



Public Document Pack
Boston Borough Council

**Chief Executive
Rob Barlow**

Municipal Buildings
Boston
Lincolnshire PE21 8QR
Tel: 01205 314200

Monday 5 January 2026

Notice of meeting of the Planning Committee

Dear Councillor

You are invited to attend a meeting of the Planning Committee
on **Tuesday 13th January 2026 at 10.00 am**
in the Committee Room - Municipal Buildings, West Street, Boston, PE21 8QR

**Rob Barlow
Chief Executive**

Membership:

Chairman: Councillor Peter Bedford
Vice-Chairman: Councillor David Scoot
Councillors: Alison Austin, Anton Dani, Stuart Evans, Andy Izard, David Middleton,
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 - 4)

To sign and confirm the minutes of the last meeting.

D Public Questions

To answer any written questions received from members of the public no later than 5 p.m. two clear working days prior to the meeting – for this meeting the deadline is 5 p.m. on 8th January 2026.

Part II - Agenda Items

1 B 25 0312 - Crown House, Lincoln Lane, Boston, PE21 8SJ (Pages 5 - 14)

Application type: Listed Building Consent

Proposal: Listed Building Consent for relocation and renovation of the “5 lamps” listed monument to the new public realm scheme

2 B 25 0386 - Public open space, Rosegarth Street, Boston PE21 8QU (Pages 15 - 26)

Application type: s73 - Non-Major

Proposal: Application under s73 to vary Conditions 2 (Plans), C4 (Design of the "Wave"), C5 (30 year Management & Maintenance Plan) and C6 (Hard & Soft Landscaping) of planning permission B/24/0377

3 B 25 0269 - Land North of Tytton Lane East, Wyberton, Boston PE21 7TD (Pages 27 - 44)

Application Type: s73 – Major

Proposal: Application under s73 for the Variation of Conditions 1 (Approved Drawings) of permission B/22/0393 (works already started)

4 Planning appeal decisions (Pages 45 - 56)

(A report by the Principal Planning Officer – for noting.)

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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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 7th October 2025 at 10.00 am.

Present:

Councillor Peter Bedford, in the Chair.

Councillors David Scoot (Vice-Chairman), Alison Austin, David Brown (substitute for Stuart Evans), Anton Dani, Andy Izard, David Middleton, Barrie Pierpoint, Sarah Sharpe, Suzanne Welberry and Stephen Woodliffe.

Officers:

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

Note: At Full Council on 29 September 2025, Councillor Peter Bedford was appointed Chairman of the Planning Committee, replacing Councillor David Middleton.

11 Apologies for Absence

Apologies for absence were received from Councillor Stuart Evans, with Councillor David Brown substituting, and from Councillors Claire Rylott and Lina Savickiene.

12 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, David Middleton, Claire Rylott, and Suzanne Welberry.

13 Minutes

The minutes of the meeting on the 9th September 2025 were approved as a correct record and signed by the Chairman.

14 Public Questions

No questions were received.

15 B 25 0287 - Site North of Boston Borough Council Depot, St Johns Road, Boston, PE21 6BE

Major – Full Planning Permission

Demolition of existing industrial shed. Change of use of land to provide additional staff car parking, 10 commercial parking bays and 4 trailer bays and associated works

Site North of Boston Borough Council Depot, St Johns Road, Boston, PE21 6BE

The Chairman opened the item by welcoming Members and members of the public to the meeting. He introduced the application and invited officers to present the report.

The Senior Planning Officer presented the application and made the following points:

The proposal sought full planning permission for the demolition of an existing industrial building and the change of use of land to provide additional staff car parking, commercial parking bays and trailer bays. Associated works included resurfacing, installation of lighting columns, acoustic fencing, and the creation of new vehicular and pedestrian access routes linking the site to the existing depot.

The Committee received a presentation of slides showing the site location, layout plans, and photographs of the existing site and surrounding area. The presentation illustrated the proximity of residential properties to the west, the existing depot to the south, and amenity greenspace to the east. It was noted that the site was currently vacant and enclosed by palisade fencing.

The Senior Planning Officer also confirmed that conditions 3 and 6 were subject to revision, as the building had already been demolished prior to the determination of the application.

There were no registered public speakers on this item.

Committee deliberation continued after the Senior Planning Officer confirmed that the Committee was being asked to consider the officer recommendation for approval, subject to the conditions outlined within the report.

Members raised a number of points for clarification.

Questions were asked regarding the impact of the proposed lighting on nearby residential properties. The officer confirmed that the lighting columns would be 6 metres high and downward facing, with Environmental Health raising no objections.

Concerns were expressed about potential noise arising from the storage of bins. It was confirmed that only clean bins would be stored on site, with no refuse held. The bins would be retained temporarily prior to distribution to the community, and the specification matched that of existing facilities.

Members discussed the archaeological significance of the site, noting its proximity to historic areas of Boston, including the Boston Conservation Area, and the potential for underlying remains. Officers advised that the site lay within an area of archaeological interest and confirmed that a condition had been included requiring a written scheme of archaeological investigation prior to any below-ground works. Although demolition of the existing building had already taken place, it was clarified that this had occurred above

ground level and that no further development would proceed until the archaeological assessment had been completed.

Members queried whether the application would result in changes to operating hours. Officers confirmed that the hours would remain consistent with those of the existing depot.

The recommendations were moved by Councillor Anton Dani and seconded by Councillor Andy Izard.

Resolved:

That the Committee approve the application in line with officer recommendations, subject to the conditions outlined within the report, including those revised and clarified during the meeting in respect of lighting, noise mitigation, archaeological investigation, and operating hours (outlined below).

Conditions:

3. No below ground works 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 details as necessary:

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
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
7. The scheme to be in accordance with the Lincolnshire Archaeological Handbook.

The archaeological site work shall only be undertaken in accordance with the approved written scheme.

Reason: To ensure the preparation and implementation of an appropriate scheme of archaeological mitigation in accordance with national guidance contained in the National Planning Policy Framework, 2024 and accordance with SELLP Policy 29.

6. Prior to any groundworks, full details of the means of surface water disposal shall be submitted to and approved in writing by the Local Planning Authority. The details so approved shall be implemented in full before the development hereby permitted is first brought into use.

Reason: To ensure that the site is adequately drained, to avoid pollution, and to prevent increased risk of flooding in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019 and national guidance contained within the National Planning Policy Framework 2024.

The Meeting ended at 10.15 am.

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PLANNING APPLICATION B 25 0312

Application type:

Listed Building Consent

Proposal:

Listed Building Consent for relocation and renovation of the “5 lamps” listed monument to the new public realm scheme

Location:

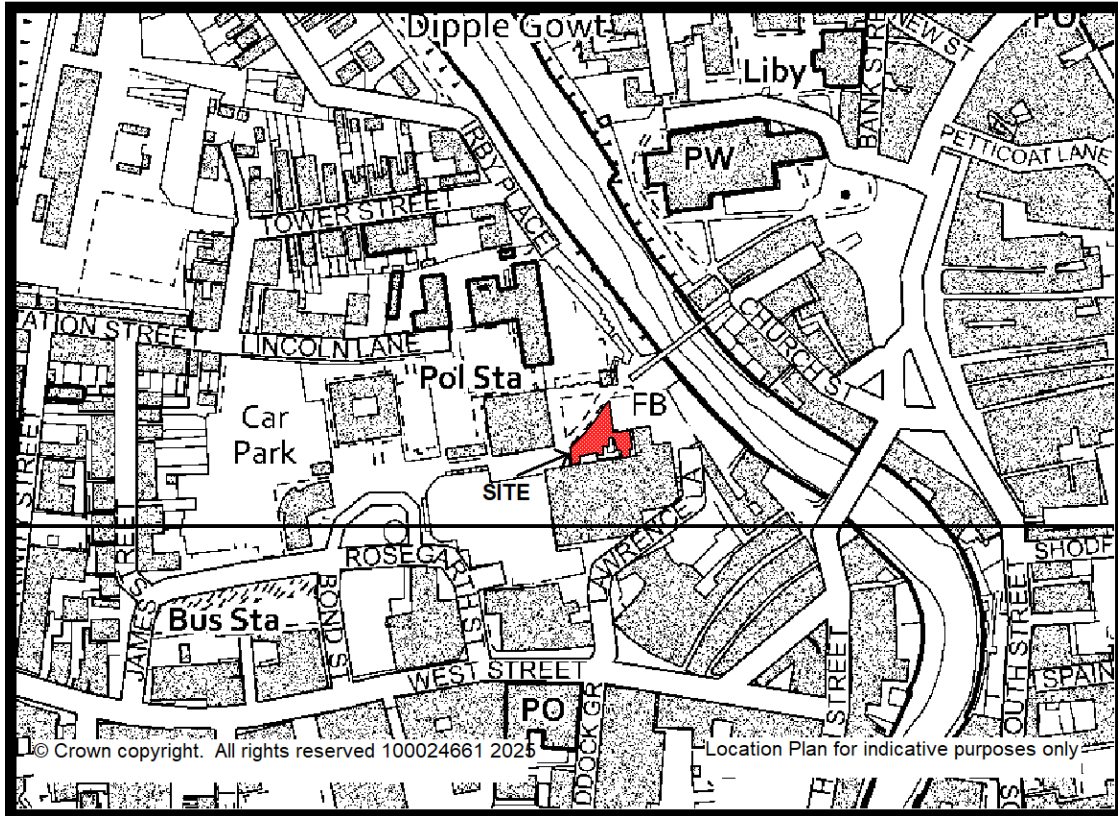
Crown House, Lincoln Lane, Boston, PE21 8SJ

Applicant:

Boston Borough Council

Agent:

Louis Ashford, Ares Landscape Architects



BOSTON BOROUGH COUNCIL

Planning Committee - 13 Jan 2026

Reference No: B/25/0312

Expiry Date: 03-Oct-2025

Extension of Time: 16-Jan-2026

Application Type: Listed Building Consent

Proposal: Listed Building Consent for relocation and renovation of the 5 lamps listed monument to the new public realm scheme

Site: Crown House, Lincoln Lane, Boston, PE21 8SJ

Applicant: Boston Borough Council

Agent: Louis Ashford, Ares Landscape Architects

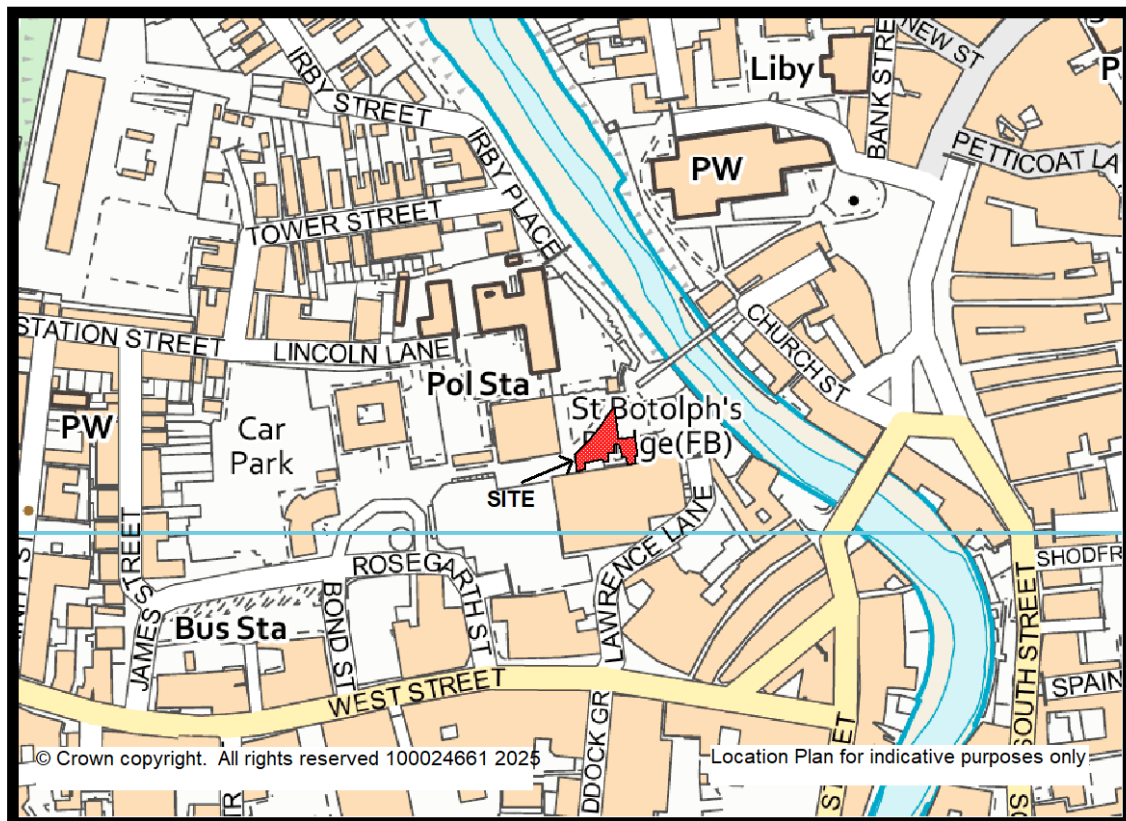
Ward: Station

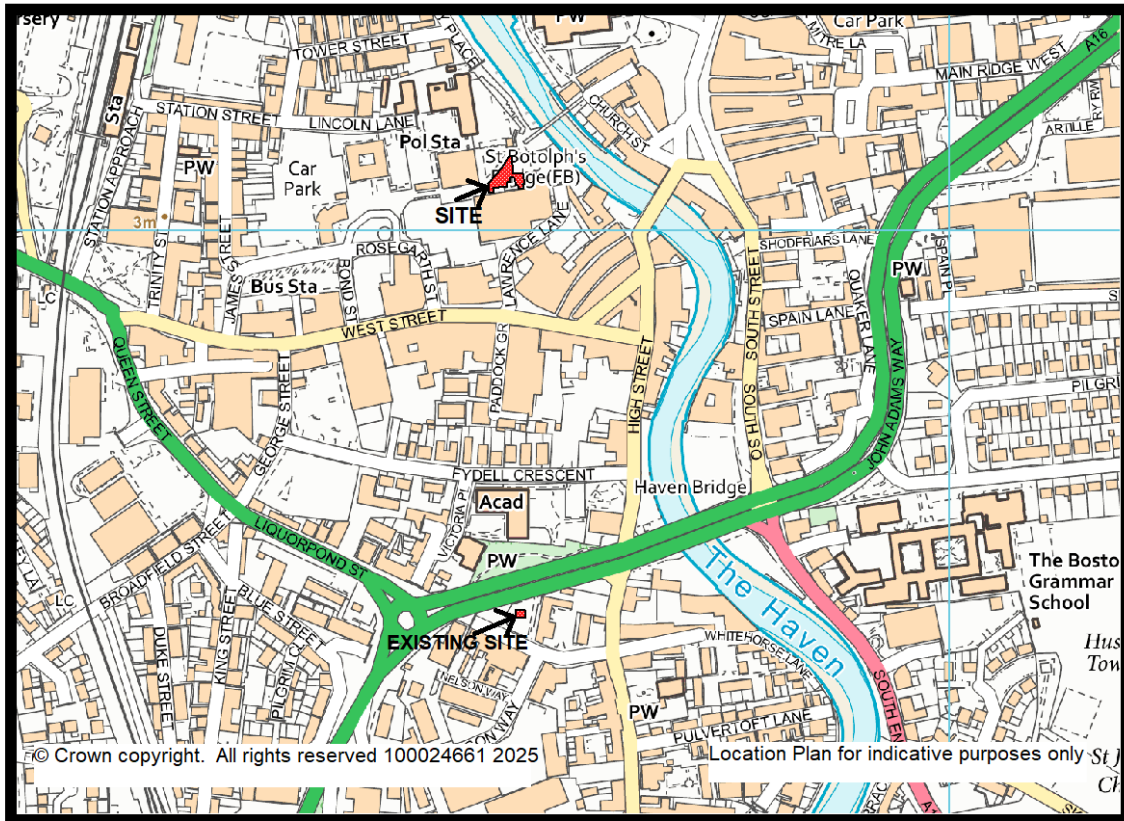
Parish: Boston Town Area Committee

Case Officer: Lewis Humphreys

Third Party Reps: 0

Recommendation: Approve subject to conditions





1.0 **Reason for Report**

1.1 The application has been referred to committee by the Assistant Director (Planning) for transparency as the proposal has been submitted by Boston Borough Council.

2.0 **Application Site and Proposal**

2.1 The proposal seeks the relocation of the '5 Lamps' Listed Building from its current location off Liqourpond Street to the public realm off Rosegarth Street in Boston Town Centre.

2.2 The current location is a small grassed area, situated north of Liqourpond Street and south of the A16 John Adams Way, the '5 Lamps' sits centrally within this grassed area. A single storey Class E building sits to the immediate east of the site within a predominantly residential area. Hedging and planting sit to the west and north of the listed building, with a mature tree in the north east corner.

2.3 The proposed location is an area currently under development as part of works to the public realm in the area north of Rosegarth Street and Lawrence Lane. To the immediate south is the former B&M store, which has been demolished and planning permission granted for an integrated health care centre. To the north of the site is the former crown house, which has been demolished and works are underway to erect a new building comprising Class E units and flats.

2.4 The site is within the designated Town Centre on Inset Map 1 of the Local Plan and adjoins the Boston Conservation Area which includes the River Witham and the St

Botolph's Bridge. Notably the site is within the setting of the Grade I Listed St Botolph's Church.

3.0 Relevant History

- 3.1 B/25/0386 - Application under s73 to vary Conditions 2 (Plans), C4 (Design of the "Wave"), C5 (30 year Management & Maintenance Plan) and C6 (Hard & Soft Landscaping) of planning permission B/24/0377 – Not yet determined
- 3.2 B/25/0132 - Proposed three storey building for integrated health and care centre to provide a range of essential services – Approved
- 3.3 B/24/0476 - Construction of new mixed use building consisting of 4no Class E retail units at ground floor level and 18no class C3 apartment dwellings on first and second floor and new landscaping and external works including parking, refuse stores, cycle storage and public toilet block – Approved
- 3.4 B/24/0475 - Prior Notification under Schedule 2, Part 11, Class B of The Town and Country Planning (General Permitted Development) (England) Order 2016 for the demolition of former government office building – Approved
- 3.5 B/24/0474 - Prior Notification under Schedule 2, Part 11, Class B of The Town and Country Planning (General Permitted Development) (England) Order 2015 for the demolition of former retail building – Approved
- 3.6 B/24/0377 - Redevelopment to provide a new public realm space, including: existing artwork relocation and new artwork installation, external social spaces and new entrance/drop off for Len Medlock – Approved

4.0 Relevant Policy

South East Lincolnshire Local Plan

- 4.1 The following policies contained within the South East Lincolnshire Local Plan (2019) (i.e. SELLP) are relevant to this application:

- Policy 29 – The Historic Environment

National Planning Policy Framework

- 4.2 Section 16 – Conserving and enhancing the historic environment

Town and Country Planning (Listed Building and Conservation Areas) Act 1990

5.0 Representations

- 5.1 No representations have been received from third parties as a result of publicity.

6.0 Consultations

- 6.1 BBC Conservation Officer - There is no doubt its restoration is encouraged if done in the right manner, but its relocation and the addition of new elements both have the potential to cause harm. Raised concerns regarding existing and proposed trees in the vicinity and requested some on-site interpretation to describe its relevance in the townscape and further information in connection with materials and method
- 6.2 Historic England – Consider that some additional information is required and that the proposal has the potential to harm the significance of the Grade II Listed ‘Five Lamps’ Lamp Standard. Requested a views assessment and assessment within the proposed setting and further details of the refurbishment.
- 6.3 LC Highways and SuDS – No objections

7.0 Planning Issues and Discussions

- 7.1 The proposal is an application for listed building consent and as such the only consideration is the impacts of the changes upon the significance of the listed building.

Impact on the listed building

- 7.2 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, their setting and any features of special architectural or historic interest. In the context of Section 16 of the Act, the objective of preservation is to cause no harm.
- 7.3 Policy 29 of the South East Lincolnshire Local Plan (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.
- 7.4 Section 16 of the National Planning Policy Framework (NPPF) acknowledges heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance and that in determining applications Local Planning Authorities (LPA's) should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them in viable uses consistent with their conservation.
- 7.5 The proposal involves the relocation and renovation of the Grade II Listed ‘5 Lamps Lamp Standard’ from a site north of Liqueurpond Street to Rosegarth Square as part of wider works to regenerate the Rosegarth Square area. The application is accompanied by an assessment of the significance that identifies that the Lamp is of medium evidential value, high historical value, medium aesthetic value, and high communal value.
- 7.6 The current location is not the original site (which was in Market Place), and the lamp was moved to its current location in 1970. The statement identifies that there is no significance in the relationship between the heritage asset and its current location.

Furthermore, it identifies that the current siting is not within the setting of any other heritage assets. As such, it cannot be reasonably said that principally, the proposed relocation of the lamp would result in substantial harm to this heritage asset or to the wider historic environment.

- 7.7 Requests for further information have been received from Historic England and the Conservation Officer in connection with the proposal, however, no concern was raised with this baseline assessment of the Lamp its significance, and it's current context. While the Conservation Officer has attributed significance to the 'commanding position' within its current views, it is noted that these views are primarily from within the grassed area it is sited and views from John Adams Way in either direction are limited by the buildings and trees in the vicinity, making those views relatively transient. The assessment within the Heritage Statement is therefore accepted.
- 7.8 The relocation of the Lamp is therefore acceptable in principle as its current location does not contribute to its significance. Nor would its loss from this location harm the significance of any other heritage assets.
- 7.9 The proposed location for the Lamp is part of the Rosegarth Square redevelopment. This sits near a 'gateway' to the Boston Conservation Area over the St Botolph's Bridge with several notable listed buildings on the far side of the River Witham. Most significantly is the Grade I St Botolph's Church. While the site is not the original location, the proposed location is much closer to the Market Place, within the Town Centre, and would be along a well-trafficked pedestrian route.
- 7.10 The application is not accompanied by an assessment of the impact upon the significance of those assets and furthermore the wider character of the redevelopment area is quite modern. The Conservation Officer has highlighted the potential for the Lamp to be out of place in this location and lacking in context or interpretation. As a result of this, an indicative interpretation board has been submitted. While the exact detail is not presently before the Local Planning Authority for consideration, this could provide a context to not only the current siting but also the significant history within the town centre preceding that move. As such, it is considered appropriate to secure the final details and specification of the interpretation board through the imposition of a condition should consent be granted.
- 7.11 It is noted that the siting is currently under a tree, this is proposed to be removed as part of the wider redevelopment. A replacement is to be planted nearby that has the potential to grow to disrupt views of the Lamp from the west, however, through careful management and maintenance this could be mitigated against. However, that is not a matter for this application and should be considered as part of B/25/0386 but would be within the gift of Boston Borough Council to control and manage as the applicant/landowners.
- 7.12 The proposals also include a number of elements to refurbish the Lamp, including a new plinth, salt blasting to identify defects for repair, cleaning and painting, and the installation of three pilot lights, and the installation of 5 new Wembley Lamps. It is noted in the comments from both Historic England and the Conservation Officer that these works have the potential to cause harm to the significance of the Lamp, and

detailed method statements and drawings should be secured by condition to ensure the result enhances the significance of the Lamp. Such details would be subject of consultation with the Council's Conservation Officer prior to any discharge of condition being granted.

7.13 For the reasons detailed above, it is considered that the proposed development would result in no significant or substantial harm being caused to this local heritage asset. As such, the proposal would accord with the requirements of Policy 29 of the SELLP and with Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

8.0 Summary and Conclusion

8.1 Overall, while there is some potential to harm the significance of the Lamp arising from the proposed refurbishment, and unquantified impacts relating to the impacts on the heritage assets within the setting of the new location, the proposal represents a significant opportunity to enhance the significance of the Lamp through its refurbishment and location within a more central and heavily trafficked area.

8.2 It is considered that any resultant harm to the lamp itself would not be considered to be significant and would be less than substantial. Furthermore, the impacts of the proposal can be mitigated by appropriate conditions to secure appropriate details and as such it is considered the proposal would comply with Policy 29 of the Local Plan, the NPPF, and the statutory duty set out within the Act.

9.0 Recommendation

9.1 It is recommended that Committee grant Listed Building Consent subject to the below conditions.

CONDITIONS / REASONS			
Pre-commencement conditions?	n/a	Agreed with applicant/agent - Date:	
1	<p>The development hereby permitted must be begun not later than the expiration of three years from the date of this consent.</p> <p>Reason: To comply with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.</p>		
2	<p>The development hereby permitted shall only be undertaken in accordance with the following approved plans;</p> <ul style="list-style-type: none"> ▪ Site Location Plan - Proposed site location ▪ Drawing No. 831-ALA-XX-XX-DR-L-9555 Rev C01 – Existing 5 Lamps Location Plan ▪ Drawing No. 831-ALA-XX-XX-DR-L-9021 Rev C06 - Landscape General Arrangement ▪ Drawing No. 831-ALA-XX-XX-DR-L-9053 Rev P01 – 5 Lamps Interpretation Board ▪ Drawing No. 831-ALA-XX-XX-DR-L-9524 Rev C03 – 5 Lamps Plinth Details 1 of 2 ▪ Drawing No. 831-ALA-XX-XX-DR-L-9525 Rev C04 – 5 Lamps Plinth Details 2 of 2 ▪ Drawing No. 831-ALA-XX-XX-DR-L-9526 Rev P01 – 5 Lamps Elevations 		

	<p>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).</p>
<p>Pre-commencement conditions:</p>	
3	<p>Prior to the removal of the lamp a detailed method statement for the sand/grit blasting and subsequent assessment of repairs shall be submitted to and approved in writing by the Local Planning Authority. The method statement shall include details of an appropriately qualified individual to assess the extent of repairs required and to carry out the works. The development shall proceed only in accordance with the approved method statement and by the approved individual only.</p> <p>Reason: In the interests of preserving and enhancing the significance of the Listed Building in its new location, this condition is imposed in accordance with Policy 29 of the South East Lincolnshire Local Plan, 2019.</p>
4	<p>Notwithstanding the submitted details, and prior to the erection of the plinth, details of the proposed materials, including samples, shall be submitted to and approved in writing by the Local Planning Authority. The plinth shall be constructed using the proposed materials and maintained in good condition at all times.</p> <p>Reason: In the interests of preserving and enhancing the significance of the Listed Building in its new location, this condition is imposed in accordance with Policy 29 of the South East Lincolnshire Local Plan, 2019.</p>
5	<p>Prior to their installation detailed drawings of the proposed Pilot Lights and Wembley Lanterns, at a scale not less than 1:10 shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the materials, finish and method of attachment. The works shall proceed in accordance with the agreed details.</p> <p>Reason: In the interests of preserving and enhancing the significance of the Listed Building in its new location, this condition is imposed in accordance with Policy 29 of the South East Lincolnshire Local Plan, 2019.</p>
6	<p>Notwithstanding the submitted details, and prior to the painting of the Lamp, the final paint colours shall be submitted to and approved in writing by the Local Planning Authority. The paint colours shall be based upon an investigation in the historic colours of the Lamp that shall be submitted alongside the proposed paint. The works shall proceed in accordance with the agreed details.</p> <p>Reason: In the interests of preserving and enhancing the significance of the Listed Building in its new location, this condition is imposed in accordance with Policy 29 of the South East Lincolnshire Local Plan, 2019.</p>
7	<p>Prior to the installation of the '5 Lamps' pole, the final details of the proposed information board shall be submitted to and approved in writing by the Local Planning Authority. The Board shall be installed in accordance with the approved details prior to the development hereby permitted first being brought into use and retained thereafter.</p> <p>Reason: In the interests of preserving and enhancing the significance of the Listed Building in its new location, this condition is imposed in accordance with Policy 29 of the South East Lincolnshire Local Plan, 2019.</p>

PLANNING APPLICATION B 25 0386

Application type:

S73 - Non-Major

Proposal:

Application under s73 to vary Conditions 2 (Plans), C4 (Design of the "Wave"), C5 (30 year Management & Maintenance Plan) and C6 (Hard & Soft Landscaping) of planning permission B/24/0377

Location:

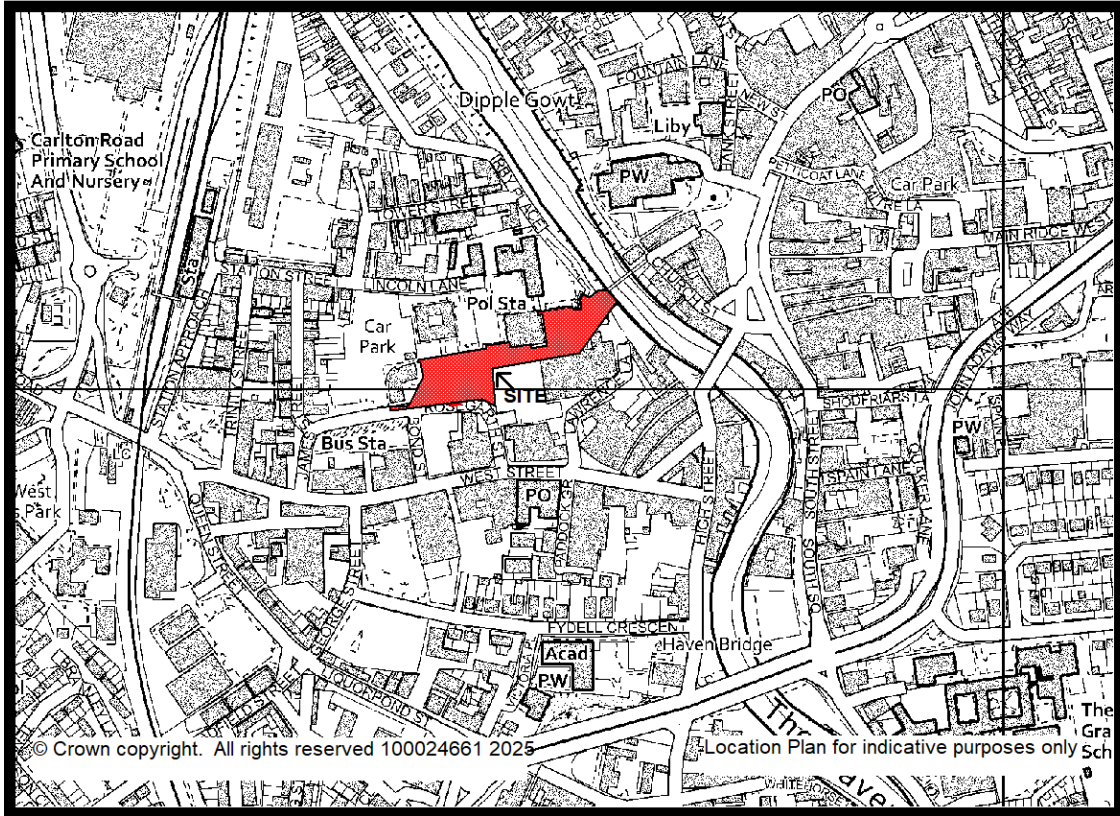
Public Open Space, Rosegarth Street, Boston PE21 8QU

Applicant:

Boston Borough Council

Agent:

Louis Ashford, Ares Landscape Architects



BOSTON BOROUGH COUNCIL

Planning Committee - 13 January 2026

Reference No: B/25/0386

Expiry Date: 19 November 2025

Extension of Time: 16 January 2026

Application Type: S73 - Non-Major

Proposal: Application under s73 to vary Conditions 2 (Plans), C4 (Design of the "Wave"), C5 (30 year Management & Maintenance Plan) and C6 (Hard & Soft Landscaping) of planning permission B/24/0377

Site: Public Open Space, Rosegarth Street, Boston PE21 8QU

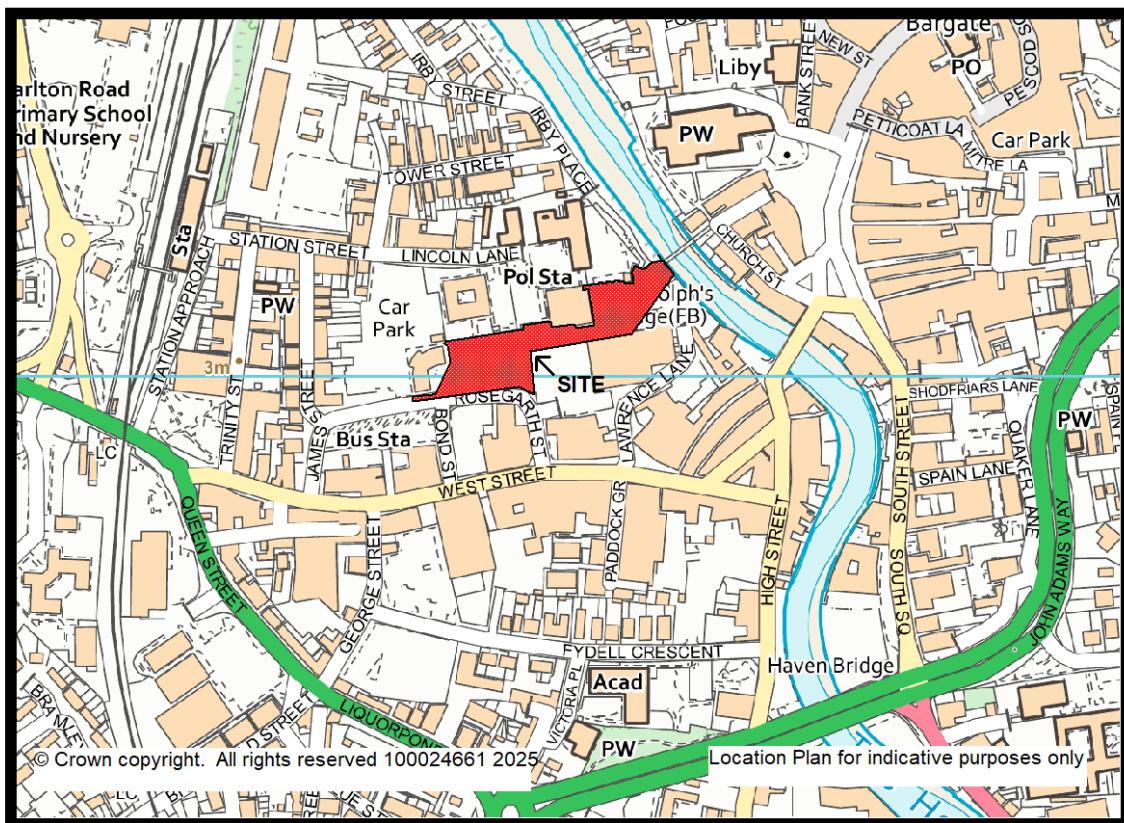
Applicant: Boston Borough Council, Public Open Space

Agent: Mr Louis Ashford, Ares Landscape Architects

Ward: Station Parish: Boston Town Area Committee

Case Officer: Lewis Humphreys Third Party Reps: 0

Recommendation: Approve subject to conditions



1.0 Reason for Report

- 1.1 The application has been referred to committee by the Assistant Director (Planning) for transparency as the proposal has been submitted by Boston Borough Council.

2.0 Application Site and Proposal

- 2.1 The site is an area of public realm within Boston Town Centre. It runs from the St Botolph's footbridge in the east to the Len Medlock centre to the west. The site comprises footways, landscaping, art installations with a bus/coach parking area towards the west of the site.
- 2.2 Works to redevelop the site have commenced and wider development works, including the demolition of Crown House and the former B&M store, and subsequent erection of a new building on the site of Crown House, are underway.
- 2.3 The Len Medlock Centre to the west, Boston Health Clinic to the northwest and Crown House and Boston Police Station to the north. Access to the existing bus and coach parking bays is via Rosegarth Street with the Bus Station further along this road to the west.
- 2.4 The site is within the designated Town Centre on Inset Map 1 of the Local Plan and adjoins the Boston Conservation Area which includes the River Witham and the St Botolph's Bridge. Notably the site is within the setting of the Grade I Listed St Botolph's Church.
- 2.5 The proposal seeks to approve a modified design to the previously approved 'Wave' installation and to agree details and minor modifications in relation to the landscaping proposals and management and maintenance plan for the landscaping.
- 2.6 The proposals also include the siting of the '5 Lamps' Listed Building towards the eastern end of the site, north of the proposed NHS Integrated Health Care Building. This is subject to a separate application for Listed Building Consent (ref: B/25/0312) which is also before the Planning Committee for determination.

3.0 Relevant History

- 3.1 B/25/0312 - Listed Building Consent for relocation and renovation of the 5 lamps listed monument to the new public realm scheme – Not yet determined
- 3.2 B/25/0132 - Proposed three storey building for integrated health and care centre to provide a range of essential services - Approved
- 3.3 B/24/0476 - Construction of new mixed use building consisting of 4no Class E retail units at ground floor level and 18no class C3 apartment dwellings on first and second floor and new landscaping and external works including parking, refuse stores, cycle storage and public toilet block – Approved

- 3.4 B/24/0475 - Prior Notification under Schedule 2, Part 11, Class B of The Town and Country Planning (General Permitted Development) (England) Order 2016 for the demolition of former government office building – Approved
- 3.5 B/24/0474 - Prior Notification under Schedule 2, Part 11, Class B of The Town and Country Planning (General Permitted Development) (England) Order 2015 for the demolition of former retail building – Approved
- 3.6 B/24/0377 - Redevelopment to provide a new public realm space, including: existing artwork relocation and new artwork installation, external social spaces and new entrance/drop off for Len Medlock – Approved

4.0 Relevant Policy

South East Lincolnshire Local Plan

- 4.1 The following policies contained within the South East Lincolnshire Local Plan (2019) (i.e. SELLP) are relevant to this application:
- Policy 1 – Spatial Strategy
 - Policy 2 – Development Management
 - Policy 3 – Design of New Development
 - Policy 4 – Approach to Flood Risk
 - Policy 9 – Promoting a Stronger Visitor Economy
 - Policy 25 – Supporting the Vitality and Viability of Boston and Spalding Town Centres
 - Policy 28 – The Natural Environment
 - Policy 29 – The Historic Environment
 - Policy 32 – Climate Change and Renewable and Low Carbon Energy
 - Policy 34 – Delivering a More Sustainable Transport Network

National Planning Policy Framework

- 4.2 At the heart of the 2024 Framework is a presumption in favour of sustainable development.

National Planning Practice Guidance

Town and Country Planning (Listed Building and Conservation Areas) Act 1990

National Design Guide

5.0 Representations

- 5.1 No representations have been received from third parties as a result of publicity.

6.0 Consultations

- 6.1 BBC Conservation Officer – None received at the time of writing

- 6.2 BBC Ecology – None received at the time of writing
- 6.3 BBC Environmental Health – No objections
- 6.4 LCC Highways and SuDS – No objections
- 6.5 Black Sluice Internal Drainage Board - None received at the time of writing

7.0 Planning Issues and Discussions

7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that the determination of a planning application shall be made in accordance with the Development Plan. As an application under S.73 the only matters that can be considered are those which directly relate to the conditions and the principle of development cannot be revisited. The key issues in the determination of this application are:

- Impact on the Historic Environment
- Biodiversity

Impact on the Historic Environment

- 7.2 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.
- 7.3 Policy 29 of the South East Lincolnshire Local Plan (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.
- 7.4 The site is adjacent the Boston Conservation Area and sits within its setting. There are a number of Listed Buildings within the wider vicinity of the site, these are primarily across the River Witham but there are a number on High Street, West Street and Bridge Street south east of the site and Irby House and 1 Tower Street north of the site beyond the Boston Police Station. Of these, Heritage Lincolnshire have identified the Grade I Listed St Botolph's Church and the Grade II Listed Buildings along Church Street that the site sits within the setting of.
- 7.5 The previous scheme approved under planning permission ref: B/24/0377, was considered to be an enhancement to the significance of the above Listed Buildings and the Boston Conservation Area.
- 7.6 This current proposal involves a revised design for 'The Wave' installation, minor amendments to the landscape proposals, and the relocation of the '5 Lamps' Listed Building from its current location off Liqourpond Street to the eastern end of this site.

- 7.7 The proposed design changes to 'The Wave' would reduce the proposal in height; change the design from two arches to a single arch; and change the materials and permeability of the structure. The proposals may be seen to reduce the quality of the approved design, however, within the context of the wider regeneration scheme it is considered the proposals still enhance the significance of the heritage assets and the adjacent built heritage environment.
- 7.8 The minor revisions to the landscape are to accommodate the proposed siting of '5 Lamps' within the site, which has necessitated amendments to the proposed tree planting. These changes would not impact upon the significance of the heritage assets, nor adversely affect their appearance, setting or character.
- 7.9 The proposal to site the '5 Lamps' Listed Building within the site is technically considered to be the demolition of a listed building. A separate application for listed building consent (ref: B/25/0312) covers the proposed removal, however, the proposed siting should be assessed and considered as part of this application.
- 7.10 The current siting of the Lamp is not its original location, and it was initially sited within the Market Place. The proposed siting does not restore the Lamp to its original location but does bring it closer to that location and along a main pedestrian throughfare to Market Place. As such, it cannot be reasonably said that principally, the proposed relocation of the lamp would result in substantial harm to this heritage asset or to the wider historic environment.
- 7.11 The application is not accompanied by an assessment of the impact upon the significance of the nearby assets and, furthermore, the wider character of the redevelopment area is quite modern. The Conservation Officer has highlighted the potential for the Lamp to be out of place in this location and lacking in context or interpretation. As a result of this, an indicative interpretation board has been submitted, while the exact detail is not presently before the Local Planning Authority for consideration, this could provide a context to not only the current siting but also the significant history within the town centre preceding that move. As such, it is considered appropriate to secure the final details and specification of the interpretation board through the imposition of a condition should consent be granted.
- 7.12 It is noted that the siting is currently under a tree, this is proposed to be removed as part of the wider redevelopment. A replacement is to be planted nearby that has the potential to grow to disrupt views of the Lamp from the west, however, through careful management and maintenance this could be mitigated against. This matter would be within the gift of Boston Borough Council to control and manage as the applicant/landowners
- 7.13 The previous scheme was subject to Archaeological investigations, the details of which has been agreed via condition and partially implemented. The proposals would not materially alter the impacts on the features of archaeological significance.
- 7.14 For the reasons detailed above, it is considered that the proposed development would result in no significant or substantial harm being caused to this local heritage asset or to the wider historic built environment. As such, the proposal would accord with the

requirements of Policy 29 of the SELLP and with Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Biodiversity

- 7.15 Schedule 7A of the Town and Country Planning Act has introduced a requirement for developments to provide a mandatory 10% uplift in biodiversity on sites. Planning Permission was granted under B/24/0377 subject to a requirement to submit a biodiversity gain plan, in accordance with this requirement.
- 7.16 A gain plan was subsequently submitted and agreed under application B/24/0377/CD1. The gain plan approved at that stage had a total of 3.10 habitat units. The revised proposal shows 2.69 habitat units. As the proposals affect the post-development biodiversity value of the site then the PPG indicates that a new gain plan should be submitted and approved prior to the commencement of this permission, as such the condition should be reimposed.
- 7.17 It is noted that that approval had a baseline of 2.59 habitat units, and the baseline on the current proposal has a baseline of 2.44 units. It is understood that this reduction is due to the inclusion of trees which had died and should not have been counted in the original baseline. This rationale is accepted and the revised baseline agreed. The proposals show a 10% gain can be achieved on site through the proposals subject to a gain plan.
- 7.18 A condition on the previous permission secured the submission of a 30 year habitat management and monitoring plan. This document has not yet been received and therefore the condition is reimposed.
- 7.19 Therefore, for the reasons detailed above, despite the changes proposed, the scheme would still deliver the appropriate uplift in BNG and would not result in adverse harm being caused to the natural environment. As such, the development continues to accord with the requirements of 7.147.15 Schedule 7A of the Town and Country Planning Act.

8.0 Summary and Conclusion

- 8.1 The proposed revisions to the wave, changes to the approved landscape scheme and siting of the '5 Lamps' Listed Building would still enhance the significance of the heritage assets and wider character of the area and would accord with Policy 29 of the Local Plan. Furthermore, the proposals would still be compliant with the requirements in terms of BNG but a further gain plan is required due to the reduction in post-development biodiversity value.
- 8.2 Overall, the proposals are considered to accord with Local Plan as a whole, the National Planning Policy Framework and Planning (Listed Buildings and Conservation Areas) Act 1990 and the application is recommended for approval subject to conditions.

9.0 Recommendation

9.1 It is recommended that Committee approve the application subject to the following conditions:

CONDITIONS / REASONS	
Pre-commencement conditions?	n/a Agreed with applicant/agent - Date:
1	<p>The development hereby permitted must be begun not later than the expiration of three years from the 5th November 2024 and the grant of planning permission B/24/0377</p> <p>Reason: Required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004.</p>
2	<p>The development hereby permitted shall only be undertaken in accordance with the following approved plans;</p> <ul style="list-style-type: none"> ▪ Drawing No. 831-ALA-XX-XX-DR-L-9005 Rev PL01 - Site Location Plan ▪ Drawing No. 831-ALA-XX-XX-DR-L-9021 Rev C06 - Landscape General Arrangement ▪ Drawing No. 831-ALA-XX-XX-DR-L-9022 Rev C06 - Detailed Landscape General Arrangement 1 ▪ Drawing No. 831-ALA-XX-XX-DR-L-9023 Rev C06 - Detailed Landscape General Arrangement 2 ▪ Drawing No. 831-ALA-XX-XX-DR-L-9024 Rev C08 – Kerbs and Edges 1 of 2 ▪ Drawing No. 831-ALA-XX-XX-DR-L-9025 Rev C08 – Kerbs and Edges 2 of 2 ▪ Drawing No. 831-ALA-XX-XX-DR-L-9029 Rev C05 – Tree Planting Plan 1 of 2 ▪ Drawing No. 831-ALA-XX-XX-DR-L-9030 Rev C05 – Tree Planting Plan 2 of 2 ▪ Drawing No. 831-ALA-XX-XX-DR-L-9038 Rev C05 – Planting Plan 1 of 2 ▪ Drawing No. 831-ALA-XX-XX-DR-L-9039 Rev C06 – Planting Plan 2 of 2 ▪ Drawing No. 831-ALA-XX-XX-DR-L-9040 Rev C04 – Tree Retention and Removal Plan ▪ Drawing No. 831-ALA-XX-XX-DR-L-9041 Rev C02 – Site Section 1 of 2 ▪ Drawing No. 831-ALA-XX-XX-DR-L-9042 Rev C02 – Site Section 2 of 2 ▪ Drawing No. 831-ALA-XX-XX-DR-L-9053 Rev P01 – 5 Lamps Interpretation Board ▪ Drawing No. 831-ALA-XX-XX-DR-L-9504 Rev P03 – The Wave Sculpture Detail ▪ Drawing No. 831-ALA-XX-XX-DR-L-9524 Rev C03 – 5 Lamps Plinth Details 1 of 2 ▪ Drawing No. 831-ALA-XX-XX-DR-L-9525 Rev C04 – 5 Lamps Plinth Details 2 of 2 ▪ Drawing No. 831-ALA-XX-XX-DR-L-9526 Rev P01 – 5 Lamps Elevations ▪ Drawing No. RGS-DCE-XX-XX-DR-C-5000 Rev P01 - Drainage Strategy ▪ Drawing No. RGS-DCE-XX-XX-DR-C-8000 Rev P01 - Drainage Proposal <p>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.</p>
Pre-commencement conditions:	

3	<p>Development may not begin unless a biodiversity gain plan has been submitted to and approved by the Local Planning Authority. Thereafter, the development shall be undertaken in accordance with the approved plan.</p> <p>Reason: To comply with Schedule 7A of the Town and Country Planning Act (1990, as amended).</p>
<p>Conditions which apply during the course of and following completion of the development:</p>	
4	<p>The development shall be completed in accordance with the 30 year management and maintenance plan dated 19th December 2024 and the management plan shall be adhered to for its duration.</p> <p>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.</p>
5	<p>The scheme of hard and soft landscaping and tree planting shown on drawing No 831-ALA-XX-XX-DR-L-9022 Rev C06 and 831-ALA-XX-XX-DR-L-9023 Rev C06 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.</p> <p>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.</p>
6	<p>The development hereby permitted shall proceed in accordance with the drainage proposals detailed on Drawing No. RGS-DCE-XX-XX-DR-C-8000.</p> <p>Reason: To ensure that the site is adequately drained, to avoid pollution, and to prevent increased risk of flooding in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019 and national guidance contained within the National Planning Policy Framework 2024.</p>
7	<p>The archaeological site work shall only be undertaken in accordance with the approved written scheme, agreed as part of B/24/0377/CD2</p> <p>Reason: To ensure the implementation of an appropriate scheme of archaeological mitigation in accordance with national guidance contained in the National Planning Policy Framework, 2024 and in accordance with Policy 29 of the South East Lincolnshire Local Plan, 2019.</p>
8	<p>Prior to the installation of the '5 Lamps' pole, the final details of the proposed information board shall be submitted to an approved in writing by the Local Planning Authority. The Board shall be installed in accordance with the approved details prior to the development hereby permitted first being brought into use and retained thereafter.</p> <p>Reason: In the interests of preserving and enhancing the significance of the Listed Building in its new location, this condition is imposed in accordance with Policy 29 of the South East Lincolnshire Local Plan, 2019.</p>

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> <ul style="list-style-type: none"> (a) a Biodiversity Gain Plan has been submitted to the planning authority, and (b) the planning authority has approved the plan. <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</p> <p>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</p> <p>Under Section 73(2D) of the Town and Country Planning Act 1990 (as amended) where -</p> <ul style="list-style-type: none"> (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: <ul style="list-style-type: none"> (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. <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>

**INFORMATIVES / NOTES
TO BE INCLUDED ON/WITH DECISION NOTICE**

STATEMENT OF PROACTIVE WORKING:

In determining this application, the authority has taken account of the guidance in paragraph 38 of the National Planning Policy Framework 2024 in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the Borough.

PLANNING APPLICATION B 25 0269

Application type:

S73 - Major

Proposal:

Application under s73 for the Variation of Conditions 1 (Approved Drawings) of permission B/22/0393 (works already started)

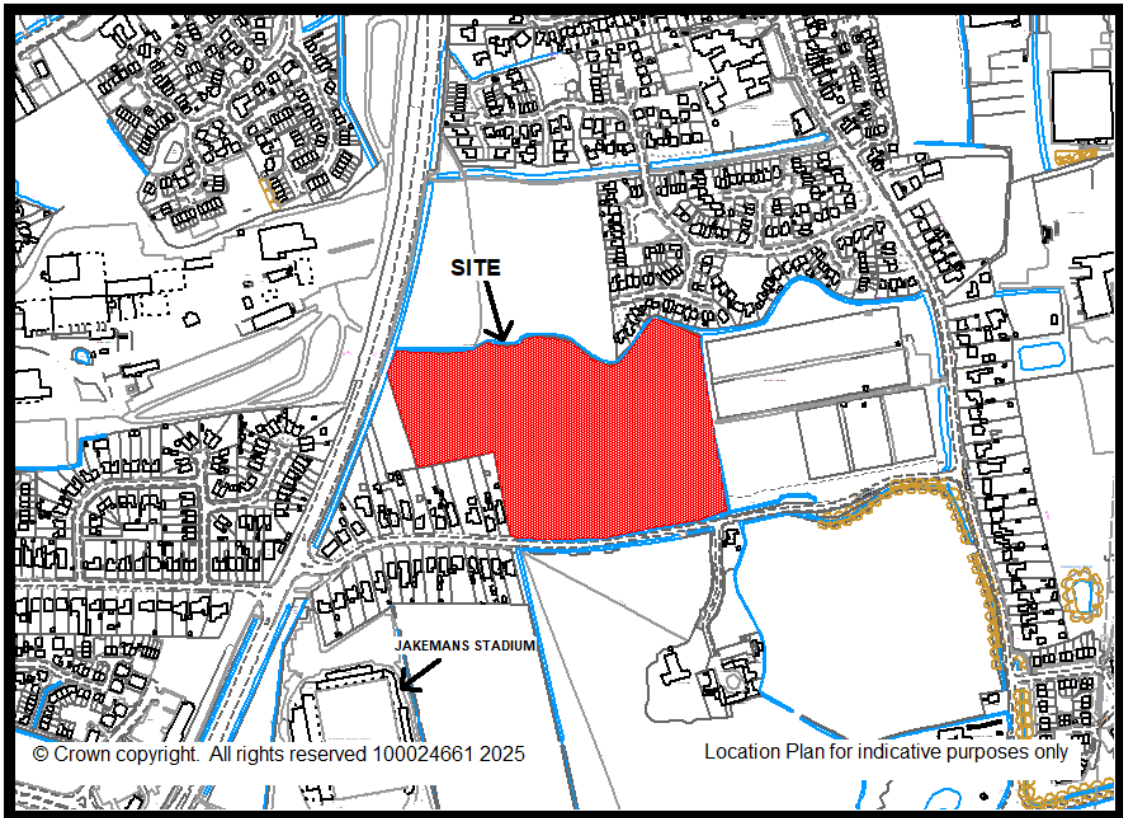
Location:

Land North of Tytton Lane East, Wyberton Boston PE21 7TD

Applicant:

Mr Steven Ibbotson, Cyden Homes Ltd

Agent:



BOSTON BOROUGH COUNCIL

Planning Committee - 13 Jan 2026

Reference No: B/25/0269

Expiry Date: 03-Oct-2025

Extension of Time: 16-Jan-2026

Application Type: S73 - Major

Proposal: Application under s73 for the Variation of Conditions 1 (Approved Drawings) of permission B/22/0393 (works already started)

Site: Land North of Tytton Lane East, Wyberton Boston PE21 7TD

Applicant: Mr Steven Ibbotson, Cyden Homes Ltd

Agent:

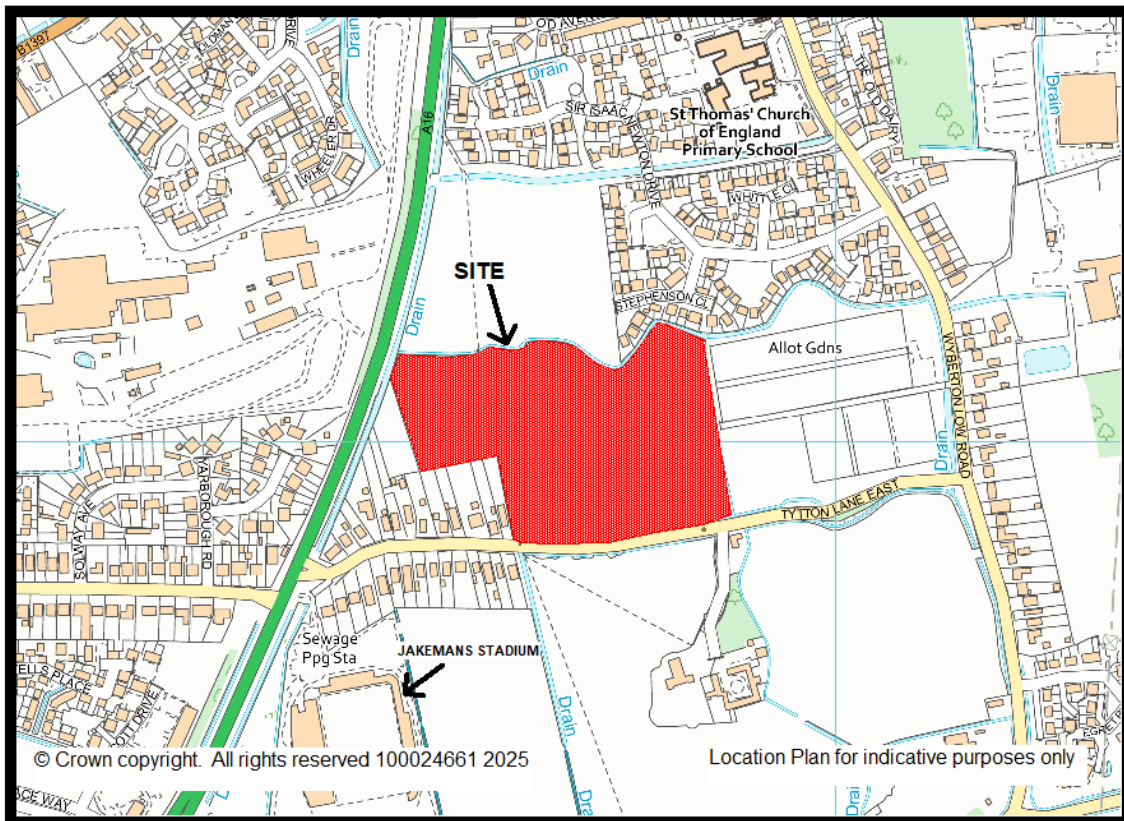
Ward: Wyberton

Parish: Boston Town Area Committee,
Wyberton Parish Council

Case Officer: Lewis Humphreys

Third Party Reps: 0

Recommendation: Approve with conditions and subject to a Deed of Variation



1.0 Reason for Report

- 1.1 The application has been called to committee by Councillor R. Austin for the following reasons:
- 1.2 To consider the objections raised by consultees in connection with the request to remove contributions

2.0 Application Site and Proposal

- 2.1 The application site a previously consented scheme for 132 houses that is currently under construction.
- 2.2 The site is located within the settlement boundary of Boston as defined on Inset Map 1 of the South East Lincolnshire Local Plan and lies to the east of the A16 and north of Tytton Lane East. There are residential properties along Tytton Lane East and allotments to the west off Wyberton Low Road. To the north is an agricultural field which is currently the subject of an outline planning application for 85 dwellings and a private hospital under reference (B/230355) and beyond that further built residential development.
- 2.3 The site is a housing allocation (WYB033) within the South East Lincolnshire Local Plan 2019.
- 2.4 The proposal seeks to make a number of changes to 4 of the approved house types, covering 23 plots in total. These are external design changes that do not increase the size of the approved dwellings.
- 2.5 Further to this the application has been accompanied by a viability appraisal that seeks to demonstrate the scheme is currently unviable due to the S.106 contributions and seeks a deed of variation.
- 2.6 The S.106 currently includes the following contributions:
- 20% on-site affordable housing (20 affordable rent and 6 intermediate tenure)
 - Education Contributions of £540,083 and indexation of £70,210
 - Health Contributions of £87,120 and indexation of £11,325
 - Monitoring Fees of £2500
- 2.7 The application is for the removal of all the contributions.

3.0 Relevant History

- 3.1 B/22/0393 - Approval of reserved matters (Access, Appearance, Landscaping, Layout and Scale) following approval B/20/0235 (Outline planning permission for 132 dwellings with all matters reserved): Approved 24/02/2023

- 3.2 B/20/0235 - Outline planning permission for 132 dwellings with all matters reserved (Access, Appearance, Landscaping, Layout and Scale): Approved June 2022.
- 3.3 B/23/0328 - Application under s257 for the diversion of Public Right Of Way Wybe1. to facilitate the reserved matters application B/22/0393 for 132 dwellings – Under consideration
- 3.4 B/25/0011 – Application for confirmation of compliance with condition 3 (commencement) of outline permission B/20/0235 - Agreed

4.0 Relevant Policy

South East Lincolnshire Local Plan

- 4.1 The following policies contained within the South East Lincolnshire Local Plan (2019) (i.e. SELLP) are relevant to this application:
- Policy 1: Spatial Strategy;
 - Policy 2: Development Management;
 - Policy 3: Design of New Development;
 - Policy 4: Approach to Flood Risk
 - Policy 5: Meeting physical infrastructure and service needs
 - Policy 6: Developer Contributions
 - Policy 10: Meeting Assessed Housing Requirements
 - Policy 11: Distribution of New Housing
 - Policy 17: Providing a Mix of Housing
 - Policy 18: Affordable Housing

National Planning Policy Framework

- 4.2 At the heart of the 2024 Framework is a presumption in favour of sustainable development. The following sections are relevant to this scheme:
- Section 2. Achieving sustainable development
- Section 4. Decision-making
- Section 5. Delivering a sufficient supply of homes
- Section 8. Promoting healthy and safe communities
- Section 9. Promoting sustainable transport
- Section 11. Making effective use of land
- Section 12. Achieving well-designed places
- Section 14. Meeting the challenge of climate change, flooding and coastal change

National Planning Practice Guidance (PPG)

National Design Guide 2021

5.0 Representations

- 5.1 No representations have been received from third parties as a result of publicity.

6.0 Consultations

- 6.1 Parish Council – Object - The councillors cannot find any plans for a road upgrade for Tytton Lane East. We have previously discussed this issue in a council meeting, as Tytton Lane East appears to be the only exit road; it will need relaying, widening, new footpaths, cycle lanes and bus stops. We can see plans for a short piece of cycle lane in front of the housing estate. The road is in poor condition as it is. It will struggle to cope with the extra traffic.
- 6.2 BBC Housing Strategy – We have reviewed the attached documents and we accept the findings of the review by CP Viability Ltd that no affordable housing contribution is currently viable. This is subject to a clawback clause being included in the Deed of Variation requiring a re-appraisal when the scheme is completed in case the proposal generates greater values than currently expected.
- 6.3 BBC Conservation Officer – None received
- 6.4 BBC Environmental Health – No objections
- 6.5 BBC Waste - None received
- 6.6 LCC Highways and SuDS – No objection
- 6.7 LCC Education – Object - the development proposal will not provide any of the necessary mitigation that has been requested to increase primary, secondary and sixth form capacity to accommodate the children generated by the development. We have looked at the data that would be used if consulted today on the same development and the position is that demand has increased as now the local primary school is also predicted to be over the 95% FULL marker now. We have also looked at the secondary and sixth form and that position of the planning area being FULL is very much still the case. Objection is in line with NPPF para 100, Department for Education guidance, Local Plan policy 6, and National Planning Practice Guidance.
- With the number of developments in the area already no longer providing education mitigation there is a serious risk to education provision within the planning area for these developments and risks creating communities which are not sustainable.
- 6.8 LCC Infrastructure – Object – Following the changes the proposal would not be policy compliant, it would be contrary to para 100 and 101 of the NPPF and Policy 5 of the Local Plan. As an allocated site there is an expectation that the proposed development will be policy compliant and support the objectives of the plan.
- 6.9 LCC Planning Obligations – Object - the development will not provide any of the necessary mitigation that has been previously agreed. This includes the contribution that supports the monitoring of the site travel plan, to be provided in accordance with condition 11 of the outline permission reference B/20/0235. Without effective monitoring the development does not meet the requirements of paragraph 118 of the NPPF (December 2024). There is a clear expectation that travel plans should be

assessed and monitored, in order to ensure the delivery of developments that promote sustainable transport.

6.10 LCC Public Rights of Way – None received

6.11 NHS – Object - It is our opinion that this removal of the section 106 contributions for healthcare prevents the fulfilment of the obligations under the Section 106 of the Town and Country Planning Act 1990 (amended 2019). Furthermore, we consider it fails all three tests under the Act.

6.12 Environment Agency – No comments

6.13 Anglian Water – No comments

6.14 Lincolnshire Wildlife Trust - None received

6.15 Black Sluice IDB - None received

7.0 Planning Issues and Discussions

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

- The impacts of the proposed design changes
- Viability and developer contributions

The impacts of the proposed design changes

7.2 Policy 2 states that proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met. These include size, scale, layout, density and impact on the amenity, trees, character and appearance of the area and the relationship to existing development and land uses as well as the quality of its design and its orientation. Policy 3 states that all development proposals will create a sense of place by; respecting the density, scale, visual closure, landmarks, views, massing of neighbouring buildings and the surrounding area. Policies 2, 3 and 30 of the SELLP seek to ensure that new development does not significantly impact neighbouring land uses by reason of noise, odour, disturbance, or visual intrusion.

7.3 Paragraph 136 of the NPPF advocates that where a development is a poor design that fails to take the opportunities available to improve the character and quality of an area planning permission should be refused.

7.4 The proposal makes a number of minor design changes to a number of plots. These changes are relatively minor, and include the loss of chimneys and changes in window design and placement. In and of themselves, these changes do not significantly impact the quality of design of the development as a whole or the impacts of the development on the wider character of the area or wider neighbour amenity.

7.5 Within the development itself, the loss of chimneys on plots 11, 29 and 130 may be seen as minor reduction in the quality of design but not to such an extent as to cause harm or to be contrary to policy. The revised windows would not alter the impacts on amenity of dwellings within the development and again are very minor revisions.

7.6 Overall, the proposal would be compliant with Policies 2 and 3 of the Local Plan and would not impact the considerations of the scheme against other Local Plan policies.

Viability and developer contributions

7.7 The notable difference in this scheme to the previously approved scheme and the key consideration in the determination of this application is that this proposal seeks permission without some of the mitigations secured by the agreed S.106 legal agreement accompanying B/20/0235.

7.8 That legal agreement secured:

- 20% on-site affordable housing (20 affordable rent and 6 intermediate tenure)
- Education Contributions of £540,083 and indexation of £70,210
- Health Contributions of £87,120 and indexation of £11,325
- Monitoring Fees of £2500
- Ongoing management of open space

7.9 Policy 6 of the Local Plan sets out that developers should either make direct provision or contribute towards the provision of local and strategic infrastructure and services. It goes on to state that contributions will be determined having regard to:

- the identified needs generated by the proposed development;
- the viability of the proposed development; and
- the priorities attached to meeting individual local and strategic infrastructure and service requirements

7.10 Paragraph 59 of the National Planning Policy Framework sets out that it is up to a developer to justify the need for a viability assessment at the application stage and the weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case.

7.11 Appendix 5 of the Local Plan sets out the infrastructure requirements and constraints and mitigation for allocations. For all sites within Boston it sets out:

- Primary education – the town’s primary schools are effectively at capacity, and 3.5 additional Forms of Entry (FE) will be required to accommodate additional needs to 2036. These needs are intended to be met by: the expansion of Boston St Nicholas CE Primary by 0.5 FE; the expansion of Boston West Academy by 1.0 FE; and the provision of a new 2FE primary school within the South West Quadrant Sustainable Urban Extension (Sou006).
- Secondary and sixth form education – there is no capacity in the town’s secondary schools, and 700 school places (including 165 sixth form places) will be required to accommodate additional needs to 2036. These needs will be met

by the provision of a new secondary school on a site yet to be identified close to the South of North Forty Foot (Wes002) Sustainable Urban Extension.

- Health – there is capacity in the short to medium term at the town’s GP surgeries to accommodate additional patients but, in the long term, a new GP surgery may be required to accommodate additional patients.

- 7.12 It goes on to make specific comments for the allocation Wyb033 relating to access, highways and foul and surface water drainage but makes no specific comments in terms of health, education or affordable housing provisions.
- 7.13 This application has been accompanied by a viability appraisal that concludes that the scheme would not be viable to be delivered and that the removal of the financial obligations would reduce the gap funding needed to deliver the scheme. That appraisal has been the subject of an independent assessment. That assessment found that, with no S.106 contributions, the residual land value would be £1,089,375 and below the benchmark land value of £1,590,000 and concludes that there would be a justification for removing the S.106 contributions.
- 7.14 The independent assessment identified two key factors for the poor viability on the site, first poor sales values in the local area combined with rising construction costs but this is identified as a factor impacting schemes across the country.
- 7.15 The second factor is a significant level of abnormal costs associated with this proposal. The independent assessment includes an assessment of these abnormal costs carried out by a cost consultant, this reduced the value of the abnormal costs from £5,172,316 to £3,026,137, a significant portion of which is required due the foundations required for the proposed dwellings.
- 7.16 Overall, the findings within the independent assessment are accepted and it is considered that the scheme is not viable with any level of developer contributions
- 7.17 The independent assessment included within it sensitivity testing on changes to expected sales rates and construction costs. Achieving a value above the benchmark land value would require costs to be 5% lower than expected, sales values 5% higher than predicted or some combinations of these.
- 7.18 There is a clearly identified impact from the proposal to health and education infrastructure, as evidenced by the comments from LCC and from the NHS. This is not disputed, and the development proceeding without these contributions would have a clearly identified harm in failing to mitigate these impacts.
- 7.19 In terms of affordable housing, we have not received an objection from the housing strategy team on this matter. There is an identified need within Boston, although weight is given the acceptance of the independent assessment by the housing strategy team.
- 7.20 It is noted the S.106 includes fairly minimal requests in terms of monitoring of the S.106 itself and the Travel Plan. The agreement also includes provisions relating to the ongoing management of the open space. A request has been put to the developer to

retain these provisions and members will be updated should a response be received. The open space management can be secured by condition, if necessary.

7.21 Policy 6 sets out that consideration should be given to the viability of the proposed development and as such, there is a policy position that supports agreeing a deed of variation to the S.106 agreement to remove these obligations.

7.22 Since the grant of the previous consent, Boston Borough can no longer demonstrate a 5 year housing land supply as of 31st March 2025 and has a 4.6 year supply, with a shortfall of 194 units. Paragraph 11 of the NPPF and its associated footnotes sets out where a 5 year land supply cannot be demonstrated, restrictive housing policies with the Local Plan are to be considered out of date. It goes on to state that:

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date⁸, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance⁷ 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 combination⁹

7.23 As this application is made under S.73, it is not for this application to revisit the principle of development, i.e. whether the principle of housing on this site is acceptable. It is, however, material to consider whether the impacts of granting this consent without contributions would ‘significantly and demonstrably outweigh the benefits’ of the proposal. Weight should also be given to the above viability position, and the contribution this site makes to the 5 year land supply (in which it has already been counted) and the possibility that should the viability position not be accepted then the site may not be delivered.

7.24 It is the view of officer’s that the benefits to housing delivery do outweigh the harms arising to health and education infrastructure from the proposal and therefore the proposal would be compliant with Policy 6 and the wider Local Plan. Given the above sensitivity testing and the loss of all contributions, it is recommended that any deed of variation include within it a clause to clawback some contributions as a percentage of the added value should the scheme prove more viable than expected.

8.0 Summary and Conclusion

8.1 The physical changes to the proposal, arising from the changes in house type, are considered to comply with Policies 2 and 3 of the Local Plan and the wider Local Plan as a whole. As a S.73 to a reserved matters application the grant of consent results in the creation of a new planning permission, therefore relevant conditions from both the outline and the reserved matters are included below.

8.2 Additionally, it is recommended that a deed of variation be entered into that does not include the contributions in connection with health, education, and affordable housing previously included within the agreement associated with B/20/0235 on the basis of the agreed viability position and in accordance with Policy 6 of the Local Plan and that the benefits of the delivery of housing on this site outweigh the harms arising from the impact on health and education infrastructure subject to a provision within the Deed of Variation to secure a clawback on any additional revenue.

9.0 Recommendation

9.1 Approve with conditions subject to the signing of a revised S.106 agreement

CONDITIONS / REASONS			
Pre-commencement conditions?	n/a	Agreed with applicant/agent - Date:	
1	<p>The development hereby permitted must be begun not later than the 24th February 2025.</p> <p>Reason: Required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004 and to accord with Planning Permissions B/20/0235 and B/22/0393.</p>		
2	<p>The development hereby permitted shall be carried out in accordance with the following approved plans and documents:</p> <ul style="list-style-type: none"> ▪ Drwg no 184/002 Rev H Proposed Layout - Reserved Matters ▪ Drawing No. 184/011 PROW and Cycle path provision ▪ Drwg no 184/120 Garages Sheet 1 of 2 Home Office Studios ▪ Drwg no 184/121 Garages Sheet 2 of 2 Garages & Pump Station ▪ Drwg no 184/101 House Type dH402 Plots 1, 3, 14, 15, 73, 74, 76, 77, 78, 80, 81, 91, 92, 118 & 119 ▪ Drwg no 184/102 House Type dH401 Plots 30, 31, 38, 39, 66, 67, 68, 70, 71, 75, 79, 99, 100, 101, 107, 108 & 109 ▪ Drwg no 184/103 House Type dH403 Plots 69, 83, 97 & 128 ▪ Drwg no 184/104 House Type dH404 Plots 5, 6, 12, 13, 72, 82, 98 & 102 ▪ Drwg no 184/105 House Type dH408 Plots 16, 84, 96, 104 & 131 ▪ Drwg no 184/106 House Type dH409 plots 2, 10, 120 & 132 ▪ Drwg no 184/107 Rev A House Type dH418 Plots 11, 29 & 130 ▪ Drwg no 184/108 House Type dH420 Plots 4, 7, 93, 103 & 129 ▪ Drwg no 184/109 House Type dH422 Plot 120 ▪ Drwg no 184/110 House Type sH430 Plot 25-26 ▪ Drwg no 184/111 House Type sH303 Plot 27-28, 54-55, 110-111 & 126-127 ▪ Drwg no 184/112 House Type sH304 Plot 105 & 106 ▪ Drwg no 184/113 House Type sH322 Plots 8-9, 34-35, 56-57, 85-86, 87-88 & 116-117 ▪ Drwg no 184/114 House Type sH329-322 Plots 32-33, 89-90, 94-95. House type sH322-329 Plots 36-37, 52-53 ▪ Drwg no 184/116 Rev A House Type tH303-302-201-303 Plots 48-51, 58-61, 62-65, 112-115 ▪ Drwg no 184/117 House Type tH205-302-201-201 Plots 40-43, 122-125 ▪ Drwg no 184/118 Rev A House Type tH201-201-202-205 Plots 44-47 		

	<ul style="list-style-type: none"> ▪ Drwg no 184/119 Rev A House Type Ground Floor sgF112 Plots 17, 20, 21, 24 House Type First Floor sfF113 Plots 18, 19, 22, 23 ▪ Drwg no 184/012 Proposed Site Levels ▪ Drawing no 184/004 Rev B Landscape & Biodiversity Layout Plan ▪ Drwg no 184/005 Materials Layout Plan <p>Reason: To ensure that the development is carried out in accordance with approved plans in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan 2019.</p>
3	<p>The development shall proceed in strict accordance with Written Scheme of Investigation agreed as part of B/20/0235/CD1, including measures relating to the submission and agreement of final reports where necessary and the provision for archives deposition.</p> <p>Reason: To ensure that a suitable programme of archaeological investigation is implemented prior to the commencement of any construction works in order to record and advance the understanding of the archaeological and historical significance of the site for archival and research purposes in accordance with the requirements of Policies 2 and 29 of the South East Lincolnshire Local Plan 2019.</p>
4	<p>The development shall proceed in strict accordance with Construction Management Plan agreed as part of B/20/0235/CD1.</p> <p>Reason: To satisfy Policy 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.</p>
5	<p>The development shall proceed in strict accordance with Surface Water Drainage Scheme agreed as part of B/20/0235/CD2.</p> <p>The development shall be carried out in accordance with the approved drainage scheme and no dwelling shall be occupied until the approved scheme has been completed or provided on the site in accordance with the approved phasing. The approved scheme shall be retained and maintained in full in accordance with the approved details.</p> <p>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.</p>
6	<p>The development hereby approved shall be undertaken in complete accordance with the biodiversity measures shown on drawing no 184/004 Rev B Landscape & Biodiversity Layout Plan. The measures shall be implemented prior to occupation of the dwelling to which it relates and retained in perpetuity thereafter.</p> <p>Reason: In the interests of biodiversity and in accordance with Policy 28 of the South East Lincolnshire Local Plan 2019.</p>

7	<p>The development hereby approved shall be carried out in strict accordance with the tree and hedgerow protection measures detailed in the Arboricultural Report dated 27th February 2020, unless otherwise agreed in writing by the Local Planning Authority before any clearance or development takes place (whichever is sooner). The identified tree protection measures shall be implemented before any development takes place and maintained as such thereafter for the entirety of the construction period.</p> <p>Reason: To ensure that adequate measures are put in place to protect existing trees which are to be retained as part of the development before any construction works commence in accordance with the requirements of 2, 3 and 28 of the South East Lincolnshire Local Plan 2019.</p>
8	<p>The development shall proceed in strict accordance with Travel Plan agreed as part of B/20/0235/CD1.</p> <p>Reason: The Travel Plan is conditioned to ensure that access to the site is sustainable and reduces dependency on the car in accordance with Policies 2, 31 and 33 of the South East Lincolnshire Local Plan 2019.</p>
9	<p>The details in relation to the Public Right of Way and Cycle path shall be implemented in accordance with Drawing no 184/011 PRow and Cycle Path Provision prior to the occupation of the first dwelling on the site.</p> <p>The details hereby approved shall be retained in perpetuity thereafter.</p> <p>Reason: In the interests of pedestrian and cycle connectivity in accordance with Policy 2, 3 and 32 of the South East Lincolnshire Local Plan 2019.</p>
10	<p>The development shall proceed in strict accordance with Supplementary Transport Assessment agreed as part of B/20/0235/CD2.</p> <p>Reason: In the interests of safe and suitable pedestrian connectivity, to facilitate, as far as is possible, a safe and suitable pedestrian route between the development hereby permitted, the existing footway on Stephenson Close, the wider footway network on Wyberton Low Road and access between the application site and the Allotments. This would ensure the development accords with Policy 2, 32 and 33 of the South East Lincolnshire Local Plan 2019.</p>
11	<p>The development shall proceed in accordance with the EV Charging Point Statement agreed as part of B/20/0235/CD1.</p> <p>Reason: To help reduce pollution and promote renewable and low carbon energy in new development schemes and to accord with Policies 2, 3, 30 and 31 of the South East Lincolnshire Local Plan 2019 and to accord with the intentions of the National Planning Policy Framework 2024.</p>
12	<p>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.</p> <p>The person carrying out the work must inform the Building Control Body that this duty applies.</p>

	<p>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.</p> <p>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.</p>
13	<p>The scheme of landscaping and tree planting shown on dwg. no. 184/004 Rev B Landscape & Biodiversity Layout Plan shall be carried out and completed in its entirety during the first planting season following practical completion of the development. All trees, shrubs and bushes shall thereafter be maintained in accordance with the Landscape Management & Maintenance Plan agreed as part of B/20/0235/CD1.</p> <p>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.</p>
14	<p>The development hereby approved shall be carried out in full accordance with the measures (including their timetable for implementation) detailed within the Ecology and Protected Species Survey – prepared by Helen Scarborough June 2020.</p> <p>If any development has not commenced within 12 months of this permission then no development and/or site clearance shall take place until further survey(s) have been undertaken to establish whether features/habitats on the site are utilised by protected/unprotected species of wildlife and the results submitted to and approved in writing by the Local Planning Authority.</p> <p>Any further survey(s) shall take place during the optimum period for wildlife activity (generally between March to September). If such a use is established, then no development shall take place until a comprehensive method statement indicating how the species are to be safeguarded during the construction period and how appropriate mitigation measures (including habitat compensation and enhancement) are to be incorporated into the development has been submitted to and approved in writing by the Local Planning Authority.</p> <p>The duly approved method statement shall be implemented in full accordance with the details, recommendations and timescales contained therein and any mitigation measures shall be fully implemented before any of the dwellings hereby approved are first occupied, and retained as such thereafter.</p> <p>Reason: To ensure that appropriate measures are taken to establish whether habitats on the site which are suitable to support protected species are (or become) used by these species in cases where development is delayed, and to ensure that adequate mitigation measures are introduced as part of the development in order that it does not adversely affect the favourable conservation status of any protected species in accordance with Policy 28 of the South East Lincolnshire Local Plan 2019.</p>
15	<p>Remediation of the site shall be carried out in accordance with the approved remediation strategy as agreed as part of B/20/0235/CD1. No deviation shall be made from this scheme without the express written agreement of the Local Planning Authority.</p>

	Reason: To ensure site remediation is carried out to the agreed protocol and to accord with Policies 2 and 30 of the South East Lincolnshire Local Plan 2019.
16	<p>On completion of remediation, two copies of a closure report shall be submitted to the Local Planning Authority. The report shall provide validation and certification that the required works regarding contamination have been carried out in accordance with the approved Method Statement(s). Post remediation sampling and monitoring results shall be included in the closure report.</p> <p>Reason: To provide verification that the required remediation has been carried out to the required standards and to accord with Policy 2 and 30 of the South East Lincolnshire Local Plan 2019.</p>
17	<p>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.</p> <p>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.</p>
18	<p>The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) February 2020/Version 1/RM Associates and the following mitigation measures detailed within the FRA:</p> <ul style="list-style-type: none"> ▪ Finished floor levels to be set no lower than 3.5m above Ordnance Datum (AOD) ▪ The development to have at least two storeys ▪ Demountable defences to be provided to a height of 600mm to cover all ground floor doors ▪ Flood resilience and resistance measures to be incorporated into the proposed development as stated <p>The mitigation measures shall be fully implemented prior to occupation and subsequently remain in place.</p> <p>Reason: To reduce the risk of flooding to the proposed development and future occupants in accordance with Policy 4 of the South East Lincolnshire Local Plan 2019.</p>
19	<p>The development hereby approved shall be undertaken in accordance with the Acoustic Assessment Report P22-287-R01v1 July 2022.</p> <p>The recommendations of the acoustic report shall be implemented in full prior to the occupation of plots 14-27 inclusive and shall be retained in perpetuity thereafter.</p> <p>Reason: In the interests of residential amenity in accordance with Policy 2, 3, and 30 of the South East Lincolnshire Local Plan 2019.</p>
20	<p>The development hereby approved shall be carried out in accordance with the materials specified within the application form and following drawings:</p> <ul style="list-style-type: none"> ▪ Drwg no 184/005 Materials Layout Plan

	<p>The materials shall be implemented and thereafter retained as approved unless otherwise agreed in writing by the Local Planning Authority.</p> <p>Reason: In the interests of visual amenity and character in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan 2019.</p>
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BNG doesn't apply	
No-BNG1	<p>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:</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>Under Regulation 4 of the Biodiversity Gain Requirements (Exemptions) Regulations 2024 the statutory biodiversity gain condition required by Schedule 7A to the Town and Country Planning Act 1990 (as amended) does not apply in relation to planning permission for development which:</p> <p>(a) the original planning permission (a planning permission which is the first in a sequence of two or more planning permissions, where the second and any subsequent planning permissions are section 73 planning permissions) to which the section 73 planning permission relates was granted before 12th February 2024; or (b) the application for the original planning permission to which the section 73 planning permission relates was made before 12th February 2024.</p> <p>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.</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 -</p> <p>(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:</p> <p>(i) do not affect the post-development value of the onsite habitat as specified in</p>

	<p>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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Report To:	Planning Committee
Date:	13 January 2026
Subject:	Appeal Decisions
Purpose:	The purpose of this report is to advise members of the receipt of appeal decisions received since the previous report (dated Oct 202) and highlight any key decisions or themes arising.
Key Decision:	N/A
Portfolio Holder:	Councillor Chris Mountain: Portfolio Holder - Infrastructure
Report Author:	Lewis Humphreys – Principal Planning Officer
Ward(s) Affected:	All
Exempt Report:	No

Summary

The purpose of this report is to advise members of the receipt of appeal decisions received since the previous report (dated Oct 2024) and highlight any key decisions or themes arising.

Recommendations

The Committee are asked to note this report and the decisions attached.

Reasons for Recommendations

To provide an update on Appeal performance/outcomes; and pick up any key learning around planning policy or approach to decision making in order to ensure quality of decisions in future.

1. Background

- 1.1 It is established practice that all appeal decisions are reported to Planning Committee as part of performance monitoring and to consider if any particular decisions raise issues which might influence practice or future decision making.
- 1.2 All applicants have a right of appeal against the decision of the planning authority, over a refusal, an approval with conditions (if the conditions are unacceptable to the applicant) and in cases of 'non-determination' where the authority has not issued a decision within the prescribed 8 or 13-week period without an agreed 'extension of time'. The right of appeal applies to all categories and types of applications – including Enforcement and other Notices where there are defined categories or grounds of appeal which an appellant has to follow
- 1.3 Decisions are published on our website and are circulated to Members when received as part of the weekly list.

2. Report

- 2.1 There have been 11 Appeals since the last report to Members, which comprises of 10 planning decision appeals and 1 enforcement notice appeals. Of these 8 appeals were dismissed, 2 were allowed, and an enforcement notice was upheld.
- 2.2 Of the appeal decisions received by the Local Planning Authority, a summary of the cases and important points are below.
- 2.3 Also included within this report is a summary of the reasons not to contest an on-going appeal

Planning decision appeals

Location	Beck Barn, New Hammond Beck Road, Wyberton, Boston, PE21 7JD
Reference	B/23/0395
Proposal	Outline erection of 2 dwellings with all matters reserved
Delegated/Committee	Delegated
Appeal Decision	Dismissed
Appeal Date	20/12/2024

2.4 Summary:

The application related to the erection of two dwellings and the main issues under consideration for this appeal was whether the site is an appropriate location for new residential development, having regard to i) the spatial strategy and the accessibility of services and facilities for future occupiers; and ii) its risk of flooding.

The Inspector found that site was outside of the settlement boundary and that while the site was only a 10-15 minute walk from the nearest shops and bus stops the majority of this walk would have been along New Hammond Beck Road with no footpath, limited street lighting, and a national speed limit. The Inspector also gave weight to the presence of a nearby employment use which may generate HGV traffic

along this route, which would further deter walking or cycling. The Inspector concluded the proposal was not necessary in a countryside location and was not an appropriate location for new residential development.

Where proposals are in Flood Zone 3 the applicant should demonstrate there are no reasonably available sites at lower risk of flooding that could accommodate the development. The Inspector found that the proposal did not include an adequate demonstration that no suitable reasonably available sites were available and thus failed the sequential test and was contrary to Policy 4 of the Local Plan.

Location	Ashcombe House, Low Road, Wyberton, Boston, Lincolnshire, PE21 7AP
Reference	B/24/0063
Proposal	Outline erection of a single dwellings with all matters reserved
Delegated/Committee	Delegated
Appeal Decision	Dismissed
Appeal Date	02/01/2025

2.5 Summary

The application related to the erection of two dwellings and the main issues under consideration for this appeal was whether the site is an appropriate location for new residential development, having regard to i) the spatial strategy and the accessibility of services and facilities for future occupiers; and ii) its risk of flooding.

The proposal was a frontage gap within a row of 6 dwellings, separated from the settlements of Boston and Wyberton Church End. The Inspector found that to access these settlements would mean travelling along roads without footpaths, street lighting, and that are at the national speed limit and that this would not be safe or desirable for most people particularly during dusk or darkness. The Inspector concluded the proposal was not necessary in a countryside location, would not meet the sustainable development needs of the area and would be contrary to Policy 1 of the Local Plan.

The Inspector also concluded that the rationale for a reduced search area for the sequential test had not been expanded on, nor that the parameters and findings of the sequential test represented a robust and assessment of alternative sites and the concluded the proposal failed the sequential test and was contrary to Policy 4.

Location	The Plantation, Rowdyke Road, Wyberton, Boston PE21 7AQ
Reference	B/22/0491
Proposal	Erection for a dwelling for an essential worker
Delegated/Committee	Committee
Appeal Decision	Allowed
Appeal Date	29/01/25

2.6 Summary:

This application related to a dwelling for a worker at Lincs Firewood Company Ltd and was refused by committee in line with officer recommendation on 5th December 2023.

The main issues were:

- The impact on the character and appearance of the area
- Whether there was a need for the development in the location
- Flood Risk

The Inspector found that the proposals would integrate with the site and would not represent linear encroachment into the open countryside nor did the Inspector consider the dwelling would appear alien in the landscape due to the presence of other nearby dwellings.

The applicant company policy to always have two staff on site following a fatal accident elsewhere and the proposal would provide additional cover for nighttime and periods of sickness and holiday. The Inspector gave weight to the capital expenditure associated with the new dwelling, identifying that if off-site independent accommodation would suffice it would be of no advantage to the business to construct a dwelling and have great weight to the owner of the local rural business in terms of their workforce logistics. The Inspector concluded there was an essential need for the dwelling and the proposal complied with Policies 1, 2, and 3 of the Local Plan.

In concluding there was an essential need for the development in this location, this provided rationale to satisfy the sequential test and the Inspector was satisfied that the withdrawal of the Environment Agency objection meant the proposal would be safe from flooding and satisfied the exceptions tests.

Location	Land to the SE of Sheepgate Equestrian, Sheepgate, Leverton, Boston PE22 0AR
Reference	B/23/0398
Proposal	Outline planning application with some matters reserved (Appearance, Landscaping, Layout & Scale) for later approval for 1 no dwelling & detached garage with access
Delegated/Committee	Delegated
Appeal Decision	Dismissed
Appeal Date	17/03/2025

2.7 Summary:

This appeal also related to the erection of a dwelling in a countryside location with considerations relating to the suitability of the location for housing and flood risk. In this instance the appellant argued that the weight given to a proposed self build plot, along with biodiversity and environmental enhancements meant the proposal complied with Policy 1. Again the Inspector identified a reliance on private cars to access the site and did not considered the matters sufficient to comply with Policy 1.

Again the Inspector confirmed a Borough wide search for reasonably available sites was required for the sequential test and that this had not been suitably completed and the proposal would not comply with Policy 4.

Location	1 Hospital Lane, Boston, Lincolnshire PE21 9BY
Reference	B/24/0232
Proposal	Demolition of existing outbuilding and erection of a dwelling
Delegated/Committee	Delegated
Appeal Decision	Dismissed
Appeal Date	20/03/2025

2.8 Summary:

This application concerned the erection of a dwelling on the site of an existing outbuilding to the west of a terrace on Hospital Lane. The main issues were the impact on the character and appearance of the area and whether the proposal would provide acceptable living conditions for future occupants.

The Inspector found that the scale, size, and footprint of the proposal would be out of character and would result in a cramped appearance and found that the design of the dwelling would be incongruous and overtly prominent in the street scene. The Inspector also concluded that the lack of outdoor amenity space would lead to a substandard level of amenity for future occupiers and that the proposal was contrary to Policies 2 and 3.

Location	40 Park Road, Boston, Lincolnshire PE21 7JP
Reference	B/24/0491
Proposal	Construction of 1 no. self build dwelling
Delegated/Committee	Delegated
Appeal Decision	Dismissed
Appeal Date	19/08/2025

2.9 Summary:

The proposal was for the erection of a single dwelling to the rear of an existing row of dwellings. The main issues were whether there was a demonstrated need for the development in this area, whether sites at lower risk of flooding were available, and whether the proposal would have an unacceptable impact on existing dwellings by virtue of noise, disturbance outlook and privacy.

The Inspector found that there sequential test was limited by not including sites that did not currently have planning permission, or considering whether the development could be accommodated within a larger site. The proposal was considered to fail the sequential test.

However, the Inspector did find that the impacts on neighbouring properties would be acceptable and that the impacts arising from noise from additional traffic movements would assimilate within the existing background noise. Furthermore, the impacts to

privacy of No. 42, and No. 13 would not be significantly harmful and that the proposal complied with Policies 2 and 3 of the Local Plan in this regard.

Location	3A Red Lion Street, Boston, United Kingdom PE21 6NY
Reference	B/24/0384
Proposal	Proposed replacement of existing windows and will require moving the placement of each window and alter brick work
Delegated/Committee	Delegated
Appeal Decision	Allowed
Appeal Date	12/09/2025

2.10 Summary:

The application was for the replacement of a large, non-original window with three replacements. The proposed windows were uPVC casements and had been replaced prior to the submission of the application.

The site is within the Boston Conservation Area and within the setting of a listed building. That are statutory duties to preserve or enhance the significance of these designated heritage assets. The Inspector found that, while the proposed windows did not assimilate with the historic development within the Boston Conservation Area but found that as the previous window was more dissimilar in design to historic windows the proposal represented an enhancement to the setting of the heritage assets over the previous windows. As such the appeal was allowed.

Location	Site at London Road, Boston PE21 8TJ
Reference	B/24/0522
Proposal	Outline planning application for storage and distribution site (Use class B8)
Delegated/Committee	Delegated
Appeal Decision	Dismissed and costs refused
Appeal Date	23/10/2025

2.11 Summary:

The proposal was an outline application with all matters reserved for the erection for a storage or distribution centre within the B8 Use Class. The site had a historic permission for the use dating back to 1999 that was not implemented and since that time dwellings on Redbourne Terrace and Alford Terrace have been consented, constructed and occupied.

The main issues were the impacts on those dwellings, whether the sequential test was satisfied, whether Biodiversity Net Gain has been adequately provided for, and whether archaeological issues on the site had been adequately addressed.

The Inspector considered that a scheme could be drawn up that could be compatible with the neighbouring residential uses but acknowledged this was a key issue without substantive details on which to comment, as such, in the absence of sufficient information the Inspector considered it hadn't been demonstrated the proposal would

not have a harmful impact and was therefore contrary to Policies 2, 3 and 30 of the Local Plan.

The Inspector concluded that it would not be acceptable to defer matters related to flood risk and the sequential test to Reserved Matters stage and these details should be provided and assessed upfront. Similarly, the application and appeal were missing details regarding the baseline ecological or archaeological conditions and thus adequate provision was not made in relation to BNG or archaeology.

This appeal was also accompanied by an application for costs by the appellant on the basis the previous permission on the site could still have been implemented at the time the housing permission was granted and thus the two land uses should be considered compatible. The Inspector noted the housing permission was granted towards the end of the 5 year implementation period for the 1999 permission with no pre-commencement conditions agreed and limited likelihood it would still come forward, furthermore, the period of time since that permission included significant material changes in local and national policy and considering the proposal differently did not amount to unreasonable behaviour and the costs application was refused.

Location	88 High Street
Reference	B/25/0089 and B/25/0090
Proposal	Planning Permission and Listed Building Consent for the erection of a ground extension to the rear of the building
Delegated/Committee	Delegated
Appeal Decision	Dismissed
Appeal Date	11/11/25

2.12 Summary:

A joint appeal against refusals for both planning permission and listed consent for the erection of a rear extension on a Grade II Listed Building that had already been completed. The proposals included some remedial work, including rendering the extension and an existing extension.

The form and position of the extension were considered to be acceptable, however, there were concerns regarding the use of modern materials in the extension and the proposals to render some historic brickwork in the existing extension have not been justified and identified harm to the listed building and to the Boston Conservation Area. The Inspector went on to conclude there were no wider public benefits that outweighed the harm to the listed buildings and the proposal would be contrary to policies 3 and 29 of the Local Plan.

Location	Friths Farm, Fen Road, Frampton West, Boston, Lincolnshire PE20 1SA
Reference	B/25/0088
Proposal	Prior Notification - Class Q proposed change of use of agricultural buildings to 6 no. dwellings
Delegated/Committee	Delegated
Appeal Decision	Dismissed and Costs Refused
Appeal Date	19/12/2025

2.13 Summary:

This appeal relates to an application for Prior approval under Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GDPO). Prior Approval under Class Q relates to applications for the conversion of agricultural buildings to dwellings, subject to meeting the criteria within the legislation. The appellant also submitted an application for costs against the LPA.

Such an application includes two parts, the first is an assessment as to whether the proposal complies with the limitations set out within the Order, i.e. that the proposal can be considered under this format; the second is an assessment as to whether the LPA's prior approval is required in connection with specific matters, and if the LPA considered it is, whether that approval is granted or not.

In this case, it was considered that prior approval was required in connection with 'whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change from agricultural use to a use falling within Class C3 (dwellinghouses)' and was refused due to the living conditions for future occupiers with regard to noise and disturbance.

The proposed dwellings would be in close proximity to existing farm buildings that remain in use, proposed bedroom windows would face towards the agricultural access, and that due to flood mitigation the windows would sit above the height of a proposed acoustic fence. A detailed noise assessment was requested during the course of the application but was not forthcoming, the Inspector identified that, in the absence of such a report demonstrating the proposal would be acceptable, the impacts upon future occupants would be unacceptable,

The appellant identified a scheme they considered to be similar where a noise report was not requested and made a request for an award of costs on this basis, as well as on the basis that the officer assessment included an assessment to Local Plan policies, and that consultee comments from Environmental Health were not publicly available.

The Inspector concluded that it is admissible for the LPA to take account of Local Plan policies insofar as they relate to prior approval matters. The consultee comments were published prior to a decision being made but are removed from the website at the time of decision, however, the consultee comments were clearly set out within the report, which remains publicly available, and as such the appellant was not prejudiced. Lastly, the Inspector concluded that insufficient information was submitted to determine the degree of similarity between the alternative case and the appeal but that each application and appeal are assessed on their own merits. The LPA was found not to have acted unreasonably and the costs award was refused.

On-going Planning Appeals

Location	Agricultural land adjacent to White House Lane, Fishtoft, Boston, PE21 0BE
Reference	B/24/0121
Proposal	Construction of 102no. residential dwellings
Delegated/Committee	Committee
Appeal Decision	On-going

Appeal Date	On-going
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2.14 Summary:

The proposal was for the erection of 102 dwellings on former agricultural land on the edge of the Boston settlement. The application site was allocated for housing in the Local Plan with a notional capacity of 90 dwellings, though that figure is not a ceiling. The application was refused by the Planning Committee contrary to officer recommendation on the single ground of excessive density.

Since the Committee's decision, the Council has lost its ability to demonstrate a 5-year supply of housing land. This is a significant material change with major implications including that housing policies within the Local Plan are rendered 'out of date'. The National Planning Policy Framework (paragraph 11) dictates that under this circumstance applications (including this appeal) must be assessed not against the Local Plan but against specified policies in the Framework. Permission must be granted unless 'adverse impacts of doing so would significantly and demonstrably outweigh the benefits'.

To justify refusal, it would therefore be necessary to show that the proposed density of the scheme was so harmful as to 'significantly and demonstrably outweigh the benefits' of adding 102 units to the Borough housing supply at a time when that supply is inadequate. The density would not be compared to nearby housing, but to the notional density of the allocation – 30 dwellings per hectare compared to the 34 dwellings per hectare proposed.

Against the policies of the Framework such justification was not considered a realistic possibility and hence it would not be reasonable to fight the appeal. In concert with the Portfolio Holder, the Chair and Vice-Chair of the Committee and the ward member who requested call-in it was decided not to contest the appeal. With the agreement of the Planning Inspectorate and the applicant work is progressing on a statement of common ground and other arrangements.

3. Comments on Decisions

- 3.1. These are the appeals determined since October 2024 and while this is a relatively small number of appeals, 8 of the 10 planning decisions appealed have been upheld by the Inspectorate.
- 3.2. No Cost Awards were made in connection with any of the appeals.
- 3.3. There is considerable alignment between the Inspectorate's and Officer's interpretation and application of Local Plan Policy, and in particular in the application of Policy 1 and 4. Of particular note are the several appeals determined in connection with small scale, rural, residential development where these policies were the primary consideration.
- 3.4. Of the two allowed appeals, one was in connection with heritage matters. there are lessons to be learned in ensuring that where the existing position is harmful it is important to assess against whether a proposal would be harmful relative to that existing harm and to consider whether development that may still be harmful would

nonetheless be an improvement. In the second case, the Inspector gave significant weight to the business need and economic case in the consideration of whether a new dwelling was justified and again there are lessons to be learned regarding a more flexible approach in the consideration of these applications.

- 3.5. The two costs applications were both refused, indicating the Inspectorate agree we are making robust decisions on reasonable policy grounds.

4. Performance

- 4.1. The Ministry of Housing, Communities and Local Government (MHCLG) monitors authorities in relation to the number of major and non-major applications overturned (i.e. allowed) at appeal. The threshold is for fewer than 10% of all major applications determined overturned at appeal over a rolling two-year period (i.e. the total number of major decisions divided by the total number overturned) and is a tighter target than the 20% used in previous reporting years. For authorities who exceed this target, they will be classed as 'poorly performing' and applications for major developments may be made by developers directly to the Planning Inspectorate. MHCLG also monitor the threshold for quality of decisions for non-major applications, the threshold for which is 10%. Like the major threshold, this is the total number of non-major applications overturned at appeal compared to the total number of non-major decisions made.
- 4.2. The last published figures cover the period January 2023 to December 2024, at that time performance was 0% for majors and 0.2% for non-majors and represented two allowed appeals for non-major development in 2024.
- 4.3. At the time of writing, the final performance figures for the 24 month period January 2024 to December 2025 are not known. However, based on the data above, it is likely figures will be similar and significantly within the thresholds set by MHCLG. Overall, our Appeal performance remains good and this is a good indicator of the quality of decision taking and the council is not at risk of being classed as poorly performing.

Implications

South and East Lincolnshire Councils Partnership

None

Corporate Priorities

None

Staffing

None

Workforce Capacity Implications

None

Constitutional and Legal Implications

None

Data Protection

None

Financial

None

Risk Management

None

Stakeholder / Consultation / Timescales

None

Reputation

None

Contracts

None

Crime and Disorder

None

Equality and Diversity / Human Rights / Safeguarding

None

Health and Wellbeing

None

Climate Change and Environment Impact Assessment

Not undertaken

Acronyms

BNG - Biodiversity Net Gain

GPDO – Town and Country Planning (General Permitted Development) Order 2015 as amended

LPA - Local Planning Authority

Appendices

None

Background Papers

Background papers used in the production of this report are listed below: -

Document title	Where the document can be viewed
Appeal Decision – B/22/0491 B/23/0395 B/23/0398 B/24/0063 B/24/0232 B/24/0384 B/24/0491 B/24/0522 B/25/0088 B/25/0089 B/25/0090	All application documents can be found via the council’s website and planning search function using the relevant details
Application and Appeal documents associated with B/24/0151	All application documents can be found via the council’s website and planning search function using the relevant details
Assessment of 5 year housing land supply	5-year housing land supply - Boston Borough Council

Chronological History of this Report

Name of Body	Date
Planning committee	October 2024

Report Approval

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