and the planning department in order to scrutinise the drainage plans.

In relation to separation between properties, the Development Manager confirmed that there was no national policy and this was a matter to be decided by each planning authority at local level.

The Committee was addressed by Councillor Helen Crawford, as the Chair of Fishtoft Parish Council, speaking in objection to the application.

Councillor Crawford confirmed that in January 2024, Fishtoft Parish Council had raised many concerns about the proposed development, which she did not consider had been adequately addressed.

In relation to the travel assessment from Lincolnshire County council Highways, she disputed their assessment for the development which was that it would generate only an additional 47 vehicle movements between 08:00 and 09:00 on a weekday morning.

Fishtoft had less than 500 residential properties. Councillor Crawford confirmed that it had one pub, a church and playing fields with a community hall. In terms of public transport, if a resident wanted to leave using public transport, it would be necessary to take the 08:42 bus to Boston. The last bus back was at 16:40. If it were necessary to walk, it would be along field-lined roads with speeds of up to 60 miles per hour and no pavement. Looking at the data used by Highways to assess the additional vehicle movements caused by this development, they had referred to Holt in Norfolk as the closest in size. However, it had a population of just over 3,500. From the development selected for the assessment, in terms of public transport, it had a first bus at 05:30 travelling through Holt to Cromer and on to Norwich. The last bus back was at 20:00.

The next comparison site in size used was Ditton in Kent, with a population of just under 5,000. It also had a poor bus service, but it was possible to safely walk along the pavements to the nearest convenience store half a mile away.

All the other sites used in the assessment had populations of 5,000 upwards to 35,000 – they had shops, train stations, frequent bus services, and one even had a tram. Councillor Crawford advised that none could be considered on a scale with Fishtoft village.

The data for the assessment was taken from the trip rate computer system, which Lincolnshire Highways supported. Councillor Crawford indicated that it was surprising that no data referring to developments in Lincolnshire was available. She indicated that Boston had a higher percentage of population that drove in their own cars to work than anywhere else in England, but despite that no data referring to Boston developments had been used.

Councillor Crawford concluded by indicating that the site selected for the vehicle movement assessment should be relevant to the development, but they were not and the figure of 47 vehicle movements could not be relied upon unless a proper assessment was provided.

Members of the Committee requested clarification in relation to the following issues:

Clarification was requested in relation to facilities in Fishtoft and Councillor Crawford reiterated the above information.

The Development Manager confirmed that there had been thorough assessments with empirical information by the Highways authority which had not raised concerns. In terms of facilities in Fishtoft, its proximity to Boston meant that it was regarded as a sustainable settlement within a couple of miles of the population centre.

At this point, the Chairman sought and received permission from the committee members for the meeting to continue, as the meeting duration was approaching the three hour period referred to in the Council's constitution.

The Committee was addressed by Councillor Helen Staples, the ward councillor who had called in this application and was speaking in objection to the application.

Councillor Staples confirmed that the application had received over 80 very valid objections. She indicated that Fishtoft was not a community averse to development and over the past years, it had received a high proportion of affordable and social housing, with more presently being constructed.

In relation to the Local Plan, the site had originally listed for 40 properties and there were now 89 properties being proposed, which would have an intolerable impact on the existing built development. She indicated that there was an inaccuracy in the officer's report in relation to Fishtoft Academy which she confirmed was full, contrary to what people believed. There were no places for any more children.

Members noted that Witham Fourth IDB and the Fire and Rescue Service had initially objected to the application and Councillor Staples indicated that she had seen very little change that would alter their opinions.

Councillor Staples disputed Lincolnshire County Council's Highways assessment, which she regarded as a desktop exercise. She referenced that she had lived in the area for almost 50 years and had seen the traffic increase dramatically, but despite that Gaysfield

Road was still a very small road and at school times had a high proportion of traffic. It was also used heavily by the agricultural fraternity with huge vehicles and equipment. She also referred to Anglian Water's processing site with up to 25 tankers daily in the area, which was set to increase to seven days a week.

Councillor Staples confirmed that Fishtoft had a very poor public transport, the pub was set to close and the church had a small congregation. In relation to sustainability, she indicated that the roads were badly maintained and dangerous. It was not safe to cycle or walk anywhere from Fishtoft. The village had a football team and scouts, but the scouts were set to have their recreational ground disturbed should the development go ahead and they would have to cross the road if they were using the recreational ground to get back to the Scout Hut

Councillor Staples disputed page 86 of the agenda and the suggestion that the development would be a natural evolution to the village screened from the highway. It would not be screened from the highway because it was going to be higher than the highway. It would be at least a metre higher than the built development and would be dense, overshadowing and overbearing.

Councillor Staples indicated that she wanted the best for the community she represented and did not feel that 89 new homes as appropriate. She cited the concerns about flooding risk and about whether the interceptor drain would work as it was not regarded as suitable in heavy clay soil.

Councillor Staples concluded that the most damning piece of evidence was the photograph provided to the Committee, taken from the east to the west, which showed how high the land was in comparison to the existing development. It provided a risk to the properties and the health and well-being of residents. She invited the Committee to refuse the application on the grounds of density, overbearing, overshadowing and the risk of flooding.

Councillor Staples left the meeting in accordance with the Committee's protocol.

The Development Manager advised that in relation to capacity at the primary school, the education authority had clarified that there was capacity at the school.

Committee deliberation occurred in relation to the following issues:

Clarification was provided that the Scout Hut would remain in place and that the land used by the scouts would not be affected by the development, although there would be a crossing point from the hut to the land.

Concern was reiterated in relation to flooding and housing density at the site.

Approval of the recommendation was moved. The vote was not carried.

The Legal Officer clarified that reasons for refusal should be provided. Density of the properties was cited as a reason to reject approval and debate occurred in relation to density of housing at the site.

The Development Manager indicated that the extant planning permission could not be ignored. He indicated that whilst accepting that the allocation of housing to the site was greater, it would be necessary to demonstrate the harm, given that there were two extant permissions at the site.

Flooding risk raised by Mr Scott was also suggested as a reason to reject approval.

The Development Manager invited caution in relying on the documentation supplied by Mr Scott who was not from the area, did not know the area and was relying on information that was not from the area. He indicated that proceeding in this way would place stronger weight on the information provided than on the assessment provided by the applicant and two statutory hydrology bodies that had raised no objections. He confirmed that the Committee was entitled to do this but had to consider the ramifications.

There followed a vote on whether to approve the recommendation in line with the officer's recommendation subject to the conditions and reasons therein. The vote was carried.

Resolved:

To approve the recommendation in line with officer recommendation subject to the conditions and reasons therein:

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:

- 1846G/22/010 Alternative Planning Layout
- 1846G/22/010m Affordable Housing Plan
- 1846G/22/06a Site Sections Key Sheet
- 1846G/22/07b Street Scenes
- 21-150 & 1-U-0001 Rev C06 150 & 151 House Type Urban
- 21-250-U-0001 Rev C03 250 House Type Urban
- 21-251-U-0001 Rev C04 251 House Type Urban
- 21-253-U-0001 Rev C04 253 House Type Urban
- 21-254-U-0001 Rev C03 254 House Type Render
- 21-350-R-0001 Rev C06 350 House Type Rural
- 21-350-U-0001 Rev C05 350 House Type Urban
- 21-352-R-0001 Rev C04 352 House Type Rural
- 21-353-U-0001 Rev C04 353 House Type Urban
- 21-354-R-0001 Rev C04 354 House Type Rural
- 21-355-R-0001 Rev C06 355 House Type Rural
- 21-355-U-0001 Rev C07 355 House Type Urban
- 21-356-U-0001 Rev C06 356 House Type Urban
- 21-358-M-0001 Rev C04 358/9 Render

- 21-358/9-R-0001 Rev C04 358/9 House Type Rural
- 21-358/9-U-0001 Rev C03 358/9 House Type Urban
- 21-360-R-0001 Rev C05 360 House Type Rural
- 21-360-U-0001 Rev C04 360 House Type Urban
- 21-450-M-0001 Rev C04 450 House Type Render
- 21-450-R-0001 Rev C04 450 House Type Rural
- 21-450-U-0001 Rev C03 450 House Type Urban
- 21-451-M-0001 Rev C03 451 House Type Render
- 21-451-R-0001 Rev C03 451 House Type Rural
- 21-451-U-0001 Rev C02 451 House Type Urban
- 21-452-U-0001 Rev C05 452 House Type Urban
- 21-454-R-0001 Rev C07 454 House Type Rural
- 21-454-U-0001 Rev C07 454 House Type Urban
- 21-455-M-0001 Rev C05 455 House Type Render
- 21-352-001 Rev C03 352 House Type Urban
- 21-356-001 Rev C05 356 House Type Rural
- D001 Rev 2 Engineering Layout
- D300 Rev 1 Longsections Sheet 1 of 3
- D301 Rev 1 Longsections Sheet 2 of 3
- D302 Rev 1 Longsections Sheet 3 of 3
- 3158-A01-01 Rev A Site & Materials Layout
- 22206 D202 Rev 3 SuDS Identification Plan
- 22206 D702 Rev 1 Attenuation Basin and Headwall Details
- 22206 D205 Rev 2 Flood Routing Plan
- 22206 D208 Rev 1 Land Drain Plan
- 22206 D801 Rev 2 Section 38 Plan
- 22206 D600 Rev 1 Direct Cut and Fill
- 22206 D701 Rev 1 Adoptable Drainage Details
- EY-01-07 Rev D Gable Front Sales Garage
- WL-01C Landscape Plan
- Site Location Plan
- 1846G/22/02a Proposed Site Location Plan
- 22206 D700 Rev 1 Road Construction Details
- SD-100 Rev F 1800mm High Close Boarded Timber Fence
- SD103 Rev C 600mm High Post and Wire Fence
- SD1700 Rev B 3m x 6m internal dimension Detached Single Garage Details
- SD1701 Rev B 3m x 6m internal dimension Detached Double Garage Details

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. No development shall take place until a written scheme of archaeological investigation has been submitted to and approved in writing by the Local Planning Authority. This scheme should include the following:

1. An assessment of significance and proposed mitigation strategy (i.e. preservation by record, preservation in situ or a mix of these elements).

2. A methodology and timetable of site investigation and recording including provision for trial trenching based on the results of the geophysical survey and appraisal forming part of the approved outline application

3. Provision for site analysis

4. Provision for publication and dissemination of analysis and records

5. Provision for archive deposition

6. Nomination of a competent person/organisation to undertake the work

The scheme of archaeological investigation must only be undertaken in accordance with the approved details, and completed in accordance with the timetable within. No other works shall take place until the site investigation has been completed, unless agreed as part of the timetable.

Reason: To ensure the preparation and implementation of an appropriate scheme of archaeological mitigation in accordance with Policy 29 of the South East Lincolnshire Local Plan (2019).

4. Prior to the commencement of the development hereby permitted, a Construction Environment Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall include (although not restricted to) the following details:

a) a traffic management plan incorporating the routing of construction traffic and details of heavy vehicle movement patterns (including the earliest and latest times, and the suspension of trips during peak traffic times)

b) hours of work for site preparation, delivery of materials and construction including provision to ensure that delivery periods avoid drop-off and pick-up times at the school on Gaysfield Road

c) measures to minimise and control noise, vibration, dust, dirt and fumes during the development period

d) details of on-site parking facilities for both visiting construction vehicles and deliveries and workers on the site

e) the loading and unloading arrangements for heavy plant and machinery and materials

f) the location of storage of plant and materials used in constructing the development

g) measures to avoid disturbance to nesting birds and other wildlife

h) measures to prevent mud being deposited on the surrounding highway

i) details of any protective fencing to maintain public access and public safety for the public footpaths that cross/are adjacent to the site – including provisions relating to traffic and pedestrians within the vicinity at such facilities as the School and Scout Hut

j) measures to ensure that the site is properly drained during the construction period

k) a programme for the implementation of all of the above items.

Development shall then be carried out in strict accordance with the approved CEMP.

Reason: To satisfy Policies 2 and 30 of the South East Lincolnshire Local Plan (2011-2036) and to ensure that appropriate measures are put in place before any development commences to limit noise, nuisance and disturbance to the occupiers of neighbouring properties during the construction of the development and to prevent any obstruction of or disturbance to the operation of the Highway.

5. The permitted development shall be undertaken in accordance with a surface water drainage scheme which shall first have been approved in writing by the Local Planning Authority.

The scheme shall:

- be based on the results of evidenced groundwater levels and seasonal variations (e.g. via relevant groundwater records or on-site monitoring in wells, over a 12-month period);
- be based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development and the principles set out in the submitted Flood Risk Assessment Parts 1 – 4 received by the LPA on 25-Jan-2025 and forming part of the approved application;
- provide flood exceedance routing for storm event greater than 1 in 100 years;
- provide details of how run-off will be safely conveyed and attenuated during storms up to and including the 1 in 100-year critical storm event, with an allowance for climate change, from all hard surfaced areas within the development into the existing local drainage infrastructure and watercourse system without exceeding the run-off rate for the undeveloped site;
- provide attenuation details and discharge rates which shall be restricted with a flow control device to no more than 2.5 litres per second;
- provide detailed drawings and associated calculations of all drainage assets forming part of the scheme;
- provide a routing from the interceptor drain on the northern and western site boundaries which will direct flows into the site attenuation area and thence to the IDB maintained drainage system;
- provide details of the timetable for and any phasing of implementation for the drainage scheme; and
- provide details of how the scheme shall be maintained and managed over the lifetime of the development including the maintenance of the interceptor drain and any arrangements for adoption by any public body or Statutory Undertaker and any other arrangements required to secure the operation of the drainage system throughout its lifetime.

No dwelling/ no part of the development shall be occupied until the approved scheme has been completed or provided on the site in accordance with the approved phasing. The approved scheme shall be retained and maintained in full, in accordance with the approved details.

Reason: To ensure that the permitted development is adequately drained without creating or increasing flood risk to land or property adjacent to, or downstream of, or upstream of, the permitted development and to accord with Policy 4 of the South East Lincolnshire Local Plan (2019).

6. The development hereby permitted shall be implemented in accordance with the Flood Risk Assessment forming part of the approved application and mitigation measures including a demonstration that:

- the dwellings will be built using flood resilient construction techniques;

- finished floor levels shall be set no lower than 300mm above existing ground levels with the exception of plot 14 where the finished floor levels shall be set no lower than 500mm above existing ground level;
- all dwellings will sign up to the Environment Agency flood warning service within one month of first occupation.

Reason: To ensure residents of the permitted development, neighbouring land and neighbouring properties are not adversely affected, by reason of flooding, by the construction of the permitted development in accordance with Policies 2 and 4 of the South East Lincolnshire Local Plan (2019).

7. No part of the development hereby permitted shall be occupied before the works to improve the public highway (by means of widening the existing footway on the west side of Gaysfield Road from the site entrance to the school to 3m and footway connection/tactile crossing at the access over Gaysfield Road) have been certified complete by the Local Planning Authority. Reason: To ensure the provision of safe and adequate means of access to the permitted development.

Reason: To ensure the continuity of safe and suitable pedestrian access, in the interests of pedestrian and public safety, in accordance with Policies 2, 32 and 33 of the South East Lincolnshire Local Plan (2019).

8. Before each dwelling is occupied the roads and/or footways providing access to that dwelling, for the whole of its frontage, from an existing public highway shall be constructed, less the carriageway and footway surface courses.

The carriageway and footway surface courses shall be completed within three months from the date upon which the erection is commenced of the penultimate dwelling (or other development as specified).

Those roads shown on the approved plans as being planned for adoption shall be constructed to a specification to enable them to be adopted as Highways Maintainable at the Public Expense and meet specifications for emergency vehicles including fire service pumps and of refuse freighters.

Reason: To ensure safe access to the site and each dwelling/building in the interests of residential amenity, convenience and safety and to accord with Policy 3 of the South East Lincolnshire Local Plan (2019).

9. The permitted development shall be undertaken in accordance with an Estate Road Phasing and Completion Plan, which shall first be 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.

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 safety and to accord with Policy 3 of the South East Lincolnshire Local Plan (2019).

10. The internal link footway connecting road 2 and road 3 should be 3m wide for shared use footway/cycleway.

Reason: To encourage safer and more comfortable experience for residents in the interest of safety of the users of the site and to accord with Policy 3 of the South East Lincolnshire Local Plan (2019).

11. None of the dwellings hereby approved shall be occupied until details of the public open space and how it is managed and maintained as part of the development has been submitted to and approved in writing by the Local Planning Authority. The scheme shall cover the full lifetime of the open space and drainage system and, as a minimum, shall include:

(i) details of the public open space and how the POS will be landscaped (hard and soft) along with provision of play equipment or other facilities;

(ii) arrangements for adoption by an appropriate public body or statutory undertaker, or management and maintenance by a Management Company.

(iii) arrangements concerning funding mechanisms for the ongoing maintenance of all elements of the POS (including mechanical components) to include details such as:

1. on-going inspections relating to performance and asset condition assessments;

2. operation costs for regular maintenance, remedial works and irregular maintenance of limited life assets; and

3. any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime including

(i) means of access and easements for maintenance purposes;

(ii) A timetable for implementation.

The POS shall thereafter be installed in accordance with the details and timetable contained within the duly approved scheme, and shall be managed and maintained as such thereafter.

Reason: To ensure that satisfactory measures are put in place for the management and maintenance of the public open space area throughout the lifetime of the development and to accord with Policies 2, 3, 6 and 31 of the South East Lincolnshire Local Plan (2019).

12. Prior to any works above slab level the locations of three (3no) fire hydrants to be provided at the developer's expense and of refuse collection arrangements on the private drives shall be submitted to and approved in writing by the Local Planning Authority. The development shall proceed in accordance with the details so agreed.

Reason: In the interests of the safety and amenity of future occupants of the development and to accord with Policies 2 and 3 of the South East Lincolnshire Local Plan (2019).

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

The person carrying out the work must inform the Building Control Body that this duty applies. A notice confirming the requirement for the water consumption has been met shall be submitted to the Building Control Body and Local Planning Authority, no later than five days after the completion of each individual dwelling.

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

14. The scheme of landscaping and tree planting shown on dwg. no. WL-01C Landscape Plan 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).

15. The development shall proceed in strict accordance with the recommendations of the Ecological Impact Assessment prepared by SLR Consulting Ltd and forming part of the approved application. All measures shall be implemented in full and those which extend beyond the construction phase shall be retained for the lifetime of the development.

Reason: In the interest of enhancing the ecology of the area in compliance with Policies 2 and 28 of the South East Lincolnshire Local Plan (2019).

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

Reason: To ensure all contamination within the site is dealt with and to accord with Policies 2 and 30 of the South East Lincolnshire Local Plan (2019).

INFORMATIVE NOTES FOR DECISION NOTICE

1. The applicant's attention is drawn to the letter dated 25-Jan-2025 from the Witham Fourth District Internal Drainage Board commenting on the application.

2. The applicant's attention is drawn to the letter date 09-Jan-2025 from Anglian Water commenting on the application and in particular to the remarks relating to existing Anglian Water assets (Section 1) and informative notes (Section 3), the latter including the following:

1. INFORMATIVE - Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087 Option

2. INFORMATIVE - Protection of existing assets - A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water.

3. INFORMATIVE - Building near to a public sewer - No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact Development Services Team on 0345 606 6087 Option 2.

4. INFORMATIVE: The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact our Development Services Team on 0345 606 6087 Option 2 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements.

3. 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>

4. Please contact the Lincolnshire County Council Streetworks and Permitting Team on 01522 782070 to discuss any proposed statutory utility connections, Section 50 licences and any other works which will be required within the public highway in association with the development permitted under this Consent. This will enable Lincolnshire County Council to assist in the coordination and timings of these works. For further guidance please visit the Highway Authority's website via the following link: Traffic Management – <https://www.lincolnshire.gov.uk/traffic-management>

5. The existing ground level of the site must not be raised above the ground level of any surrounding land without further consultation with the Lead Local Flood Authority and Local Planning Authority, to consider suitable mitigation measures to ensure that surface water flood risk is not created or increased to land adjacent to the permitted development.

6. The highway improvement works referred to in the above condition are required to be carried out by means of a legal agreement between the landowner and the County Council, as the Local Highway Authority. For further guidance please visit our website; <https://www.lincolnshire.gov.uk/highways-planning/works-existing-highway>

BIODIVERSITY NET GAIN

Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 states that planning permission is deemed to have been granted subject to the "biodiversity gain condition" which means development granted by this notice must not begin unless:

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

Biodiversity net gain does not apply to retrospective planning permissions made under section 73(A).

Biodiversity net gain does not apply to applications submitted before the commencement date of 12th February 2024.

Based on the information submitted in the planning application documents, the Planning Authority considers that this permission is exempt from biodiversity net gain, and as such does not require approval of a biodiversity gain plan before development is begun.

The Meeting ended at 2.56 pm.

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PLANNING APPLICATION B 23 0379

Application type:

Major - Full Planning Permission

Proposal:

Proposed residential development of 89 dwellings and associated infrastructure, drainage and open space in accordance with amended plans received by the Local Planning authority on 31-Oct-2024

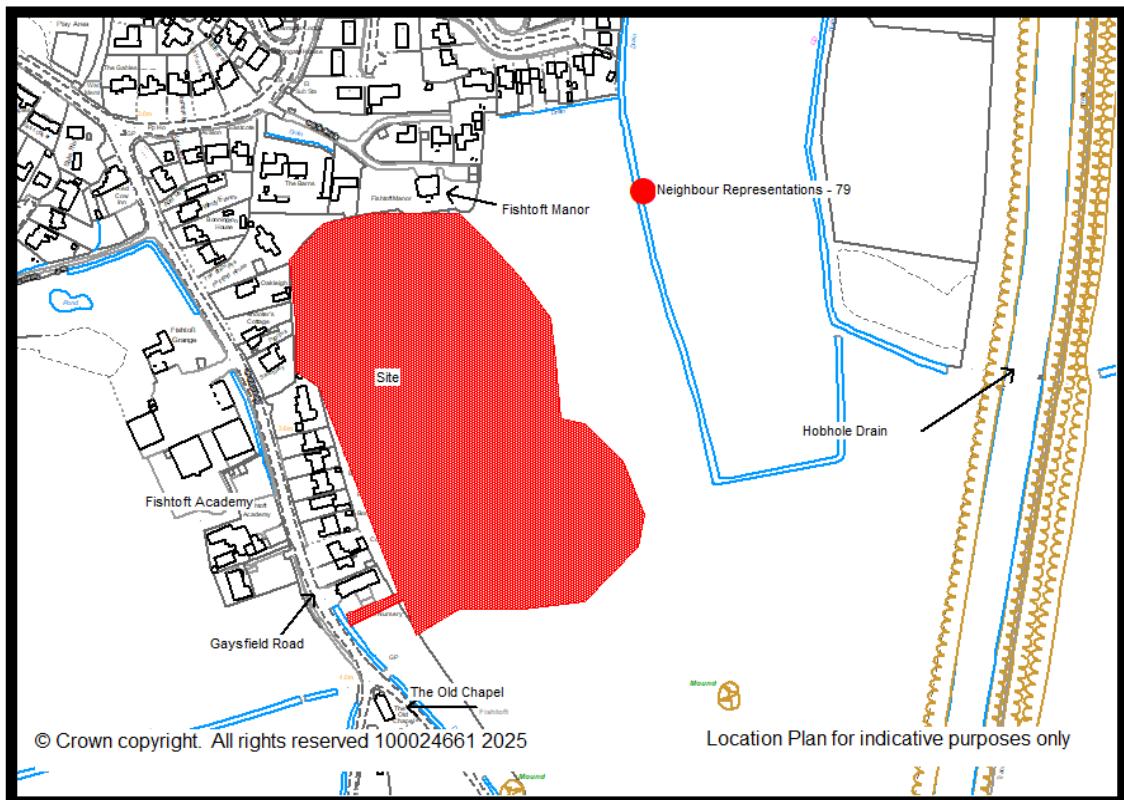
Location:

Land to the East of Gaysfield Road, Fishtoft, Boston PE21 0SF

Applicant:

Fiona Beddoes, Gleeson Regeneration Ltd

Agent:



BOSTON BOROUGH COUNCIL

Planning Committee – 01 July 2025

Reference No: B/23/0379

Expiry Date: 05-Feb-2024

Extension of Time: 07-May-2025

Application Type: Major - Full Planning Permission

Proposal: Proposed residential development of 89 dwellings and associated infrastructure, drainage and open space in accordance with amended plans received by the Local Planning authority on 31-Oct-2024

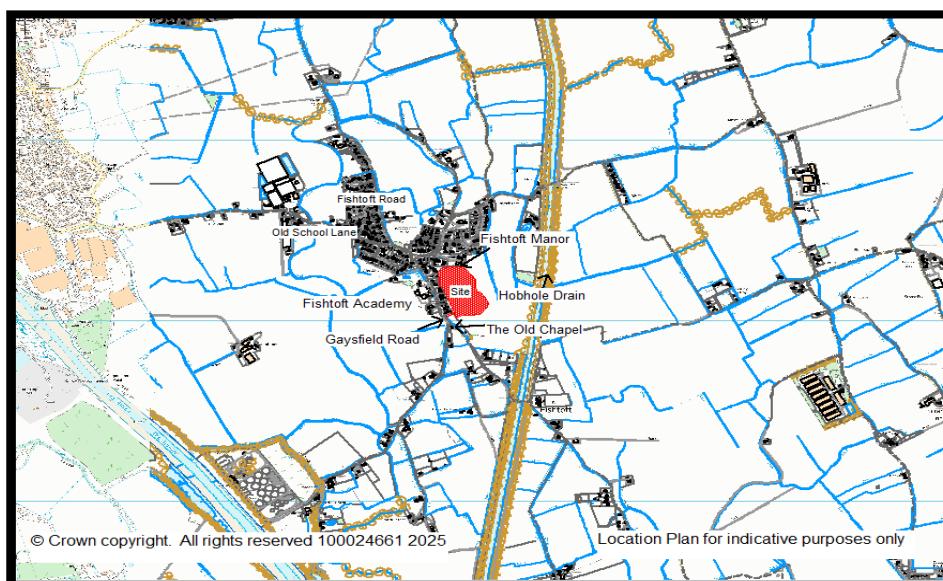
Site: Land to the East of Gaysfield Road, Fishtoft, Boston PE21 0SF

Applicant: Fiona Beddoes, Gleeson Regeneration Ltd

Ward: Fishtoft Parish: Fishtoft Parish Council

Case Officer: Ian Carrington Third Party Reps: 90

Recommendation: **Approve subject to conditions and signing of a Section 106 agreement**



1.0 Reason for Report

1.1 The application was called in for Committee determination by Cllr Mrs. Staples to allow full and public discussion of key planning matters including:

- The impact of the new development on existing neighbours;
- The number of dwellings and the density of the proposal and its relationship to the character of the village;
- Access and egress, and the impact on the local highway network;
- Access to the development for emergency vehicles;
- Design of the dwellings including room sizes and storage space, and their suitability as family homes;
- Flood risk and drainage, and the drainage impacts of the proposal on existing residential neighbours and other buildings.

1.2 In addition the application has generated significant local interest and a substantial volume of comments.

1.3 The application was initially put before the Planning Committee at the meeting on the 06 May 2025, which received a resolution to approve. Following the committee resolution, officers have sought external legal advice. That advice has resulted in an on-balance decision being taken to return the planning application to the committee for it to be considered afresh. In addition, this ensures that the most up to date consultation responses may be considered for completeness.

1.4 A supplementary report is attached at Appendix 1, which contains further information and updates after the drafting of this report.

2.0 Application Site and Proposal

2.1 The application site is an area of arable field 3.83 hectares in extent lying to the east of Gaysfield Road, Fishtoft. The western boundary is marked by existing linear housing development on Gaysfield Road with further residential development around Fishtoft Manor on the northern boundary. To the south and east is open farmland. There is also an existing Scout Hut located to the west with an enclosed triangle of land also associated with scouts' facilities to the south, which would be adjacent to the development.

2.2 The topography is largely flat although there is a slight rise toward the north boundary. Access is to be via a new connection adjacent to the scout hut, the southernmost building on Gaysfield Road. The existing housing on the western boundary is mixed, with mostly modern houses and bungalows. The site is in Flood Risk Zone 3 (FRZ3).

2.3 Fishtoft is classified as a Minor Service Centre in Policy 1 of the Local Plan. Part of the site is allocated for housing in the Local Plan as allocation Fis046 on Inset Map 15.

- 2.4 The proposal is for residential development of 89 dwellings and associated infrastructure, drainage and open space. The submission includes 20% affordable housing.
- 2.5 The application has been amended and supplemented since original submission, including in particular revised layouts, amended house types and materials specifications and augmented drainage strategy. These matters are discussed in more detail below.

3.0 Relevant History

- 3.1 B/20/0488 was an outline application which approved the erection of 46 market dwellings on the northern part of the site largely in the area of the allocation.
- 3.2 B/20/0489 was a full application which approved the erection of 20 affordable homes immediately south of the of the B/20/0488 site, the two schemes effectively forming a single larger development.

4.0 Relevant Policy

South East Lincolnshire Local Plan 2019 (SELLP)

Policy 1: Spatial Strategy
Policy 2: Development Management
Policy 3: Design of New Development
Policy 4: Flood Risk
Policy 5: Meeting Physical Infrastructure and Service Needs
Policy 6: Developer Contributions
Policy 10: Meeting Assessed Housing Requirements
Policy 11: Distribution of New Housing
Policy 17: Providing a Mix of Housing
Policy 18: Affordable Housing
Policy 28: Natural Environment
Policy 29: Historic Environment
Policy 31: Climate Change and Renewable and Low Carbon Energy
Policy 32: Community, health and Wellbeing
Policy 33: Delivering a More Sustainable Transport Network
Policy 36: Vehicle & Cycle Parking

National Planning Policy Framework 2024 (NPPF)

National Design Guide (NDG)

Planning Practice Guidance (PPG)

5.0 Representations

5.1 The application was initially advertised by means of a Site Notice erected on the 11 November 2023 and by a Press Notice published on the 15 November 2023. Following the receipt of amended details from the applicant, a re-consultation process took place with a further Site Notice being erected on the 02 January 2025 and by a further Press Notice being published on the 15 January 2025.

5.2 As a result of publicity 90 representations have been received at the time of writing with some addresses providing multiple items of correspondence. Of these 90, 7 letters have been received since the application was last before members. These letters cover issues raised and assessed previously including:

- The impacts on Fishtoft Manor, its basement, and the significance of that feature. Also the adverse impact on its setting, fabric and to trees at the Manor.
- Infrastructure for the scouts within the remaining outdoor space.
- Flood risk and drainage, including the sequential and exceptions tests and design of SuDS features and concerns regarding the interceptor drain.
- Concerns about Highway Safety.
- Part of the site is not allocated for housing under the Local Plan and, therefore, is contrary to the SELLP.

5.3 The full text of all representations is available on the Council's website and the planning file. A number of correspondents have also supplied photographs including those showing drainage conditions at the site, boundary conditions and trees. All comments have been carefully considered.

5.4 The objections and comments from residents can be summarised as follows:

Highway safety: Gaysfield Road and the wider village highway network cannot cope with additional traffic; this is exacerbated by parking and traffic using the primary school;

- Village facilities do not have the capacity to cope with the pressures which the additional residents would generate; there are no significant employment opportunities in Fishtoft so residents would have to commute to work;
- Loss of amenity for existing residents through overlooking and loss of privacy;
- Adverse impacts on wildlife and ecology and lack of provision for wildlife and nature;
- Adverse impacts on trees at Fishtoft Manor;
- Flood risk and drainage: the site itself is subject to poor drainage and run-off from the site causes flooding in residents garden on Gaysfield Road and at the Manor;

- Concerns about long term maintenance of proposed drainage systems;
- Fishtoft has already exceeded its Local Plan housing allocation;
- The site is the wrong location for new housing in general and for social housing in particular due to isolation and poor public transport links;
- The construction phase will cause major disturbance to local residents and the village as a whole;
- The site has archaeological remains which could be damaged by the scheme;
- The development would not be in keeping with the distinctive character of the village;
- The recreation area and the attenuation pond should not be close together on safety grounds;
- There is a lack of footpath infrastructure;
- The development would have an adverse impact on Fishtoft Manor and its basement;
- There would be a potential adverse impact upon the nearby heritage asset Fishtoft Manor as a result of flood risk.
- Insufficient information has been supplied to enable an assessment of the impact of the development upon Fishtoft Manor.

5.5 The Scouts: the 3rd Boston (Fishtoft) Scout Group based at the Scout Hut adjacent the proposed entrance commented that it has no objections in principle but expressed a concern that the entrance road would divide the scout hut from the land to the south which it historically uses as part of its activities. It requests a crossing, perhaps a raised crossing/speed hump, in the interests of safety. The Group also expresses concern about parking facilities for non-residents using the recreation area adjacent the attenuation pond.

5.6 The Executive Head Teacher of Fishtoft Academy (the primary school on Gaysfield Road) writes: *'I would like to inform the Planning Case Officer that the school has no concerns regarding the planned development'.*

6.0 Consultations

6.1 The full text of all consultee comments is available on the website and in the planning file. The summaries below may aggregate comments from more than one communication.

6.2 Fishtoft parish Council – objects – grounds include

- Village does not have the infrastructure capacity to absorb 89 dwellings
- 'Probable future sink estate' not in keeping with local character
- Excessive housing density
- Inadequate vehicular and pedestrian access
- Inadequate travel plan

- Inadequate hard and soft infrastructure to service new residents who ‘will not be particularly affluent, and therefore reliant on local services to a greater degree than the majority of the current population’
- The site will be at high risk of flooding and ‘water has to go somewhere’
- Existing Gaysfield Road residents’ drainage needs upgrading
- Concern that Gleeson Homes propose that the contractor ‘will have the final decision on drainage matters’
- Lack of a submitted archaeological plan
- Lack of construction phase management plan
- Lack of post-construction site management plan

6.3 Lincolnshire County Council Highways/SUDS – no objection - ‘Recommendation: Approval subject to the following conditions’ – regarding highways LCC states: *‘Visibility has been demonstrated in accordance with Manual for Streets. There have been no personal injury accidents reported in the vicinity of the site. There are existing footways along Gaysfield Road that would facilitate safe pedestrian access to and from the proposed development without pedestrians having to share the carriageway with motor vehicles’* and continues: *‘The current proposals would be expected to generate approximately 47 trips and the AM peak hour and approximately 47 trips in the PM peak hour that would be diluted onto the highway network – the impact at any given junction will be minimal’*. Regarding drainage LCC supports conditioning further detailed drainage plan based on submitted drainage strategy including that the interceptor drain discharges to the attenuation system; requests groundwater monitoring. Requests conditions relating to highways improvements, highways and drainage. Requests £133,500 for a bus pass scheme and £5,000 for travel plan monitoring.

Final comments received on the 5th June confirm that they have reviewed information provided by third parties and confirm that their previous comments stand without amendment.

6.4 Witham Fourth District Internal Drainage Board – no objection – in final comments and correspondence notes a) requirement for 9m easement for Board maintained assets; b) requirement for Board consent for works affecting a number of specified local assets; c) Board consent required to discharge into a watercourse whether Board or riparian maintained and that such discharge will trigger a fee; e) Board does not support the use of ‘sub-base reservoirs’; f) notes it is necessary to ensure that raised finished floor levels on site do not adversely impact neighbours; g) requests that the proposed interceptor drain does not terminate in local watercourse but is fed into the on-site attenuation and discharge system; h) requests that details of surface water drainage and long term maintenance schedule of drainage assets are secured by condition; i) accepts discharge rate to Board maintained watercourse of up to 2.5 litres per second from the site attenuation system.

6.5 Anglian Water – no objection – comments a) that there are Anglian Water assets in the vicinity which must be respected; b) that the local system has capacity to accept foul water flows; c) that further processing will be necessary to arrange adoption of drainage assets; d) that surface water drainage does not relate to Anglian Water assets.

6.6 Historic Conservation Advisor (archaeology) – no objection - notes that the area is one of high archaeological potential and notes the findings of a heritage Assessment including geophysical survey. Recommends an archaeological scheme of works including trial trenching is secured by condition.

6.7 Historic Conservation Advisor (non-archaeology heritage) – no objection - notes concerns regarding the precise boundary between the site and the curtilage of Fishtoft Manor and the need for boundary treatments, layout, materials and structures to respect the setting of the listed building.

6.8 Lincolnshire Wildlife Trust – ‘holding objection’ – states that the application is not supported by assessments of nearby sites of scientific or nature conservation interest and wishes to have further information on ecology and compliance with national Biodiversity Net Gain regulations.

6.9 Lincolnshire Fire & Rescue – objects but states objection can be overcome if a) the roadways meet building regulations and LRF’s own carrying capacity requirements for pumping appliances and b) 3 fire hydrants are installed in the development.

6.10 Lincolnshire Police – *‘do not have any objections to this development’*

6.11 BBC Environmental Operations – no objection – comments: *‘Environmental Operations would request confirmation from the applicant if the proposed ‘shared surface’ road serving plots #s 69 - 80 will be constructed to adoptable standards, as our refuse vehicles would be unable to service the street if it were not’*.

6.12 BBC Environmental Health – no objection – comments: a) an update on the ground gas monitoring which has taken place as part of the groundwater monitoring programme is required; b) a comprehensive Construction Management Plan is required which should ensure that wherever possible site deliveries avoid drop-off and pick-up times at the nearby school.

6.13 Active Travel England – no comment as development does not meet its statutory requirements.

6.14 NHS Lincolnshire Integrated Care Board – requests contribution of £58,740 toward primary care.

6.15 LCC (education) – no objection – requests contributions of £517,775.46 towards secondary education and £190,534.84 towards sixth form education.

6.16 LCC (highways) requests up to £133,500 towards bus passes for future residents (total sum dependent on take-up) and £5,000 for travel plan monitoring.

6.17 Sport England – comments include '*consideration should also be given to how any development for new housing, will provide opportunities for people to lead healthy lifestyles and create healthy communities*'.

6.18 Environment Agency – no objection subject to conditions including finished floor levels and flood resilience measures on certain plots. The Agency confirms it accepts single storey dwellings in this development.

6.19 BBC Forward Plans (Planning Policy) – no objection – notes a) that the site was allocated 'because it has a good flood hazard category. A lot of the allocation has 'No Hazard', some is 'Low Hazard' and a small area is 'Danger for Some' and b) that the proposal meets the Local Plan requirement for affordable housing.

6.20 Historic England – have informally confirmed that the application does not meet the criteria requiring for consulting with them. It has also been confirmed that the Council's Conservation Officer is the appropriate consultee for assessing the impact upon heritage impacts. A formal consultation response to this effect has not yet been received at the time of the drafting of this report. However, details of this response will be included in a published update report prior to the application being considered and determined by the Planning Committee.

7.0 Planning Issues and Discussions

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

- Principle of the development
- Design and impact on local character
- Impact on neighbour amenity
- Flood risk and drainage
- Heritage matters
- Highway safety
- Affordable housing and developer contributions
- Ecology and biodiversity

7.2 Principle of the development

7.3 Policy 1 (Spatial Strategy), Policy 10 (Meeting Assessed Housing Requirements) and Policy 11 (Distribution of New Housing) of the South East Lincolnshire Local Plan (SELLP) set out

the framework for housing provision and make allocations proportionate to current and anticipated need and proportionate to available infrastructure. At Text 3.5.2 the Plan notes: '*the allocated sites identified in the Inset maps are those considered to best meet the requirement for each settlement*'. Members will note the aim of the plan is to deliver 310 units per annum over the plan period, this being through a combination of existing commitments, allocations and windfall development. These numbers are not an upper limit. Members will also note that the Plan was adopted in 2019, and the Council can currently demonstrate a 5-Year supply of housing land. This supply includes site allocations and thus the plan may be given full weight in decision taking.

- 7.4 Policy 11 of the SELLP includes allocated sites. The northern part of the proposal site for this application is shown as allocation 'Fis046 Land East of Gaysfield Road' in Inset Map 15 of the Plan, with an estimated capacity of at least 45 dwellings. (A further reserve site, Fis 041 with an estimated capacity of at least 39 dwellings was allocated elsewhere in the village under Policy 12). The South East Lincolnshire Local Plan 2011-2036 was adopted on 8th March 2019 after widespread public consultation and an Examination in Public. The adopted Plan has been approved by the Planning Inspectorate, is not subject to legal challenge and has full weight in any planning decision. Therefore, the development of this part of the site has been agreed in principle as a result of the allocation.
- 7.5 In relation to land that is allocated within the Development Plan, Paragraph 23 of the National Planning Policy Framework (NPPF) confirms that:

'Broad locations for development should be identified on a key diagram, and land use designations and allocations identified on a policies map. Strategic policies should provide a clear strategy for bringing sufficient land forward, and at a sufficient rate, to address objectively assessed needs over the plan period, in line with the presumption in favour of sustainable development. This should include planning for and allocating sufficient sites to deliver the strategic priorities of the area.'

- 7.6 In this regard the application site's partial allocation with the SELLP is important to deliver the identified needs of the area, in this case, through the provision of housing for the Borough. Therefore, significant weight should be afforded to proposals that subsequently come forward for appropriate development on allocated sites, to ensure that the aims and objectives of the SELLP and needs of the area are met. Furthermore, it is acknowledged that part of the site is not allocated and as such is considered to be 'countryside' pursuant to Policy 1. However, this may not preclude compliance with the development plan as a whole, for the reasons explained within this report, and where material considerations would outweigh any such conflict. Where no significant or demonstrable harm has been identified, and in all other respects a proposal is deemed to be acceptable, there should be a presumption in favour of any such schemes as the primary focus for development within the Borough.

7.7 In addition, development within Fishtoft through windfall sites and existing commitments is also agreed in principle, and thus the area can accommodate growth. Objectors to the proposal have expressed concerns about the sustainability of Fishtoft and its ability to accommodate growth. However, within Policy 1 of the SELLP the settlement of Fishtoft is designated as 'Minor Service Centre'. The sub-text to Policy 1 confirms that such settlements are intended to accommodate services and economic opportunities for the benefit of the service centre itself or meet the service needs of other local communities. This includes the provision of housing as sustainable locations for development within the Borough. As such, this managed approach to growth has already been tested through the plan-making process, and thus, an objection to the development on sustainability grounds would be unreasonable and be unlikely to succeed at Appeal.

7.8 The sites allocated in the Plan resulted from an intensive process of analysis and selection subject to public scrutiny and formal examination. No circumstances have arisen since the adoption of the Plan which would undermine the validity of allocated site 'FIS046' and the present application is in part for housing development on that allocated site.

7.9 The application also includes a slight enlargement of the allocated site to the east and a significant addition of further land to the south. Both of these areas were approved for housing under B/20/0488 and B/20/0489. The eastern extension is a small strip of land and was not regarded as consequential. The southern addition was approved for affordable housing under B/20/0489, effectively as a rural exception site. Whilst the present application blends the affordable units into the overall scheme rather than siting them exclusively in one area, the principle of the use of the land for residential which was established under the two previous applications is not considered to be undermined. Whilst the overall numbers have increased, the total of 89 dwellings is almost the same as the 84 total of the site allocation (ref: FIS046) combined with the reserve site allocation (ref: FIS041) elsewhere in Fishtoft within the SELLP. The scale of this development, therefore, is in line with the overall scale and quantum of development, future growth and new housing for Fishtoft which the Local Plan has already evidenced and assessed as being both appropriate and capable of being serviced by local facilities.

7.10 The principle of residential development is therefore considered to be sound and to accord with policies 1 and 11 of the Local Plan. Taking the market and affordable/low cost housing elements together the housing mix proposed is considered to accord with the requirements of Policy 17 Providing a Mix of Housing. The revised layout plans submitted by the applicant shows that the majority of the dwellings proposed would be on, two- or three-bedroom properties. This represents a significantly more suitable scheme than previously approved through the grant of planning permission (ref: B/20/0488), which was solely orientated towards large detached and executive homes. As such, the current proposal would deliver a more suitable and appropriate housing mix, with a better spread of affordable houses throughout the site, to cater for local needs.

7.11 Overall, the proposals would release development on an allocated site, plus additional land already consented for residential development, to deliver much needed housing for the Borough. This would contribute to the overall housing need for the Borough, as well as contributing to the managed level of growth for Fishtoft as identified through the Local Plan.

7.12 The National Planning Policy Framework (NPPF), (in the versions applying to the 2020 planning permissions as well as today) is clear that proposals should be plan led, and that Authorities should approve development proposals that accord with an up-to-date development plan without delay. This applies in this instance and is given significant material weight. Officers therefore consider that in principle the proposals are in general accordance with the plan when taken as a whole. Therefore, despite concerns raised to the contrary by objectors to the application, there is no sustainable reason why the scheme should not be supported in principle, despite part of the site not being formally allocated within the SELLP, when the application is assessed against the plan as a whole, and due to the material considerations that exist and outweigh any such conflict, as is the case in this instance.

7.13 Therefore, for the reasons detailed above it is considered that the principle of the proposed development is considered to be acceptable and in the main established through the site's allocation in the Local Plan, and by the site's previous planning history which is a material consideration. As such, the proposal is considered to accord with the requirements of Policies 1 and 11 of the SELLP and also with the requirements of the NPPF. This is subject to the further assessment of all other material considerations and policies relevant to the proposed development. Whilst it is acknowledged that whilst the density may not strictly accord with Policy 11, this does not preclude compliance with the development plan as a whole. Furthermore, the material considerations relevant to this specific application, do outweigh such conflict.

7.14 Design and impact on local character

7.15 Policy 2 (criterion 1 and 2) of the Local Plan deals with development management and requires proposals to meet a range of criteria for sustainable development including matters of size, scale, layout, density and impact on the amenity, trees, character and appearance of the area and the relationship to existing development and land uses and also quality of design and orientation. Policy 3 (criterion 1 and 3) of the Plan sets out parallel criteria dealing with the design of new development which seek to ensure that '*development will create distinctive places through the use of high quality and inclusive design and layout*'. In addition to these local policies Section 12 of the National Planning Policy Framework provides overarching guidance on 'achieving well-designed places'.

7.16 In the case of the current proposal, the application site is not located within a landscape of any special designation, protection or sensitivity either locally or nationally.

Furthermore, the application site is not designated as a local amenity or green public open space, and as such cannot be considered as an area of public realm. Due to the largely back land position and nature of the application site, it is not located in an overtly or visually prominent location within the overall context and setting of Fishtoft, being largely discreet in the main, with the exception of brief views from the access point. The site has limited interconnectivity with the surrounding countryside and landscape due to the partial backland nature of the site and wider surrounding mature trees and vegetation.

- 7.17 The application site makes a limited contribution to the character and value of the surrounding landscape by virtue of the limited inter-visibility between it and the surrounding countryside. In a similar manner, it is considered that the proposed development would not restrict or adversely affect any important or significant views from Fishtoft to the surrounding countryside.
- 7.18 The design of the scheme to be determined reflects a number of changes made in response to discussions with officers. In particular the main roadway is now more sinuous, and amendments have been made to the siting and orientation of dwellings and to the materials to be used. The area of public open space and the attenuation pond has also been subject to changes.
- 7.19 The application site is located immediately adjacent to the village of Fishtoft. In this regard, the application site can reasonably be considered to be well-related to the settlement sequentially. As such, the site would not be viewed as a poorly-related spur, nor would it appear as an incongruous development visually. This weighs neutrally in the planning balance, as a lack of harm is a pre-requisite for development proposals and not a benefit that should be afforded substantial weight.
- 7.20 The planning application was supported by an indicative Landscape Strategy Plan. This document demonstrates how further enhanced landscaping could be achieved for the proposed development and the extent of the visual impact that would arise as a result of the proposal. The plan shows that the development would be capable of being designed and built so as not to result in any significant or harmful visual impacts to either the setting and pattern of Fishtoft, or to the character of the wider surrounding landscape, in accordance with Policy 2 (criterion 1 and 2) and Policy 3 (criterion 1 and 3) of the SELLP.
- 7.21 The layout is similar to that approved under B/20/0488 and B/20/0489. A spine road runs up the west side of the development, but whereas the earlier version continued around the site to form an oval, the present proposal has spur roads on an east-west axis. This accommodates increased dwelling numbers, and also breaks the development into smaller sub-neighbourhoods. The attenuation area remains in the south east, with public open space and recreation area around it.
- 7.22 The spine road has been amended from the straight road originally proposed to a more sinuous design and the orientation, house-type and materials of the dwellings has been

made less uniform. On the spur roads the front elevations have been stepped alternatively forward and back, again with increased variety of house-type and materials. Overall, this will create a more interesting and varied street scene which is considered to contribute to a better living experience for residents.

- 7.23 The application is supported by a landscaping plan which indicates proposed planting including grassed areas and public open space, planting of trees and shrubs, new stretches of hedgerow and other soft landscaping elements. In general terms this is considered appropriate and will contribute positively to the quality of life enjoyed by future residents. A condition is recommended to secure the fine details of the landscaping in accordance with the general principles of the landscape plan.
- 7.24 The elements of the landscape plan are also relevant in the delivery of biodiversity net gain, and this is discussed in more detail later in this report.
- 7.25 In relation to concerns that have been raised by objectors relating to density, it is noted that such concerns primarily relate to the sites allocation within Policy 11 the SELLP for 45 dwellings, which covers the northern part of the site. However, these concerns do not fully take into account the sites planning history and the extant planning approvals that have been granted for the majority of the southern part of the application site (ref: B/20/0488 for 46 market dwellings and ref: B/20/0489 for 20 affordable dwellings), which are a material consideration that must be taken into account in the determination of this planning application, as enshrined in planning law.
- 7.26 Furthermore, it is important to note that in any event a site allocation number is not prescriptive. Whilst this should represent the starting point for any development, higher or lower numbers can be proposed, and approved, so long as the overall development accords with the policy requirements of the Local Plan as a whole in relation to matters such as design, density and highways implications etc. It is only in instances where demonstrable harm can be identified, that an increase in housing numbers represents a reasonable ground for refusal.
- 7.27 The current proposal is for 89 dwellings on a 3.89 hectare site, a density of 23 dwellings per hectare. Looking elsewhere in the village, the housing on St Guthlac's Way is at a density of just over 20 dwellings per hectare, and the area bounded by Church Green Road, Fishtoft Road and Gilder Way is also at a density of just over 20 dwellings per hectare. The area inset from Church Green Road served by Royal Way and Scotia Road is a little denser at 24 dwellings per hectare. Whilst the density proposed may not mirror the older core/areas of the settlement, it is reflective of these more modern developments. As such, the proposed density of 23 dwellings per hectare can reasonably be said to be both in-keeping with and appropriate for the settlement. Therefore, the development cannot reasonably be said to be at odds with the existing built environment or the settlement pattern of Fishtoft.

7.28 Both the Local Plan and the NPPF have relevant guidance in this regard. The SELLP (at paragraph 3.3.2) and the NPPF (at paragraph 129) make clear that development should make 'efficient use of land', the Framework stating that: 'planning policies and decisions should support development that makes efficient use of land'. Both documents emphasise that this should be in the context of local character, and the proposed density is demonstrably in keeping with the range of densities found in Fishtoft. For the reasons set out above, it is considered that the proposal accords with the requirements of Policy 2 (1) and Policy 3 (1) of the SELLP regarding density and the impact of the development upon the character or appearance of the settlement.

7.29 In terms of the visual impact of the development, the external impact of the proposal beyond its own boundaries would be very limited. The site is screened from the north and west by existing development and viewed from the nearest public footpath some 300m east on the bank of the Hobhole Drain it would effectively merge into the backdrop of the built form of the village. It would in many ways appear as a natural evolution of the village. Being largely concealed from the highway by existing housing and landscaping, the proposal would not have a significant urbanising impact in the street scene. Overall, the development would be in keeping with the character of the village and would accord with Local Plan and NPPF requirements on design. In this regard, it is considered that the development of this site, with a high-quality landscaping scheme proposed and secured through condition cannot reasonably be said to be demonstrably harmful to the landscape setting or character of Fishtoft and would be in accordance with Policy 3 of the SELLP 2019.

7.30 Although it is considered reasonable to conclude that some degree of landscape harm would arise through the loss of an agricultural field, the extent is considered to be minor and not significantly adverse. The proposed development would not have a significantly adverse impact upon the character of the local landscape due to the nature of the proposed development and due to the relatively limited significance or importance that the site makes to the wider landscape or its setting. These matters have already been accepted and supported by the Council's previous assessments undertaken at the time of the sites part allocation within the SELLP and through the previous grants of planning permission.

7.31 Furthermore, it is considered that the minor level of harm that would be caused in this regard would be outweighed by the benefits that the scheme would deliver in terms of the achievable supply of housing and through biodiversity net gain when considered in the planning balance.

7.32 Overall, whilst it is acknowledged that considerations on design are a largely subjective matter, in the opinion of officers the design approach proposed by the applicant is considered to be acceptable and of a suitably high quality that would result in no adverse or demonstrable harm being caused to the character of the area. As such, it is considered

that the proposal accords with the requirements of Policies 2 (criterion 1 & 2) and 3 (criterion 1 & 3) of the SELLP and with Chapter 12 of the NPPF.

7.33 Amenity impacts

7.34 Within the SELLP, Policy 2 (6) and Policy 3 (11) seek to ensure that development proposals do not result in adverse impacts upon the amenity or quality of life of neighbouring dwellings and properties or to local residents more widely.

7.35 As with the predecessor applications, concerns have been raised by neighbours to the west and north of the site about loss of amenity through overlooking, massing and disturbance through domestic use of the land. These concerns have been carefully assessed, and the amended plans seek to address issues raised.

7.36 There is no doubt that the development will have an impact on residents bordering the site. In particular where they currently enjoy an open countryside view there will in future be a prospect of domestic housing. However, loss of view is not a material consideration: the planning issue is whether residential amenity would be unacceptably harmed by the development through such factors as overlooking, loss of light, massing, noise or odour. Furthermore, this must be considered in the context of the residential allocation of the site as set out earlier in this report, as the context of these relationships was anticipated to change.

7.37 The development has been designed to maintain a separation of at least 20 metres dwelling-to-dwelling between the new homes and the existing Gaysfield Road neighbours, and in most cases that distance would be closer to 25 metres. In urban and suburban situations, a separation distance of over 16 metres is generally considered acceptable as far as overlooking is concerned, and whilst some of the new dwellings will be two storey units it is not considered that any of them will have an unacceptably harmful impact through overlooking or loss of privacy. Being set due east of Gaysfield Road, and given the separation distances, the proposal will have no significant impacts in terms of overshadowing or loss of light. Overall, this separation distance and the design of the proposed dwellings would ensure that the proposal would not result in any unacceptably harmful over-looking, loss of privacy nor appear overbearing to any neighbouring properties or their private amenity garden areas.

7.38 Notwithstanding the above, it is acknowledged that during any building out of a development, neighbouring amenity can be affected. Such construction works can result in noise and other environmental emissions which can impact upon residents. However, it is acknowledged that this is to be expected for a temporary period. The inclusion of appropriate controls and mitigation secured through the imposition of conditions deal with such matters satisfactorily and will ensure this impact is not severe or unacceptably harmful.

7.39 To summarise, by reason of separation distance, orientation, scale and fenestration the new dwellings would not cause unacceptable harm to the residential amenities of neighbours to the west or north. Gaysfield Road is an urbanised location and the relationship between the existing and the new dwellings would be typical of that found elsewhere in the village. Therefore, for the reasons set out above it is considered that there would be no demonstrably adverse or unacceptable harm likely to arise for existing or future residents and as such the development is considered to accord with the requirements of Policies 2 (6) and 3 (11) of the SELLP.

7.40 Flood risk and drainage

7.41 An important consideration in the determination of this current application is the impact of potential flood risk arising from the development and ensuring that appropriate drainage can be achieved. It is noted that several objectors, including the Parish Council, have raised concerns regarding the flood risk vulnerability of the site and the resultant impact that may arise to existing neighbouring properties

7.42 Within the SELLP, Policy 3 (12) seeks to ensure that all new development proposals demonstrate that they can be serviced by appropriate drainage systems and infrastructure to ensure that flood risk is not increased either in/at site or to any surrounding land.

7.43 Furthermore, Policy 4 acknowledges that much of the Borough is located in areas of significant risk of flooding. As such, Policy 4 sets out the Council's approach to flood risk and sequential tests that must be applied to all development proposals to ensure that a robust approach is demonstrated to ensure that there will be no resultant adverse consequences associated with flood risk.

7.44 This local policy position is in accordance with National Policy as set out within the NPPF. In particular, Paragraph 170 of the NPPF states "*Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.*". Furthermore, Paragraph 173 states "*A sequential risk-based approach should also be taken to individual applications in areas known to be at risk now or in future from any form of flooding, by following the steps set out below.*"

7.45 In the case of the current application, it is acknowledged that the application site is located within a Flood Zone 3a, being that with the highest risk of flooding and increased flood risk. However, it is noted that the majority of the Borough is similarly an area of increased flood risk vulnerability. Whilst this does not automatically preclude development proposals being approved, it does require a Local Planning Authority to undertake the necessary sequential test as part of the determination of any such planning application.

7.46 In this instance, the sequential test must be considered differently for the northern area of the site that is currently allocated within the SELLP for residential development and the southern area of the site that is not allocated within the SELLP, but which benefits from an extant planning approval for residential development.

Northern Area/Allocated Land

7.47 Within Paragraph 180 of the NPPF, it is confirmed that development proposals which come forward on sites allocated within the Local Plan, do not require a sequential test to again be applied or re-applied to the site. In such circumstances any applicable site is considered to be sequentially acceptable.

7.48 Notwithstanding the above, the current application is supported by a site-specific flood risk assessment (FRA) which meets the requirements of Policy 4(3) of the SELLP and also the NPPF. As a residential development in a location of elevated flood risk any development must mitigate flood risk. The allocated part of the site is in Flood Risk Zone 3a. The hazard mapping varies across the site ranging from Danger to Some to Low or No Hazard. Similarly predicted depths vary across the site from 0-1m. Compared to other sites in Fishtoft, this site is favourable in flood risk terms based on hazard and depth. At the plan-making stage this part of the site was fully assessed and no more recent information has come to light which would undermine the residential allocation set out in the Local Plan. Therefore, in line with paragraph 180 of the Framework the sequential and exception tests do not need to be applied again.

7.49 In light of this part of the site being an allocated housing site within the SELLP, no further sequential test is required to be undertaken, and the site can be considered to be sequentially acceptable in line with Paragraph 180 of the NPPF.

Southern Area/Non-allocated Land

7.50 The remainder of the site has not been assessed as part of the Local Plan allocation and therefore should be assessed at this stage. As noted above, a significant proportion of the land within the Borough is 'At Risk Land' within the guidance set out within the National Planning Practice Guidance (NPPG). However, this area of the site has been assessed against the Council's Strategic Flood Risk Assessment (SFRA), which is based upon the most up-to-date information and data supplied by the Environment Agency mapping system. This is shown on the below mapping extract:

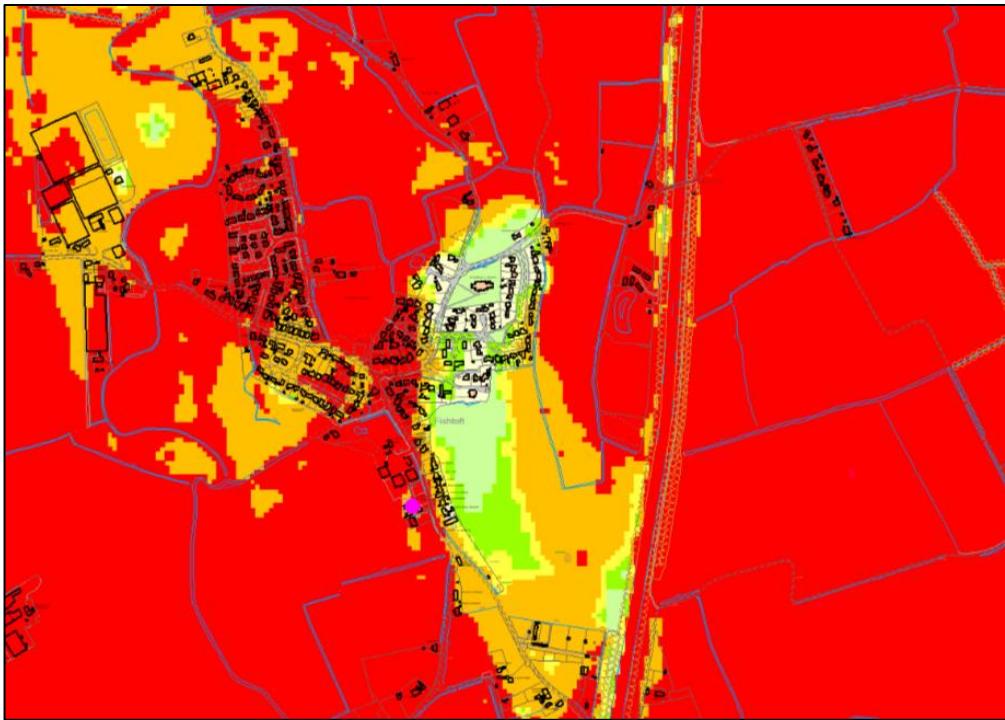


Figure 1: Flood Hazard Zones in and around Fishtoft

(Key: Red – Danger for All; Orange – Danger for Most; Yellow – Danger for Some; Green – Low Hazard; Light Green - No Hazard)

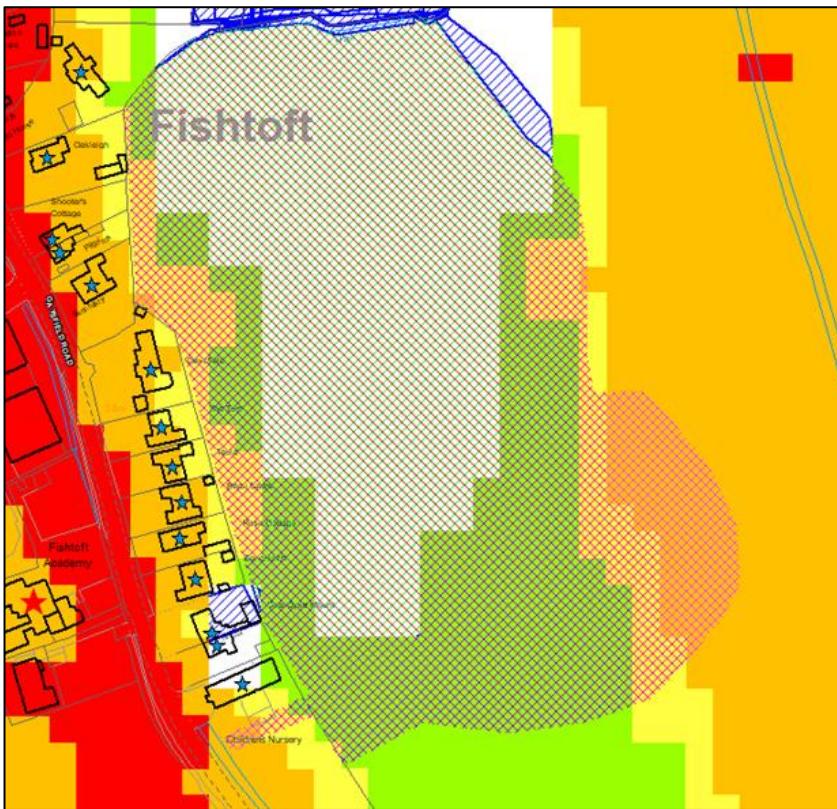


Figure 2: Approximate location of the site within the flood hazard zones

7.51 Within the SELLP, Policy 4 sets out that the search area for the sequential test should be land within the settlement boundaries across the Borough. However, this development is considered to be an appropriate location for the housing and as assessed above, an appropriate density of housing within the settlement. It is therefore considered reasonable to limit the search area for the sequential test to the Fishtoft settlement boundary in order to facilitate the wider delivery of housing and the adjacent allocation within a highly sustainable settlement.

7.52 The majority of the housing is proposed on land within either a no hazard or low hazard (green) area. Within the part of the site falling within the Danger for Some and Danger for Most (yellow and orange respectively) is the proposed drainage basin area and would not have any dwellings.

7.53 Within that search area, there are no sites at lower risk of flooding than the proposal. It is noted that an area north of Clampgate is also at no hazard, however, this site is not within the settlement boundary or allocated and cannot be considered to be reasonably available. Furthermore, the area of the site not at risk is not capable of accommodating the scale of this development at this density. It is therefore considered that there are no sequentially preferable sites within that search area that could genuinely provide a deliverable supply of housing. This matter is reinforced through the Council's previous approval of housing in this part of the site under planning approval ref: B/20/0489.

7.54 The above considerations are also balanced in the context of the Council's need/requirements to provide a deliverable supply of housing (including affordable housing provision) to meet the needs of the Borough and its residents, which is also afforded significant weight in the planning balance. In this regard, the application site can be considered to be 'reasonably available' as defined in National Policy as being in a sustainable location and with a reasonable prospect of being developed.

7.55 Due to the material considerations and wider public benefits that the scheme would deliver through housing provision and the lack of other reasonably available alternative sites at a similar or lower risk of flooding the proposal is considered to satisfy the sequential test. Even were this not the case, whilst significant weight would be attached to any conflict, general housing delivery and the need for the supply of deliverable housing sites is a material consideration that would outweigh such conflict and nonetheless justify approval in this instance.

7.56 In this regard the proposal can be considered to comply with the requirements of Policy 4 (criterion 1, 2 & 3) of the SELLP.

Exceptions Test

7.57 Following a successful sequential test it is then necessary to apply the exceptions test. This has been carried out as part of the allocation but given the increase in housing

provision it is considered reasonable and appropriate to reapply this across the whole site. The exceptions test, as set out in paragraph 178 of the NPPF which sets out:

To pass the exception test it should be demonstrated that:

- a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and*
- b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.*

7.58 In this case the flood risk is limited, with housing directed to the lowest areas of flooding within the site and the predicted flood depths only 0-0.25m for the majority of dwellings, with only Plot 14 along the western boundary at a slightly higher risk of 0.25-0.5m in a 1 in 200 scenario and 1 in 1000 scenario for single storey dwellings. The proposal's wider benefits, in terms of contributing to the housing supply and affordable housing provision, are considered to outweigh this flood risk and satisfy the first part of the exceptions test.

7.59 Turning to the second part of the test, the submitted flood risk assessment includes proposed flood mitigation measures, and these have been considered by the Environment Agency. The Agency has considered these measures acceptable subject to a condition to secure them. Surface water flooding is considered in detail below but otherwise the proposal is considered to pass the exceptions test.

Surface Water Drainage

7.60 Infiltration drainage is not a viable option in this location. The proposed Sustainable Urban Drainage Scheme (SUDS) therefore employs roadside swales and a network of underground drains to capture and channel surface water south to an attenuation pond. From there excess surface water will be carried by a pipe to a watercourse which is maintained by the Witham Fourth District Internal Drainage Board (IDB) to the east of the site, and thence from the IDB network to the Environment Agency watercourse network for final discharge to the sea. The rate of flow into the IDB drain would be limited by a hydrobrake to no more than 2.5 litres per second. Taken together with the attenuation pond, this will ensure that the on-site system can store surplus surface water awaiting discharge, and that the IDB system has the capacity to cope with flows discharged.

7.61 Residents of Gaysfield Road have provided photographic evidence that surface water from the field forming the application site sometimes flows into their back gardens during heavy rainfall events causing localized flooding and considerable distress. At the insistence of this Authority the drainage scheme as originally submitted has been modified to include an interceptor drain running along the boundary with neighbouring properties. Whilst the main SUDS scheme will intercept almost all the water from the developed area of the field, a small portion of the western part of the site which falls slightly toward the Gaysfield Road properties will drain into the interceptor drain. This will

not be a passive sump, but a graded drain which will capture and actively remove any surface water which would otherwise have flowed off the site and affected the neighbours. Run-off from the existing field has also been reported as causing problems at the northern site boundary, and the interceptor drain will therefore run adjacent to this boundary as well as the western. In this regard the scheme therefore represents significant betterment and is designed to remove a problem which has been affecting neighbouring residents for many years, in accordance with the requirements of Policy 4 (criterion 2 and 3e) of the SELLP and the exceptions test.

- 7.62 The highways will be adopted by the Highways Authority which has confirmed that the roadside swales would be part of that adoption. The drainage network will be offered for adoption to Anglian Water, with any assets not adopted by Anglian Water or the County Council being maintained by the site management company. The Drainage Strategy also verifies that foul water flows to the Anglian Water sewer are acceptable, and this has been confirmed by Anglian Water in its comments on the case.
- 7.63 The application is supported by a detailed site-specific flood risk assessment (FRA) which meets the requirements of the Policy 4(3) of the SELLP and Paragraph 178 of the NPPF. The surface water drainage scheme has been modelled to cope with 1 in 100-year rainfall events plus a 40% margin. The application has been subject to detailed review by Lincolnshire County Council as the Lead Local Flood Authority, Anglian Water, the Environment Agency and the Witham Fourth District Internal Drainage Board (IDB). The Environment Agency consultation included a specific check that single storey dwellings are acceptable on the site, to which the response was positive although additional raising of finished floor levels will be necessary on plot 14. The drainage board has stated there must be mitigation to ensure that raising part of the site will not displace surface water onto neighbouring land. The overall drainage plan and the interceptor drain will achieve this.
- 7.64 The submitted drainage plan is considered satisfactory to establish that the principle of the strategy will drain the site. However, given the level of flood risk and the poor natural permeability of the site, it is considered necessary to impose comprehensive conditions to ensure that engineering- and construction-level drawings and calculations are submitted to and approved by the Authority prior to the commencement of any works. This will give the Local Planning Authority (advised by the Lead Local Flood Authority, the Environment Agency and the internal drainage board) the opportunity to verify and approve all final details and ensure that the system will function as intended. In this regard it is noted that the outfall of the interceptor drain as initially proposed is not considered satisfactory. This would have discharged into a riparian watercourse beyond the site boundary, and such a watercourse could not be subject to the on-site maintenance schedule secured by condition. The state of repair and capacity of the watercourse was also not calculated. Instead, a drainage condition is proposed which will ensure that the interceptor discharges via the on-site attenuation pond to the IDB maintained watercourse and thence to the Environment Agency system.

7.65 It is noted that objectors to the application do not agree with this view and have raised serious concerns regarding inadequate drainage and the likely increased risk of flooding that would arise were the development to be approved. This includes the submission of detailed documentation setting out the basis upon which such concerns are based. In order to ascertain the validity of such concerns, this documentation has been supplied to the LLFA to consider and assess in their capacity as the primary consultee relating to surface water flooding. The LLFA has assessed this documentation and considers that the concerns raised have been fully addressed through the applicant's submission documents, and would be appropriately mitigated against through the condition recommended to be imposed relating to surface water drainage details. As such, the information supplied by objectors, does not change or alter the LLFA's position in relation to this application.

7.66 Therefore, whilst the comments and concerns of objectors relating to flooding are duly noted, due to the detailed Flood Risk Assessment supplied by the applicant, the lower risk classification of the site, the satisfactory responses provided by the expert consultees and with the imposition of further conditions as mitigation, it is considered that the proposal will satisfactorily mitigate flood risk and will not cause increased risk of flooding at the site or to any surrounding land. The proposal is therefore considered to comply with the requirements of Local Plan Policy 4 and with the provisions of Section 14 of the NPPF.

7.67 Heritage matters

7.68 The Planning (Listed Buildings and Conservation Areas) Act 1990 confirms the duty of the Local Planning Authority to have special regard to the desirability of preserving listed buildings and conservation areas, their setting and any features of special architectural or historic interest. In the context of Section 66 and 72 of the Act, the objective of preservation is to cause no harm.

7.69 Policy 29 of the SELLP relates to the historic environment. Proposals that affect the setting of a Listed Building or Conservation Area should preserve or better reveal the significance of the building and the setting. Section 16 of the NPPF re-iterates these aims and further requires the significance of non-designated heritage assets to be considered and a sets out that a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage assets.

7.70 Furthermore, Paragraph 215 of the NPPF confirms that, '*Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.*'

7.71 Grade II Listed Fishtoft Manor and Grade I Listed St Guthlac's Church are the only designated heritage assets close to the development, with Fishtoft Manor being located approximately 20 metres from the northern site boundary, the owners of which have

registered an objection to the proposal. New housing (the Manor Grange development) has recently been allowed near the manor house, which was previously assessed as being acceptable and which would result in no harm being caused to the Listed Building. In a similar manner, the current proposal will by reason of distance, dwelling types and boundary treatments also have no harm on its setting, either when assessed individually or cumulatively with this previously approved development. The church is some 240m north east of the proposal and separated from it by modern housing and the scheme will have no material impact on its setting or significance. Due regard was also given to heritage issues at the time the allocation was made. As such, it is considered that no harm would arise to St Guthlac's Church.

7.72 Whilst it cannot be stated that the proposed development would result in no harm being caused to the nearby Fishtoft Manor, the extent of that harm is considered to be less than substantial and largely minor. Despite the 20 metre separation distance, there are no direct lines of sight between the Manor and the proposed housing due to the presence of mature trees. Furthermore, the residential development of the site is already established as being principally acceptable via the allocation in the Local Plan and would not introduce a new or incongruous use type to the locality which would impact upon the appearance, character or the historical significance of this important local heritage asset to any discernible degree.

7.73 In addition, the application site forms part of a wider expanse of agricultural land that that neither historically or presently forms part of the setting of this Listed Building and has no discernible interconnectivity with Fishtoft Manor. Therefore, it is reasonable to conclude that the proposed development would not adversely or negatively alter or affect any specific features that add to the character, appearance or the historical significance of this important heritage asset, reinforcing that less than substantial harm would be caused to the heritage asset, with only minor harm being caused to its setting.

7.74 In order to make this assessment, the application is supported by a Heritage Environment Desk-Based Assessment which comprehensively set out the impacts of the proposed development upon the heritage environment. The report concludes that the development would result in only a minor impact upon any heritage asset in the locality or wider area. In addition, at the time of the grant of planning approval ref: B/20/0488 (which related to the same northern area of the current application site), that application was supported by a Heritage Statement which outlined that only minor harm would be caused to any nearby Listed Buildings, including Fishtoft Manor, primarily as a result of a change to its setting. The approval of that application by the Council's Planning Committee has established that whilst some change will occur to the setting or this heritage asset, the extent of that impact is minor and principally acceptable. This assessment and its acceptance by the Council, is a relevant and material consideration in the determination of this application. No concerns or views to the contrary have by the Council's Conservation Officer to this current application, subject to conditions securing protection for the boundary trees and also to ensure sensitive boundary treatments are

secured to avoid any adverse visual impact to the Manor. Furthermore, Historic England has also confirmed that the Council's Conservation Officer is the appropriate consultee to make this assessment.

7.75 Whilst it is noted that objectors to the application have raised concerns regarding the impact of the proposal upon Fishtoft Manor and its basement associated with flood risk, at the present time such concerns can only be considered to be anecdotal, with no tangible evidence or technical assessments provided to demonstrate this to be the case, or which cast doubt on the information and assessments provided by the applicant, or the responses returned by any consultee. In contrast, the applicant has submitted a drainage strategy for the site, which subject to final details being secured by means of a planning condition, would deal with drainage effectively and ensure no flooding issues arise to any surrounding land or properties. This includes the interceptor drain, referred to previously, which would run along the northern and western boundaries of the site, and would ensure that no surface water flooding occurs to Fishtoft Manor which lies to the north of the site.

7.76 The high archaeological potential of the site has been emphasised by the Council's heritage advisors. The applicant accepts that there are a number of points of archaeological potential and interest within the site boundary, which could be off set by the implementation of a conditional programme of archaeological works which would be secured through the imposition of a pre-commencement condition. Therefore, subject to the successful discharge and implementation of this condition, it is considered that no adverse or demonstrable harm would arise to the historic environment in terms of archaeology. As such, the development would accord with the requirements of Policy 29 of the SELLP and paragraph 215 of the NPPF.

7.77 For the reasons detailed above, it is considered that the proposal would result in less than substantial harm being caused to Fishtoft Manor. Where any harm would be caused, the extent of that harm is minor and would be outweighed by the wider public benefits of the scheme being the provision of deliverable housing (including affordable housing provision) to meet the needs of the Borough. Therefore, it is considered that the proposal accords with the requirements of Policy 29 of the SELLP, Chapter 12 of the NPPF and with Sections 62 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

7.78 Highways and Access

7.79 Within the SELLP, Policy 2 (4), Policy 3 (4) and Policy 36 (criterion 1 and 2) seeks to ensure that all proposals can achieve appropriate means of access, that the likely traffic levels generated can be accommodated by the existing highway network and that the development provide sufficient levels of off-street parking provision so as to ensure that there would be no adverse impacts upon the existing highway network from either a safety or capacity perspective.

7.80 This local policy position is supported further by Paragraph 116 of the NPPF which confirms 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.*'

7.81 In the case of the current proposal, the application is supported by a suitably detailed Transport Assessment (including estimated vehicle generation information) and supporting suite of plans which considers and assesses the likely number of vehicle movements that the scheme would generate, and the impact that this would have on existing highway conditions. This is in addition to information demonstrating how safe access and appropriate access could be achieved for the site onto and from Gaysfield Road, and also throughout the site itself to serve each property. The estate roads would join the highway network on Gaysfield Road just south of the Scout Hut. Internal roadways would be built to adoptable standards and would when complete be adopted by the County Council.

7.82 It is noted that Lincolnshire Fire & Rescue has lodged an objection, but it is also noted that this objection can be overcome by a) ensuring that the roads are constructed to building regulations specification to take the weight of a fire engine and b) by the provision of three fire hydrants. Both of these measures can be secured by condition.

7.83 In its role as Highway Authority the County Council has assessed the proposal. As with the predecessor applications it considers that the entrance is safe and that the impact on the local highway network will be acceptable. Some improvement to the local footway/cycleway network is requested via a Grampian condition. This request is considered reasonable and necessary, and an appropriate condition is recommended.

7.84 The applicant has demonstrated to the satisfaction of the Highway Authority, that the proposed access would be appropriate and would not result in harm or undermine the safety of users of the surrounding highway network. Furthermore, the Transport Assessment undertaken has also demonstrated that the likely number of vehicle movements that would be generated by the development could be accommodated and absorbed by the existing/surrounding highway network from a capacity perspective with no adverse harm arising.

7.85 Whilst this view is not shared by objectors to the application, such concerns are noted to be anecdotal, whereas the application submission is supported by a detailed and appropriate Transport Assessment – the detail, scope, and findings of which are supported and agreed by the Highway Authority as the relevant Statutory Consultee.

7.86 Whilst the conclusions of the Transport Assessment differ from the views of objectors, no contradictory tangible evidence or assessment has been presented beyond anecdotal views to the contrary which would cast doubt on this document. Furthermore, it is important to note that an increase in vehicle movements itself does not equate to harm

being caused, nor warrant the refusal of a planning application. The key consideration and planning test that must be made, is the extent and impact of any such increase, and whether this would result in demonstrable and severe harm to the highway network from either a safety or capacity perspective as confirmed within Paragraph 116 of the NPPF. There is no evidence to suggest that demonstrable or severe harm would arise as a result of the development.

7.87 Therefore, considering the assessment contained within the Travel Assessment submitted, and the lack of concern or objection from the Highway Authority, it would be unreasonable to conclude that the proposal would result in demonstrably severe or adverse highway impacts or harm either from a safety or capacity perspective. As such, officers are of the opinion that there is no justifiable reason for the application to be refused on the grounds of highway safety.

7.88 Accordingly, the applicant has demonstrated that safe and appropriate access could be achieved to the application site. Furthermore, the applicant has demonstrated that capacity exists within the surrounding highway network to absorb and accommodate the likely number of vehicle movements that would be generated. As such, the development is considered to accord with the requirements of Policies 2 (4), Policy 3 (4) and 36 (criterion 1 and 2) of the SELLP and with Paragraph 116 of the NPPF.

Sustainable Transport

7.89 Within Policy 33 of the SELLP, in general, seeks to promote development proposals which provide genuine sustainable modes of transport instead of a sole reliance on the use of cars.

7.90 In the case of the current application, the Transport Assessment details the sustainable modes of transport that are available for the site as alternatives to the use of car. This includes walking and cycling options that are available to future residents to access local services within Fishtoft. In addition, this document details the proximity of the site to a bus stops which regular services available to larger towns and settlements such as Boston.

7.91 In light of the above, it is reasonable to consider that the development can benefit from higher levels of sustainable access. Therefore, if the application is approved, future residents would not have to rely solely on the use of car to go about their day to day living. This view is supported by the Highway Authority which has requested a financial contribution be made by the developer towards bus passes for future residents, which would be secured through a S106 agreement. Therefore, the development can be said to have broad compliance with Policy 33 of the SELLP regarding sustainable transport options. This matter is afforded positive weight in the planning balance.

7.92 Developer Contributions and affordable housing

7.93 Policy 6 of the Local Plan deals with developer contributions. It states:

'Developments of 11 or more dwellings, or which have a combined gross floorspace of more than 1,000 sqm, or non-residential development of 1,000sqm gross floorspace or more will be expected to mitigate their impacts upon infrastructure, services and the environment to ensure that such developments are acceptable in planning terms'.

7.94 The policy goes on to detail the linked relevant policies for different aspects of planning gain which will apply. These include Policy 18 dealing with affordable housing which requires market housing developments of this scale to deliver a 20% contribution of on-site affordable housing provision. Policy 18 was modified to match by central Government guidance issued after the CLLP was adopted to read that affordable housing contributions would be sought for developments of 10 or more (rather than 11 or more) dwellings.

7.95 The supporting text to the policy states (at 3.7.11):

'The policy implications of this Local Plan, including those matters to be sought by developer contributions, have been subject to a Whole Plan Viability Assessment to ensure that the cost would not adversely impact upon the viability of development in South East Lincolnshire. As such, it is expected that the costs of developer contributions are factored in when land is purchased. In exceptional circumstances, where applicants state that financial viability prevents the delivery of some or all developer contributions, a financial appraisal should be submitted. Preferably this should form part of the pre-application negotiations but must be submitted with a planning application. Each Local Planning Authority's independent valuer will consider the assessment. All costs associated with the assessments will be met by the developer'.

7.96 This is consistent with higher level guidance set out in the NPPF and Planning Practice Guidance. At paragraph 58 the Framework sets out the criteria which apply to all planning obligations and at paragraph 59 it details the circumstances under which an applicant may submit viability arguments and how Local Planning Authority should respond using nationally established guidelines. More detailed guidance on the technicalities of viability assessments is set out in Planning Practice Guidance.

7.97 In this case the planning obligations sought against the proposal are:

- 20% affordable on-site housing contribution;
- £58,740 towards local NHS primary healthcare;
- £708,534.84 requested by the County Council for education, £517,775.46 being for secondary education and £190,534.84 being for sixth form provision (the local primary school adjacent to the site has spare capacity and no primary contribution is requested)

- Up to an additional £133,500 requested by the County Council to fund bus passes for future residents (this request was received in April 2025, after the viability assessment had been prepared) plus £5,000 for travel plan monitoring.

7.98 The applicant asserted that the scheme could not bear the obligations sought and submitted a detailed viability case. In line with Policy 6 this was assessed by the Council's expert independent advisor, CPV Viability Ltd., using nationally agreed methodology and with the costs borne by the applicant. The analysis is detailed and lengthy, but can be summed up in CPV's own words:

'we find that the scheme can provide either 12 (13.48%) onsite affordable rented units plus the full S106 payment of £767,275 or a 20% onsite affordable housing provision and a reduced S106 payment of £400,000'.

7.99 In considering the relative weight to be given to the different forms of planning gain sought, the site history is of particular relevance. As was set out in detail earlier in this report, only the northern part of the site is allocated. The principle of residential development over the whole site including the non-allocated land was established through approvals B/20/0488 and B/20/0489. These applications included market and affordable housing with the affordable units located together at the southern end of the site. The present application distributes the affordable units throughout the development (which is regarded as preferable) and that sustains the principle of residential development. That included consent for 20 affordable dwellings, 20% of this scheme proposes 18 such dwellings (a mixture of rental and shared ownership). However, if the affordable housing contribution were to be removed or significantly reduced, the principle of the development would be undermined because it was established on the basis of a full contribution meeting the requirements of the Local Plan.

7.100 It therefore follows that in establishing a hierarchy of planning obligations (which is necessary as the site has the capacity to meet only some of the contributions which are sought) affordable housing should have primacy, since without a full contribution as required by the Local Plan the basic principle of the scheme would become unsound. The second option proposed by CPV is therefore the one recommended to be followed: 'a 20% onsite affordable housing provision and a reduced S106 payment of £400,000'. This has been accepted in writing by the applicant.

7.101 The above requests comply with Regulation 122 (2) of the Community Infrastructure Levy Regulations 2010 (as amended) in that they are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind to the development. In addition, the above planning obligations comply with the provisions of regulation 123 relating to the pooling of planning contributions.

7.102 Turning to the remaining contributions which have been requested it is noted that local NHS primary care will serve all future residents, whereas secondary and sixth form education will serve only part of the population, and some of those will be at a relatively distant point in the future. Whilst health and education are both deeply valuable to the community, it is therefore recommended that the NHS contribution of £58,740 is made in full with the remaining £341,260 being allocated to LCC to be distributed to education with £5,000 of that being reserved for travel plan monitoring. All planning obligations would be secured by a Section 106 legal agreement. This solution is considered to be in keeping with the provisions of the Local Plan, the National Planning Policy Framework and Planning Practice Guidance relating to planning obligations.

7.103 No allocation is recommended for the bus pass scheme proposed by the County Council. In part this is because such a scheme, whilst desirable, is not seen to carry greater weight or to be likely to provide greater public benefit than the elements identified above – it is considered to be lower in the hierarchy. In addition, the bus pass scheme faces two further hurdles. Firstly, the uptake of such a scheme by future residents cannot be predicted. Therefore, whilst the upper limit of the funds required can be set, creating a reserve which would be drawn down would inevitably mean that those funds would not be available for competing, better defined requests for planning gain funds. Secondly, whether secured by legal agreement as planning obligations or through a condition, planning gain proposals must meet the requirements set out in paragraphs 56 to 58 of the Framework. Planning conditions are to be used to make acceptable what would otherwise be unacceptable developments and must be '*necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects*'. Planning obligations may not be imposed unless they meet all the following tests: they must be 'a) necessary to make the development acceptable in planning terms; b) directly related to the development; and c) fairly and reasonably related in scale and kind to the development'. It is not considered that LCC has demonstrated that its bus pass proposal is in accordance with the requirements for planning conditions or planning obligations.

7.104 The house-types put forward as affordable, their locations, their internal layouts and room sizes have all been the subject of discussion between the applicant and the Council's Housing Strategy team. At the time of writing this report discussions were ongoing regarding one of the house types, but the principle was considered satisfactory and this has been confirmed by the Housing Strategy Manager. It is intended that final detail of house types, and the affordable housing location plan will be issued as a supplement to the agenda before the Committee meets.

7.105 Overall, whilst the applicant has submitted a viability appraisal which demonstrates that a lower financial contribution to services and infrastructure or a lower provision of affordable housing is proposed, both Policies 6 and 18 include flexibility to allow for such circumstances. Whilst any lower provision would result in harm and impact on local services, in the opinion of officers this is outweighed by the benefits of the scheme and

provision of affordable housing, which is afforded greater weight in the planning balance. Therefore, the development can be said to accord with Policies 6 and 18 of the SELLP in providing acceptable developer contributions and affordable housing provision.

7.106 Ecology and biodiversity

7.107 As of the 12 February 2024, it is a mandatory requirement that Development proposals for major applications demonstrate that a scheme is able to achieve and deliver Biodiversity Net Gain of 10%. This is in accordance with the requirements of the Environment Act 2021. This is to ensure that a development will be better in quality of natural habitat than there was before.

7.108 However, this legislation change includes transitional provisions which means that this requirement only applies to major applications submitted from 12 February 2024. The current application was submitted before this date; therefore, this is not a mandatory requirement for the current application as those provisions do not apply in this instance.

7.109 It is noted that the Lincolnshire Wildlife Trust has objected, and that the Trust has repeatedly asserted that even if applicants are not obliged to meet the 10% BNG improvement ‘it is expected’ that they should nevertheless comply voluntarily. Whatever the merits of this argument, as Local Planning Authority the Council has no powers to enforce national BNG requirements on non-qualifying applications.

7.110 Policy 28 of the SELLP deals with the natural environment. At 28.3 it requires development to provide ‘biodiversity net gain’ but does not specify a figure. The policy also requires at 28.1(b) that major housing applications within 10km of The Wash should be supported by a Habitats Regulations Assessment regarding their impact on sites of ecological value.

7.111 The application is supported by a landscape plan and by a comprehensive Ecological Impact Assessment (EIA). This details legislative and policy requirements (including those referenced above) and provides in-depth assessments of the site, of the presence or absence of a number of species and the relationship of the site and the proposal to the wider local ecosystem. It also assesses the impact of the proposal on the site, on nearby statutory and non-statutory nature sites and on The Wash itself.

7.112 The report concludes that ‘it is unlikely that there is any ‘linked functionality’ between the Site and The Wash/SSI/SPA/Ramsar site and no impact is predicted on the integrity of these receptors. It is considered that the proposal would not have a significant environmental impact on The Wash/SSSI/SPA or Ramsar site and this satisfies the Habitat Regulations Assessment requirement.

7.113 The EIA also lists a range of improvements planned for the site which aim to increase biodiversity and provide specific supports to various flora and fauna, and it is recommended that these are secured by condition. Regarding BNG, the Wildlife Trust

cites as one reason for its objection the absence of a BNG baseline. However just such a baseline assessment is made in the EIA, along with detailed calculations as to the level of biodiversity gain which the scheme will deliver. The overall impact can be summarised in the EIA's note (at Section 5.5 of that document) that the total of the measures planned will deliver a 15.55% net increase. Therefore, whilst national BNG does not apply, the proposal comfortably exceeds the 10% gain standard, and also accords with the requirements of Local Plan Policy 28.

8.0 Summary and conclusions

- 8.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals are determined in accordance with the development plan unless material considerations indicate otherwise. It is well defined in case law that the Development Plan (in this case the South East Lincolnshire Local Plan 2019) should be taken as a whole. It is for the decision-maker to weigh up the extent to which proposals are in accordance with or may conflict with policies of the development plan and their objectives, along with all relevant material considerations. The weight attributed to each of these factors is known as the 'planning balance'.
- 8.2 The proposal is partly on a site allocated in the Local Plan and entirely on land on which the principle of residential development has already been established through previous planning consents. No changes on the ground or in the planning framework have taken place since the Local Plan was approved in 2019 which would undermine the allocation. It is a material planning consideration that extant planning permissions B/20/0488 and B/20/0489 form a viable fallback position.
- 8.3 The principle of the development is considered sound. The proposal would deliver 89 units of additional residential accommodation, including a policy compliant level of affordable housing. The proposals would therefore be compliant with policies 11 and 18 of the Plan, as well as contributing to the housing stock within the Borough and the overall growth ambitions set out in the Plan.
- 8.4 As set out within this report, the proposed development would result in a degree of harm being caused, and as such there is some conflict with the SELLP. This is due to the southern part of the site not being allocated for housing development within the Local Plan and, therefore, not fully compliant with Policy 1. In addition, the proposal would result in minor harm to nearby heritage assets, specifically Fishtoft Manor and, therefore, not fully compliant with Policy 29. Furthermore, the proposal has demonstrated an inability to provide a contribution towards funding certain infrastructure. However, this harm does not preclude the approval of this planning application.
- 8.5 In the case of the density, this is considered to be acceptable due to the sites previous planning history, and when considered against past developments within the settlement – meaning that the extent of the harm to the character of the settlement is limited and

not considered to be unacceptable or contrary to Policies 1, 2, 3, or 11. In relation to the heritage environment, the impact of the development has been assessed and being minor and less than substantial and not unacceptable. This aligns with the previous planning approval granted for the site, in addition to the site's allocation within the SELLP – both of which represent material considerations in the determination of this application.

- 8.6 The plans have demonstrated to the satisfaction of the Highways Authority that the scheme is capable of implementation without compromising the safety of road users and pedestrians. A comprehensive drainage strategy has demonstrated that the scheme is capable of implementation without causing additional risks of flooding on or off the site, and in a manner likely to result in betterment for existing neighbouring residents. Whilst certain additional details of the drainage plan and its future maintenance will be required, these can safely be secured by condition.
- 8.7 In other regards, it has been demonstrated the amount of development proposed can be accommodated on site without causing significant or unacceptable harm to the residential amenities of neighbours to the site and in a manner in keeping with the character of the locality, and with the inclusion of measures to deliver environmental benefit and biodiversity net gain.
- 8.8 In regard to developer contributions, the applicant has demonstrated an accepted level of affordable housing provision and a financial contribution towards NHS and Education provision, through the submission of a viability appraisal, which has been independently verified. As such, whilst some harm has been identified in this regard, it is considered that the benefits of the scheme, being the provision of deliverable housing on an allocated site to meet the needs of the Borough, outweighs the harm that would arise in the planning balance. The proposal would provide an affordable housing contribution in keeping with the Local Plan requirement and in accordance with Policy 18. In addition, there would be a cash contribution of £400,000 which would meet the requested NHS contribution in its entirety and the requests for secondary and sixth form education in part. All these contributions would be secured through a Section 106 legal agreement.
- 8.9 Therefore, it is considered that the proposal is in accordance with the policies of the South East Lincolnshire Local Plan 2019 and NPPF 2024 when taken as a whole and represent sustainable development. It is therefore recommended planning permission is granted subject to the conditions as set out below. Where any lack of compliance with the development plan has been identified, it is considered that the overall benefits of the scheme significantly outweigh such harm in the planning balance.

9. Recommendation

- 9.1 For the reasons set out above the recommendation is for approval subject to conditions and the signing of a Section 106 legal agreement.

RECOMMENDED 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:

- 1846G/22/010 Alternative Planning Layout
- 1846G/22/010m Affordable Housing Plan
- 1846G/22/06a Site Sections Key Sheet
- 1846G/22/07b Street Scenes
- 21-150 & 1-U-0001 Rev C06 150 & 151 House Type Urban
- 21-250-U-0001 Rev C03 250 House Type Urban
- 21-251-U-0001 Rev C04 251 House Type Urban
- 21-253-U-0001 Rev C04 253 House Type Urban
- 21-254-U-0001 Rev C03 254 House Type Render
- 21-350-R-0001 Rev C06 350 House Type Rural
- 21-350-U-0001 Rev C05 350 House Type Urban
- 21-352-R-0001 Rev C04 352 House Type Rural
- 21-353-U-0001 Rev C04 353 House Type Urban
- 21-354-R-0001 Rev C04 354 House Type Rural
- 21-355-R-0001 Rev C06 355 House Type Rural
- 21-355-U-0001 Rev C07 355 House Type Urban
- 21-356-U-0001 Rev C06 356 House Type Urban
- 21-358-M-0001 Rev C04 358/9 Render
- 21-358/9-R-0001 Rev C04 358/9 House Type Rural
- 21-358/9-U-0001 Rev C03 358/9 House Type Urban
- 21-360-R-0001 Rev C05 360 House Type Rural
- 21-360-U-0001 Rev C04 360 House Type Urban
- 21-450-M-0001 Rev C04 450 House Type Render
- 21-450-R-0001 Rev C04 450 House Type Rural
- 21-450-U-0001 Rev C03 450 House Type Urban
- 21-451-M-0001 Rev C03 451 House Type Render
- 21-451-R-0001 Rev C03 451 House Type Rural
- 21-451-U-0001 Rev C02 451 House Type Urban
- 21-452-U-0001 Rev C05 452 House Type Urban
- 21-454-R-0001 Rev C07 454 House Type Rural
- 21-454-U-0001 Rev C07 454 House Type Urban
- 21-455-M-0001 Rev C05 455 House Type Render
- 21-352-001 Rev C03 352 House Type Urban

- 21-356-001 Rev C05 356 House Type Rural
- D001 Rev 2 Engineering Layout
- D300 Rev 1 Longsections Sheet 1 of 3
- D301 Rev 1 Longsections Sheet 2 of 3
- D302 Rev 1 Longsections Sheet 3 of 3
- 3158-A01-01 Rev A Site & Materials Layout
- 22206 D202 Rev 3 SuDS Identification Plan
- 22206 D702 Rev 1 Attenuation Basin and Headwall Details
- 22206 D205 Rev 2 Flood Routing Plan
- 22206 D208 Rev 1 Land Drain Plan
- 22206 D801 Rev 2 Section 38 Plan
- 22206 D600 Rev 1 Direct Cut and Fill
- 22206 D701 Rev 1 Adoptable Drainage Details
- EY-01-07 Rev D Gable Front Sales Garage
- WL-01C Landscape Plan
- Site Location Plan
- 1846G/22/02a Proposed Site Location Plan
- 22206 D700 Rev 1 Road Construction Details
- SD-100 Rev F 1800mm High Close Boarded Timber Fence
- SD103 Rev C 600mm High Post and Wire Fence
- SD1700 Rev B 3m x 6m internal dimension Detached Single Garage Details
- SD1701 Rev B 3m x 6m internal dimension Detached Double Garage Details

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. No development shall take place until a written scheme of archaeological investigation has been submitted to and approved in writing by the Local Planning Authority. This scheme should include the following:
 1. An assessment of significance and proposed mitigation strategy (i.e. preservation by record, preservation in situ or a mix of these elements).
 2. A methodology and timetable of site investigation and recording including provision for trial trenching based on the results of the geophysical survey and appraisal forming part of the approved outline application
 3. Provision for site analysis
 4. Provision for publication and dissemination of analysis and records
 5. Provision for archive deposition
 6. Nomination of a competent person/organisation to undertake the work

The scheme of archaeological investigation must only be undertaken in accordance with the approved details and completed in accordance with the timetable within. No other

works shall take place until the site investigation has been completed, unless agreed as part of the timetable.

Reason: To ensure the preparation and implementation of an appropriate scheme of archaeological mitigation in accordance with Policy 29 of the South East Lincolnshire Local Plan (2019).

4. Prior to the commencement of the development hereby permitted, a Construction Environment Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall include (although not restricted to) the following details:
 - a) a traffic management plan incorporating the routing of construction traffic and details of heavy vehicle movement patterns (including the earliest and latest times, and the suspension of trips during peak traffic times)
 - b) hours of work for site preparation, delivery of materials and construction including provision to ensure that delivery periods avoid drop-off and pick-up times at the school on Gaysfield Road
 - c) measures to minimise and control noise, vibration, dust, dirt and fumes during the development period
 - d) details of on-site parking facilities for both visiting construction vehicles and deliveries and workers on the site
 - e) the loading and unloading arrangements for heavy plant and machinery and materials
 - f) the location of storage of plant and materials used in constructing the development
 - g) measures to avoid disturbance to nesting birds and other wildlife
 - h) measures to prevent mud being deposited on the surrounding highway
 - i) details of any protective fencing to maintain public access and public safety for the public footpaths that cross/are adjacent to the site – including provisions relating to traffic and pedestrians within the vicinity at such facilities as the School and Scout Hut
 - j) measures to ensure that the site is properly drained during the construction period
 - k) a programme for the implementation of all of the above items.

Development shall then be carried out in strict accordance with the approved CEMP.

Reason: To satisfy Policies 2 and 30 of the South East Lincolnshire Local Plan (2011-2036) and to ensure that appropriate measures are put in place before any development commences to limit noise, nuisance and disturbance to the occupiers of neighbouring properties during the construction of the development and to prevent any obstruction of or disturbance to the operation of the Highway.

5. The permitted development shall be undertaken in accordance with a surface water drainage scheme which shall first have been approved in writing by the Local Planning Authority.

The scheme shall:

- be based on the results of evidenced groundwater levels and seasonal variations (e.g. via relevant groundwater records or on-site monitoring in wells, over a 12-month period);
- be based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development and the principles set out in the submitted Flood Risk Assessment Parts 1 – 4 received by the LPA on 25-Jan-2025 and forming part of the approved application;
- provide flood exceedance routing for storm event greater than 1 in 100 years;
- provide details of how run-off will be safely conveyed and attenuated during storms up to and including the 1 in 100-year critical storm event, with an allowance for climate change, from all hard surfaced areas within the development into the existing local drainage infrastructure and watercourse system without exceeding the run-off rate for the undeveloped site;
- provide attenuation details and discharge rates which shall be restricted with a flow control device to no more than 2.5 litres per second;
- provide detailed drawings and associated calculations of all drainage assets forming part of the scheme;
- provide a routing from the interceptor drain on the northern and western site boundaries which will direct flows into the site attenuation area and thence to the IDB maintained drainage system;
- provide details of the timetable for and any phasing of implementation for the drainage scheme; and
- provide details of how the scheme shall be maintained and managed over the lifetime of the development including the maintenance of the interceptor drain and any arrangements for adoption by any public body or Statutory Undertaker and any other arrangements required to secure the operation of the drainage system throughout its lifetime.

No dwelling/ no part of the development shall be occupied until the approved scheme has been completed or provided on the site in accordance with the approved phasing. The approved scheme shall be retained and maintained in full, in accordance with the approved details.

Reason: To ensure that the permitted development is adequately drained without creating or increasing flood risk to land or property adjacent to, or downstream of, or

upstream of, the permitted development and to accord with Policy 4 of the South East Lincolnshire Local Plan (2019).

6. The development hereby permitted shall be implemented in accordance with the Flood Risk Assessment forming part of the approved application and mitigation measures including a demonstration that:

- the dwellings will be built using flood resilient construction techniques;
- finished floor levels shall be set no lower than 300mm above existing ground levels with the exception of plot 14 where the finished floor levels shall be set no lower than 500mm above existing ground level;
- all dwellings will sign up to the Environment Agency flood warning service within one month of first occupation.

Reason: To ensure residents of the permitted development, neighbouring land and neighbouring properties are not adversely affected, by reason of flooding, by the construction of the permitted development in accordance with Policies 2 and 4 of the South East Lincolnshire Local Plan (2019).

7. No part of the development hereby permitted shall be occupied before the works to improve the public highway (by means of widening the existing footway on the west side of Gaysfield Road from the site entrance to the school to 3m and footway connection/tactile crossing at the access over Gaysfield Road) have been certified complete by the Local Planning Authority.

Reason: To ensure the continuity of safe and suitable pedestrian access, in the interests of pedestrian and public safety, in accordance with Policies 2, 32 and 33 of the South East Lincolnshire Local Plan (2019).

8. Before each dwelling is occupied the roads and/or footways providing access to that dwelling, for the whole of its frontage, from an existing public highway shall be constructed, less the carriageway and footway surface courses.

The carriageway and footway surface courses shall be completed within three months from the date upon which the erection is commenced of the penultimate dwelling (or other development as specified).

Those roads shown on the approved plans as being planned for adoption shall be constructed to a specification to enable them to be adopted as Highways Maintainable at the Public Expense and meet specifications for emergency vehicles including fire service pumps and of refuse freighters.

Reason: To ensure safe access to the site and each dwelling/building in the interests of residential amenity, convenience and safety and to accord with Policy 3 of the South East Lincolnshire Local Plan (2019).

9. The permitted development shall be undertaken in accordance with an Estate Road Phasing and Completion Plan, which shall first be approved in writing by the Local Planning Authority prior to the first occupation of any dwellings hereby approved. 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.

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 safety and to accord with Policy 3 of the South East Lincolnshire Local Plan (2019).

10. The internal link footway connecting road 2 and road 3 should be 3m wide for shared use footway/cycleway.

Reason: To encourage safer and more comfortable experience for residents in the interest of safety of the users of the site and to accord with Policy 3 of the South East Lincolnshire Local Plan (2019).

11. None of the dwellings hereby approved shall be occupied until details of the public open space and how it is managed and maintained as part of the development has been submitted to and approved in writing by the Local Planning Authority. The scheme shall cover the full lifetime of the open space and drainage system and, as a minimum, shall include:

- (i) details of the public open space and how the POS will be landscaped (hard and soft) along with provision of play equipment or other facilities;
- (ii) arrangements for adoption by an appropriate public body or statutory undertaker, or management and maintenance by a Management Company.
- (iii) arrangements concerning funding mechanisms for the ongoing maintenance of all elements of the POS (including mechanical components) to include details such as:
 1. on-going inspections relating to performance and asset condition assessments;
 2. operation costs for regular maintenance, remedial works and irregular maintenance of limited life assets; and
 3. any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime including
 - (i) means of access and easements for maintenance purposes;
 - (ii) A timetable for implementation.

The POS shall thereafter be installed in accordance with the details and timetable contained within the duly approved scheme and shall be managed and maintained as such thereafter.

Reason: To ensure that satisfactory measures are put in place for the management and maintenance of the public open space area throughout the lifetime of the development and to accord with Policies 2, 3, 6 and 31 of the South East Lincolnshire Local Plan (2019).

12. Prior to any works above slab level the locations of three (3no) fire hydrants to be provided at the developer's expense and of refuse collection arrangements on the private drives shall be submitted to and approved in writing by the Local Planning Authority. The development shall proceed in accordance with the details so agreed.

Reason: In the interests of the safety and amenity of future occupants of the development and to accord with Policies 2 and 3 of the South East Lincolnshire Local Plan (2019).

13. The water consumption of each dwelling hereby permitted should not exceed the requirement of 110 litres per person per day as set out as the optional requirement in Part G of the Building Regulations (2010) and the South East Lincolnshire Local Plan 2019. The person carrying out the work must inform the Building Control Body that this duty applies. A notice confirming the requirement for the water consumption has been met shall be submitted to the Building Control Body and Local Planning Authority, no later than five days after the completion of each individual dwelling.

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

14. Prior to the first occupation of any of the dwellings hereby approved, details for a scheme of improvement measures for swifts shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be undertaken in accordance with the approved measures which shall be maintained at all times.

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

15. The scheme of landscaping and tree planting shown on dwg. no. WL-01C Landscape Plan 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).

16. The development shall proceed in strict accordance with the recommendations of the Ecological Impact Assessment prepared by SLR Consulting Ltd and forming part of the approved application. All measures shall be implemented in full and those which extend beyond the construction phase shall be retained for the lifetime of the development.

Reason: In the interest of enhancing the ecology of the area in compliance with Policies 2 and 28 of the South East Lincolnshire Local Plan (2019).

17. Prior to any vegetation clearance (defined as the deliberate removal of any semi-natural vegetative habitat e.g., grassland, trees, and native shrubs); or prior to the commencement of any development hereby permitted (whichever comes first); a written 30-year Habitat Management and Maintenance Plan (HMMP) for the Site in question shall be submitted to and approved in writing by the Local Planning Authority.

The approved HMMP shall be strictly adhered to and implemented in full for its duration and shall contain:

- A) Aims, objectives and targets for management, including habitat target conditions matching the Statutory Biodiversity Metric submitted with the application.
- B) Details of the phasing and implementation of the habitats
- C) Details of the management operations necessary to achieving aims and objectives.
- D) Preparation of a works schedule, including timescales for habitat clearance and habitat creation and/or enhancement.
- E) 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.
- F) Details of the persons responsible for the implementation and monitoring.

Reason: To achieve a net gain in biodiversity on site in accordance with Policy 28 of the South East Lincolnshire Local Plan, 2019.

18. If, during development, contamination not previously considered is identified, then the Local Planning Authority shall be notified immediately and no further work shall be carried out until a method statement detailing a scheme for dealing with the suspect

contamination has been submitted to and agreed in writing by the Local Planning Authority.

Reason: To ensure all contamination within the site is dealt with and to accord with Policies 2 and 30 of the South East Lincolnshire Local Plan (2019)

19. If piling is necessary during construction, a full method statement including details of noise and vibration outputs shall be submitted to and approved in writing by the Local Planning Authority prior to any piling works taking place. Thereafter, piling operations shall be carried out in strict accordance with the details so approved and shall only be carried out between the hours of 08:00hrs and 17:00hrs Mondays to Fridays and at no other time.

Reason: In the interests of the amenity of local residents and of the protection of nearby heritage assets and to accord with policies 2, 3 and 29 of the South East Lincolnshire Local Plan 2019.

INFORMATIVE NOTES FOR DECISION NOTICE

1. The applicant's attention is drawn to the letter dated 25-Jan-2025 from the Witham Fourth District Internal Drainage Board commenting on the application.
2. The applicant's attention is drawn to the letter date 09-Jan-2025 from Anglian Water commenting on the application and in particular to the remarks relating to existing Anglian Water assets (Section 1) and informative notes (Section 3), the latter including the following:
 1. INFORMATIVE - Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087 Option
 2. INFORMATIVE - Protection of existing assets - A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water.
 3. INFORMATIVE - Building near to a public sewer - No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact Development Services Team on 0345 606 6087 Option 2.

4. INFORMATIVE: The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact our Development Services Team on 0345 606 6087 Option 2 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements.

3. 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>

4. Please contact the Lincolnshire County Council Streetworks and Permitting Team on 01522 782070 to discuss any proposed statutory utility connections, Section 50 licences and any other works which will be required within the public highway in association with the development permitted under this Consent. This will enable Lincolnshire County Council to assist in the coordination and timings of these works. For further guidance please visit the Highway Authority's website via the following link: Traffic Management – <https://www.lincolnshire.gov.uk/traffic-management>

5. The existing ground level of the site must not be raised above the ground level of any surrounding land without further consultation with the Lead Local Flood Authority and Local Planning Authority, to consider suitable mitigation measures to ensure that surface water flood risk is not created or increased to land adjacent to the permitted development.

6. The highway improvement works referred to in the above condition are required to be carried out by means of a legal agreement between the landowner and the County Council, as the Local Highway Authority. For further guidance please visit our website; <https://www.lincolnshire.gov.uk/highways-planning/works-existing-highway>

BIODIVERSITY NET GAIN

Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 states that planning permission is deemed to have been granted subject to the "biodiversity gain condition" which means development granted by this notice must not begin unless:

(a) a Biodiversity Gain Plan has been submitted to the planning authority, and

- (b) the planning authority has approved the plan.

Biodiversity net gain does not apply to applications submitted before the commencement date of 12th February 2024.

Based on the information submitted in the planning application documents, the Planning Authority considers that this permission is exempt from biodiversity net gain, and as such does not require approval of a biodiversity gain plan before development is begun.

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.
 - 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.

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APPENDIX 1

PLANNING COMMITTEE 1st JULY 2025

SUPPLEMENTARY INFORMATION

Application B/23/0379 – land east of Gaysfield Road, Fishtoft

Since the completion of the main Committee report further information has been received and is summarised below. This supplement to the main agenda contains matters notified to officers up to 11am on Monday, 23rd June 2025. Matters are summarised in this supplement – for the full text of all comments received please access the correspondence via the Borough Council website.

1. Boston Borough Council Housing Land Supply

Boston Borough Council has published its formal assessment of its future housing land supply. This states that the supply represents 4.6 years. When the main report was completed, the published housing land supply was over five years.

National planning policy and guidance requires local authorities to be able to demonstrate a minimum of a five year supply of housing land plus an appropriate buffer. The National Planning Policy Framework (NPPF) states in footnote 8 to Paragraph 11 that where ‘the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer as set out in paragraph 78) the Local Plan must be considered ‘out-of-date’ ’.

This is significant for the present application. Paragraph 11 makes clear that planning policies and decisions should include a presumption in favour of sustainable development, and that decisions should be made in accordance with an up-to-date development plan. However, when the Local Plan is out-of-date, as the South East Lincolnshire Local Plan is now shown to be, paragraph 11(d) sets out further considerations describing how this affects planning decisions:

‘For decision-taking this means...

...where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or*
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the*

policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination’

This means that unless the criteria set out in subsections (i) and (ii) apply, permission should be granted. Those subsections will now be assessed in relation to the present application.

Subsection (i) refers to ‘areas or assets of particular importance’, and these are defined in footnote 7 as ‘habitats sites (and those sites listed in paragraph 194) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, a National Landscape, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 75); and areas at risk of flooding or coastal change’. Three matters from the above list are relevant to the present case.

Beginning with the first of those, designated heritage assets, the situation regarding Fishtoft Manor, a designated heritage asset, has been thoroughly examined in the main report and elsewhere in this supplement. Historic England does not object and the advice from the Council’s Conservation Officer is that the scheme may proceed subject to certain safeguards and conditions.

The second involves archaeological assets. The site is a known area of archaeological interest, and any permission would be subject to protections secured by condition which have been agreed by the Council’s archaeology advisor and which will secure ensure archaeological investigation and recording by appropriately qualified experts.

The third item is ‘areas at risk of flooding or coastal change’. The site is in Flood Risk Zone 3, and flood risk and drainage have been extensively assessed in this application and its predecessors. The Council’s expert advisors, including the Lead Local Flood Authority, the Environment Agency and the local drainage board are content for the application to proceed subject to the conditions recommended in the main report.

It follows that in the circumstances of this case the NPPF policies relevant to those areas do not provide ‘a strong reason for refusing the development proposed’ for the reasons set out in the main report, namely that mitigations are available which deal effectively with the risk of harm.

Subsection (ii) requires that to justify a refusal where the Local Plan is out-of-date, it must be demonstrated that allowing the application ‘would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-

designed places and providing affordable homes, individually or in combination'. Whilst decisions must be taken when judged against 'the Framework as a whole', decisions must pay 'particular regard' to certain specified policies. Footnote 9 states that 'the policies referred to are those in paragraphs 66 and 84 of chapter 5; 91 of chapter 7; 110 and 115 of chapter 9; 129 of chapter 11; and 135 and 139 of chapter 12' [of the current iteration of the Framework].

Paragraph 66 relates to affordable housing and paragraph 84 to the control of isolated dwellings in the countryside. Paragraph 91 refers to the retail sequential test which seeks to preserve the vitality of town centres, and paragraph 110 refers to sustainable transport considerations. Paragraph 115 sets out criteria to be applied in assessing the transport implications of allocations or development proposals.

Paragraph 129 sets out criteria requiring planning policies and decisions to support the efficient use of land. Paragraphs 135 and 139 set out considerations relating to design and local character.

Of these, paragraphs 110, 115, 129, 135 and 139 are relevant to this application. They cover matters which have been extensively discussed in the main report (and are in some cases also covered in this supplement). As is set out in detail in the Committee report, based on the assessment of the planning balance when the Local Plan was up-to-date any negatives associated with the matters relating to those paragraphs (taken together with all other material planning considerations) did not outweigh the benefits. Those benefits include the addition of 89 dwellings to the housing supply of the Borough incorporating an affordable housing contribution meeting the requirements of the Local Plan. Hence the recommendation to approve at the 6th May Committee meeting.

What has been changed because of lack of a five year supply is essentially the way in which the planning balance is assessed, and in particular the much greater weight in effect now given to the presumption in favour of sustainable development. To justify a refusal the Local Planning Authority must show that 'any adverse impacts of doing so would significantly and demonstrably outweigh the benefits' when assessed against the provisions of the NPPF. Your officers have been clear that the planning balance has always been positive. With greater weight in favour of (in the words of paragraph 11) 'granting permission' consequent on the lack of a five year supply, it is now even more difficult to show that any negatives of the scheme 'would significantly and demonstrably outweigh the benefits'.

In summary, the Council's inability to demonstrate a five year supply of housing land does not change the recommendation, but it changes the context for that recommendation in a way which makes a decision to refuse the application significantly more difficult to sustain.

2. Petition

A petition has been received with the following header:

'REFERENCE: BOSTON BOROUGH COUNCIL PLANNING APPLICATION
b/23/0379 – 89 HOUSES TO BE BUILT TO THE REAR OF SCOUTS HUT,
GAYSFIELD ROAD, FISHTOFT PE21 0SF

APPLICATION CONSIDERED BY BOSTON BOROUGH COUNCIL PLANNING
COMMITTEE 6TH MAY 2025

The following persons petition Boston Borough Council to honour the original vote taken at the Planning Committee on 6th May 2025 which was a free, open and democratic vote taken after full consideration of the Application put forward by Planning committee with the result: 5 members approve, 6 members reject and 1 member abstained.

No legal reason was given as to why a revote should be cast at the same meeting'.

A total of 169 signatories are appended to the petition.

Officers are not in a position at the time of writing to validate every signature, but the petition is accepted in good faith. It is for members of the Committee to decide what weight to give to the petition, but it should be noted that it refers to procedural matters in 6th May Committee, and does not raise any new material planning considerations. The Committee is required to make its decision based purely on material planning considerations. Officers therefore note the submission of the petition, but it does not contain any planning reason to amend the recommendation set out in in the main Committee report.

3. Historic England

An objector questioned why Historic England was not included in the original consultation process. This was because the nature of the nearby heritage asset (Grade II Listed Fishtoft Manor) did not trigger a requirement to consult Historic England under that organisation's own protocols.

To verify that this was the correct approach the Authority contacted Historic England with details of the case, and on 18th June a letter was received from Historic England including the following statement:

'Historic England provides advice when our engagement can add most value. In this case we are not offering advice. This should not be interpreted as comment on the merits of the application. We suggest that you seek the views of your specialist conservation and archaeological advisers. You may also find it helpful to refer to our published advice at <https://historicengland.org.uk/advice/find/>

It is not necessary to consult us on this application again, unless there are material changes to the proposals'.

Members should note that the application has been discussed in detail with the Council's conservation and archaeological advisors (and where appropriate their advice has been incorporated into planning conditions), that the application has been

assessed in keeping with Historic England guidance, and that no error was made in not consulting that body when the application was originally publicised.

4. Fishtoft Manor

A further objection has been received from the occupant of Fishtoft Manor.

The stated grounds of objection are not restricted to impacts on the Manor itself, and include:

- 1. Severe Flood Risk to Lower-Lying Homes on Gaysfield Road. ‘The submitted FRA fails to prove that displaced water will not flow directly onto Gaysfield Road properties. This omission breaches both national policy and the Council’s legal obligations to protect existing residents’.

This objection introduces no new matters, and the issues around flood risk and drainage have been extensively considered and are set out in the main report. The site drainage scheme and the interceptor drain are designed to protect the existing dwellings on Gaysfield Road (and indeed the Manor), and those provisions are reinforced by the recommended conditions which require additional scrutiny and approval of all final engineering and construction drawings and calculations. The Council’s expert advisors, including the Lead Local Flood Authority, the Environment Agency and the internal drainage board are content that the scheme should go forward subject to appropriate conditions as recommended in the main report.

The above ground of objection requires no amendment to the recommendation.

- 2. Threat to Fishtoft Manor – A Grade II Listed Building with a Basement. The objector asserts that risks of damage by flooding and by any means to the basement of the building have not been assessed.

The objection introduces no new matters, all impacts on the Manor having been considered from the outset and the objector having specifically raised the matter of the basement some months ago. Drainage has been fully taken into account, and the main report details measures including the interceptor drain which address risk by water to the Manor. Regarding the basement and indeed the fabric of the whole building, other risks have been considered carefully. For example, a condition is recommended to ensure that if piling is to be used in the construction phase, prior approval of the LPA to the methodology of any piling is required to ensure no vibration damage will threaten Fishtoft Manor. Members should also note the correspondence from Historic England in Section 3, above.

The above ground of objection requires no amendment to the recommendation.

- 3. Risk to a Local Primary School on Gaysfield Road. The objector asserts that the school will be put at increased risk from flooding because of the development.

This ground of objection introduces no new matters, all flood risk impacts having already been considered. The objector perhaps misconstrues the proposed drainage plan, which at the insistence of the Council will see all surface water directed to the

site attenuation pond and thence to a drainage board-maintained watercourse. A condition to secure this forms part of the recommendation. The school is located on the west side of Gaysfield Road, well separated from the application site. No flows from site surface water drainage system will enter the Gaysfield Road public surface water drainage system and hence there is no way in which the development could impact on flood risk to the school.

It is noted that this objection is made by a private resident referring to the school and no endorsement of the objection has been received to date from the school itself. The school has commented separately that it has no objection to the development.

The above ground of objection requires no amendment to the recommendation.

- 4. Legal Obligations, Procedural Failures, and Potential Negligence. The objector states that approving the application in its current form 'would likely breach the Council's: - Duty of Care to protect residents from foreseeable harm - Statutory planning duties under the NPPF and Listed Buildings Act - Legal obligation to apply the Sequential and Exception Tests thoroughly'.

The objector states: 'Failure to meet these responsibilities could expose the Council to judicial review, negligence claims, and public authority liability should damage occur. Past procedural issues – including an alleged unlawful re-vote – cannot be used to justify approval or avoid lawful scrutiny'.

It is noted that the objector frames this ground in conditional terms: 'potential'; 'would likely'; 'could'; 'alleged', and does not make a firm allegation that such breaches have taken place. Officers have at all times at all times followed due procedure in assessing the case, the Council is confident that it has acted properly and in keeping with legal and constitutional requirements and that the application has been handled transparently with public scrutiny. The Council's legal officers was present at the Committee meeting on 6th May.

The above ground of objection introduces no new material planning considerations and requires no amendment to the recommendation.

- 5. Urgent Call for Site-Specific Planning Conditions. The objector calls for planning conditions relating to a drainage strategy, physical means of protecting neighbouring properties, a Construction Management Plan and prevention of discharges to third party land without consent. In fact, the recommendation already includes conditions dealing with all those matters, although perhaps not quite in the wording the objector suggests – for example, discharge to drainage board watercourses will be covered by separate legal consents under Board by-laws as well as by planning conditions securing the drainage strategy and plans. However, in substance all those matters are already secured.

The objector also calls for a legal agreement from the applicant indemnifying neighbouring residents from any damage arising from the site through flooding or other means. This is not a planning matter but a legal issue between landowners.

The above ground of objection introduces no new material planning considerations and no amendment to the recommendation is required.

5. LCC Highways/SUDS

Lincolnshire County Council Highways/SUDS copied the Local Planning Authority on its response to issues raised directly with LCC by an objector who is a resident of Gaysfield Road, Fishtoft. These can be summarised as follows:

- Overlooking of existing properties. LCC replied: 'This is a planning matter, so I have copied in the generic email address for Boston Borough Council'. Overlooking and other potential amenity impacts are discussed extensively in the Committee report.

This ground of objection raises no new material planning considerations and requires no amendment to the recommendation.

- Risk of flooding from the application site to existing properties on Gaysfield Road. LCC replied: 'The Interceptor Drain was agreed and would be graded to get the water off the site. That with the combined system, capacity of attenuation and the existing drainage will work so as not to cause an adverse impact off site. At this stage we need to be content that the principle of the drainage will work and will not increase flood risk. The drainage condition requested to be attached to any planning decision notice will provide assurance that a further detailed drainage design is submitted'.

Flood risk and drainage are discussed extensively in the Committee report. This ground of objection raises no new material planning considerations and requires no amendment to the recommendation.

- The resident refers to a figure of 47 additional vehicular movements arising from occupants of the development and queries that figure. LCC replied: 'Peak hours are the hours that are the busiest – in the traffic generation section of the submitted Transport Assessment it details that within the hours of 0800-0900 and 1700-1800 47 vehicles will arrive/depart. These are figures generated by the TRICS database for residential houses privately owned filtered by the site location and the size of the proposed development. Other vehicles will come and go throughout the day but this gives us an idea of the impact on the highway network at peak times (when the network will be busiest)'.

Highways matters are discussed extensively in the Committee report. This ground of objection raises no new material planning considerations and requires no amendment to the recommendation.

- Poor condition of existing roads in Fishtoft. LCC replied: 'Under planning legislation, we are governed under the policies contained within the National Planning Policy Framework. As a council we have a duty to maintain the county's adopted roads therefore if you have any maintenance issues please can you log them at FixMyStreet. We cannot refuse planning on the maintenance of the road. There is no precise definition of "severe" with regards to NPPF Paragraph 116, which advises 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." Planning Inspector's decisions

regarding severity are specific to the locations of each proposal, but have common considerations:

- The highway network is over-capacity, usually for period extending beyond the peak hours
- The level of provision of alternative transport modes
- Whether the level of queuing on the network causes safety issues

In view of these criteria, the Highways and Lead Local Flood Authority does not consider that this proposal would result in a severe impact with regard to NPPF'.

This ground of objection raises no new material planning considerations and requires no amendment to the recommendation.

6. Local objector #1

A resident of Gaysfield Road, Fishtoft, objects on grounds including unsafe pedestrian and cycle links to Boston and challenges the estimates of vehicle movements.

Highways matters are discussed extensively in the Committee report. This ground of objection raises no new material planning considerations and requires no amendment to the recommendation.

The objector also complains that in the 6th May Planning Committee an officer referred to the site as being 'about a mile' from Boston Town Centre when according to the objector Google maps give that distance as 3.4 miles, and that a member of that Committee stated that he did not know where Gaysfield Road or Fishtoft were.

As a matter of record, the Committee Report for 6th May clearly showed the location of the site, the village and its relationship to the edge of the Boston settlement in a map, as does the report for the 1st July Committee. Google maps shows the distance as the crow flies from the north west corner of the application site to the Town Bridge as 2.48 miles, and to the nearest residential point in the continuous built settlement of Boston as exactly one mile (1.61 km).

7. Local objector #2

A resident of Marshall Close, Fishtoft, objects on a number of grounds including overlooking/loss of privacy; loss of light/overshadowing; parking provision; number of vehicle movements generated by the development; highway safety; condition of local roads; traffic levels in the locality; effect on listed building/conservation areas; layout and density; design, appearance and materials; central Government and Local Plan policy; disabled access; surface water drainage; previous planning decisions B/20/0488 and B/20/0489 which 'should have never been approved'.

With the exception of disabled access, all these matters have been extensively considered and are addressed in the main Committee report and elsewhere in this supplement. No new material planning considerations have been raised and no amendments to the recommendation are required.

Under the heading 'Disabled Persons' Access' the objector refers to the possibility of there being 'some sort of step' outside some of the dwellings. It is not clear that such steps are shown on the submitted drawings, though a single step may be implied in some cases by a gap between the illustrated door sill and the indicated ground level. No drawing shows or could be interpreted as implying a staircase entrance at the front or back.

However irrespective of whether is to be a front or rear step (not uncommon in new dwellings), disabled access is a matter covered by Part M of the Building Regulations. Since it is specifically part of a different regulatory framework it is not a material planning consideration in this case. The South East Lincolnshire Local Plan covering Boston does not make any policy provision regarding disabled access to new buildings. Disabled access is of course a very important matter, but because it is the subject of other regulations it is not a planning matter. If the application is approved the applicant would have to demonstrate to the Building Control officers dealing with the development that it complied with relevant regulation.

8. Conclusion

All of the above have been taken into account and the officer recommendation remains to approve subject to conditions and the signing of a Section 106 legal agreement.

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