



# Public Document Pack

## Boston Borough Council

**Chief Executive**  
**Rob Barlow**

Municipal Buildings  
Boston  
Lincolnshire PE21 8QR  
Tel: 01205 314200

Thursday 24<sup>th</sup> April 2025

### **Notice of meeting of the Planning Committee**

Dear Councillor

You are invited to attend a meeting of the Planning Committee  
on **Tuesday 6th May 2025 at 10.00 am**  
in the Committee Room - Municipal Buildings, West Street, Boston, PE21 8QR

**Rob Barlow**  
**Chief Executive**

#### **Membership:**

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

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

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

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

**This meeting may be subject to being recorded.**

### **Agenda**

#### **Part I - Preliminaries**

##### **A Apologies for Absence**

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

**B Declarations of Interest**

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

**C Minutes**

(Pages 1 - 16)

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 Wednesday 30<sup>th</sup> April 2025

**Part II - Agenda Items****1 Planning application B 24 0177**

(Pages 17 - 46)

Major - Full Planning Permission

Proposed Residential Development Comprising 142 Affordable Dwellings and Associated Works

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

**2 Planning application B 24 0121**

(Pages 47 - 74)

Major - Full Planning Permission

Construction of 102no. residential dwellings

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

**3 Planning application B 23 0379**

(Pages 75 - 104)

Major - Full Planning Permission

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

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

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

## **The Human Rights Act 1998**

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

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

### **Notes:**

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

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

### **Alternative Versions**

Should you wish to have the agenda or report in an alternative format such as larger text, Braille or a specific language, please telephone 01205 314351.

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# Agenda Item C

## Boston Borough Council

Minutes of a meeting of the **Planning Committee** held in the Committee Room - Municipal Buildings, West Street, Boston, PE21 8QR on Tuesday, 25th February, 2025 at 10.00 am.

### **Present:**

Councillor David Middleton, in the Chair.

Councillors Alison Austin, Peter Bedford, Dale Broughton, David Brown, Anne Dorrian, Barrie Pierpoint, Claire Rylott, Lina Savickiene, Sarah Sharpe, Suzanne Welberry, Stephen Woodliffe and Jyothi Arayambath (sub David Scoot).

### In attendance:

Councillor John Baxter, Portfolio Holder - Housing.

### Officers:

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

## **34 Apologies for Absence**

Apologies for absence were tabled by Councillor David Scoot with Councillor Jyothi Arayambath substituting.

## **35 Declarations of Interest**

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

### **Lincolnshire County Council:**

Councillor Alison Austin

### **The South East Lincolnshire Joint Strategic Planning Committee:**

Councillor Peter Bedford and Councillor David Middleton.

### **The Internal Drainage Boards:**

Councillors Peter Bedford, Anne Dorrian, David Middleton, Claire Rylott, David Scoot, and Suzanne Welberry

Councillor Anne Dorrian declared that having held discussions with officers in respect of Planning Application B 24 0515 that she would absent from the meeting for that item.

## **36 Minutes**

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

**37 Public Questions**

Members noted that one question was received which had been rejected under Council Procedure Rule 10.4.

**38 Planning Application B 24 0515**

**Proposed residential development for 200no. affordable dwellings and associated open space, parking and ancillary building to affordable housing provision and means of access.**

**Land South of Wainfleet Road, Boston.**

Councillor Anne Dorrian left the meeting prior to the consideration of this item.

The Principal Planning Officer presented the report and advised that the application had been deferred from the last committee meeting on the 4<sup>th</sup> February 2025. He confirmed that the report contained updated information, since the last committee meeting, along with the reasons for deferral. It also included the previous report marked Appendix A and the supplementary report marked Appendix B, both of which were available at the last committee meeting.

The application site was on the north-east edge of Boston, to the south of Wainfleet Road. It was 9.62 hectares in size with the land in agricultural use at the time of submission. To the north were the rear gardens of existing properties along Wainfleet Road. To the east, the site adjoined agricultural land, while to the south and west were drains, beyond which the rear gardens of properties on Sandringham Road, Princess Anne Road, Somersby Way and Somersby Gardens. The site was therefore enclosed by existing development on three sides. Trees and hedgerows were located to the north, west and south boundaries.

A field access currently existed providing access from Wainfleet Road into the site and adjoined agricultural land to the east. Additionally, a pedestrian access existed between the properties known as Romney and Jura on Wainfleet Road into the site. The application site was agricultural land and, according to the Borough wide DEFRA records, designated Grade 1. The site was within the Environment Agency Flood Risk Zone 3. The Council's Strategic Flood Risk Assessment (SFRA) 2010 identified the majority of the site having a Flood Hazard rating of 'Danger for All' and a 'medium' tidal flood probability. The site had a depth from flooding for the 200-year event (2115) predominately in the range of just under to just over 1 metre. There were no listed buildings, tree preservation orders or other statutory local landscape or other designations on the site. Within the vicinity, but approximately 250 metres away, was the Boston (Spilsby Road) Conservation Area, within which were some Grade 2 listed buildings. A designated bridleway existed between the junction of Somersby Way and Ashlawn Drive south to Blackthorn Lane.

The proposal sought the erection of 200 affordable dwellings. The application included a single vehicular access off Wainfleet Road in the north-eastern corner of the site. With additional pedestrian accesses between Romney and Jura on Wainfleet Road, and in the southwest corner from the junction of Somersby Way and Tollfield Road.

Previous applications on the site had included B/17/0511 an outline application for proposed residential development of up to 200 no. dwellings and associated open space, parking and ancillary building to the affordable housing provision, with access to be considered which had been granted 4 October 2018 subject to a S.106 agreement securing, amongst other things, 20% affordable housing and contributions in connection with Health and Education. B/21/0441 the application for the approval of reserved matters (Appearance, Landscaping, Layout and Scale) following Outline Approval B/17/0511 for residential development of up to 200 no. dwellings which had been granted 22 December 2023 and B/24/0242 an application under s73 for the variation of Condition 1 (Approved Plans) of permission B/21/0441 (Application for Approval of Reserved Matters (Appearance, Landscaping, Layout and Scale) following Outline Approval B/17/0511 for residential development of up to 200 no. dwellings) Variations to the approved Reserved Matters scheme to include a denser provision of housing within the context of the same layout plus an ancillary building.

By way of update, the Principal Planning Officer confirmed that the objection from Lincolnshire Fire and Rescue in relation to road standards had been withdrawn.

Confirmation was provided that the 9 metre Internal Drainage Board (IDB) easement on the southern boundary was being complied with and the agents had confirmed that technical consent with the IDB was being obtained. The agent had confirmed the applicant's intention to maintain the drain along the western boundary, along with the other new drainage assets.

An overview of the site location plan was provided and this included information about vehicular and pedestrian accesses, details of the property types/materials/elevations as well as details of the community building which would be for use of the bungalows for the over 55s and include a manager. It was not intended that it would be used more widely by the development.

Confirmation was provided that the site's layout design was substantially the same as two previous approvals on the same site.

The site was intended to be adopted by Lincolnshire County Council and, following the withdrawal of the objection by Lincolnshire Fire and Rescue regarding the standard of the road, the roads would be built to Lincolnshire County Council adoptable standard.

Further information regarding the 9 metre easement on the southern boundary was provided, including there being no development within the easement zone. The agent had provided a statement to address the drainage matters on the western boundary and had confirmed that the drain would be maintained as part of the wider maintenance included within the application.

Details of the indicative drainage layout were provided and in response to concerns raised by residents about the potential drainage along the northern boundary, a condition to require a drainage scheme to be agreed had been included to ensure that there was no adverse impact there. The drainage scheme would filter water from the roads/houses to the attenuation ponds on either side, which then filtered down towards a larger attenuation pond at the bottom, where they then connected to the IDB drain.

The Principal Planning Officer re-confirmed that the main issue remained that of viability. In this respect, the planning history was confirmed - B 17/0511 was an initial outline planning application for 200 dwellings, subject to a section 106 agreement (as set out in Appendix A to the report). There was a subsequent reserved matters approval and then a further variation to that reserved matters (B 24 0242), which saw some changes to the layout, which it was confirmed were in the same form as the application previously submitted to the Committee.

Details of the Section 106 request in the original outline application were provided. A viability appraisal had been submitted with the application that was based on the contributions requested in this section 106 agreement. There had been further requests for a new 106 agreement from the NHS and from Lincolnshire County Council in relation to education and public transport. Those contributions were higher than those that were in the viability appraisal, which had been independently assessed and details of the methodology employed in the independent assessment were provided, which confirmed that either with or without contributions, the development could not support contributions.

If approved by Committee, the Principal Planning Officer confirmed that there would be a unilateral undertaking that would agree the details for the affordable housing being provided by the application.

In relation to highway improvements secured by this proposal, information was provided about the ghost Island right turn at the entrance to the site and a proposed footway along the front that remained one of the issues for which comments had been received, but there had been no further update since the last Committee meeting. The site included a link between two houses that would serve pedestrians.

Confirmation was provided that there would be a condition requiring details of boundary treatments for properties along this northern boundary, which included the fencing of an informal access at the Bowls Club, which would prevent future access.

The Committee was addressed by Mr Chris Lindley, the agent, (with Danny Lang, the representative for the applicant for representative, sitting alongside to assist with any points of clarification).

Mr Lindley confirmed that following consideration of the application earlier in the month, he had analysed the main points of concern raised by members of the Committee and sought to engage positively with interested parties.

He confirmed that the Fire and Rescue Service had removed their objection to the development. He confirmed that in regard to the IDB drain to the South, a suitable easement had been provided as part of the development; and in regard to the western boundary drain, the drain would continue to be managed in line with the riparian responsibilities. He indicated that the development would reduce the current run off rate by 75% and would direct surface water flows from the western drain in favour of the southern IDB drain.

Mr Lindley reiterated that there was an acute need for affordable housing in Boston. Subject to conditions and the unilateral undertaking to secure the delivery of the affordable housing, he indicated that the benefits of the proposed development were comprehensive

and compelling, the viability issue was well understood and had been correctly addressed in line with the Council's Local Plan policy.

The Committee did not have any questions for Mr Lindley.

Committee deliberation followed which included the following:

Concerns were raised about the impact on the existing health and education services, should the application proceeded without contributions. Some members felt that it was unsatisfactory that 200 homes might be built without any contribution towards the health and the education services.

In relation to education, information was provided which suggested that primary schools in the area of the proposed housing were not full but consideration would have to be given to issues such as adequate staff numbers. In addition, only one of the four secondary schools closest to the development were at capacity and that as a result, the lack of contributions could be accepted. The Principal Planning Officer clarified that the request for contributions acknowledged that there was no existing capacity issue at primary school level and the request was to offset harms to secondary and sixth form provision.

Consideration was given to the issues of viability and whether steps could have been taken to provide contributions and still ensure the viability of the site. The Principal Planning Officer provided clarification on the viability assessment benchmark land value, being a calculated figure based on a standard method set out in national planning policy and that the conclusion was that the development could not support contributions. He pointed out that the Committee was still entitled to come to a different view regarding harm, but the viability assessment demonstrated that it could not support those contributions.

**RESOLVED:**

That the committee approve the application in line with officer recommendation and subject to the conditions and reasons as follows:

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

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

2. The development hereby permitted shall be carried out in accordance with the following plans and details:
  - 101-094/(P) 180 Site Location Plan
  - 101-094/(P) 181 Proposed Site Layout
  - 101-094/(P) 182 Materials Plan
  - 101-094/(P) 183 Proposed Boundary Treatment
  - 101-094/(P)041G Street Scenes NO.1
  - 101-094/(P)042G Street Scenes NO.2
  - 101-094/(P)043F Street Scenes NO.3
  - 101-094/(P)044E Street Scenes NOS 4 and 5

- 101-094(P) 119B LH 1B BUNG T3 RB
- 101-094(P) 120B LH 2X1B BUNG T3 RB
- 101-094(P) 121B LH 2B BUNG T4 V1 RB
- 101-094(P) 122B LH 2X2B BUNG T4 V1 RB
- 101-094(P) 123B LH 2X2B BUNG T4 V2 RB
- 101-094(P) 124B LH 2X2B BUNG T4 V3 RENDER
- 101-094(P) 125B LH 3X2B BUNG T4 V1 RB
- 101-094(P) 126B LH 3X2B BUNG T4 V2 RENDER
- 101-094(P) 127B LH 3B BUNG RB
- 101-094(P) 128B LH 2X3B BUNG V1 RB
- 101-094(P) 129B LH 2X3B BUNG V2 RB
- 101-094(P) 130A LH 4X1B MAIS RENDER
- 101-094(P) 131B LH 2X2B4P HOUSE T5 V1 RB
- 101-094(P) 132B LH 2X2B4P HOUSE T5 V1 BB
- 101-094(P) 133B LH 2X2B4P HOUSE T6 V1 RB
- 101-094(P) 134B LH 2X2B4P HOUSE T6 V2 BB
- 101-094(P) 135B LH 2X3B5P T8 V1 RB
- 101-094(P) 136B LH 2X3B5P T8 V2 RB
- 101-094(P) 137B LH 2X3B5P T8v RB
- 101-094(P) 138B LH 3B5P T9 RB
- 101-094(P) 139B LH 3B5P T9 - 3B5P T8 RENDER
- 101-094(P) 140B LH 3B5P T9 – 3B5P T8v RENDER
- 101-094(P) 141B LH 3B5P T8v – 3B5P T9 RENDER
- 101-094(P) 142B LH 2X3B5P T8v - 3B5P T9 RENDER
- 101-094(P) 143B LH 3B5P T9 – 2X3B5P T8v RENDER
- 101-094(P) 148A LH 2B BUNG T4 V2 RB
- 101-094(P) 149A LH 2x2B BUNG T4 V2 BB
- 101-094(P) 150A LH 3B BUNG BB
- 101-094(P) 151A LH 2x3B BUNG V1 BB
- 101-094(P) 152A LH 2x3B BUNG V2 BB
- 101-094(P) 153A LH 2x2B4P HOUSE T6 V1 BB
- 101-094(P) 088D HRH 2xD 2B HOUSE BB
- 101-094(P) 089B HRH 2xE 3B HOUSE RB
- 101-094(P) 105D HRH M 5B HOUSE RENDER BB
- 101-094(P) 144B HRH 3XD 2B HOUSE BB
- 101-094(P) 145B HRH 3XE 3B HOUSE RENDER BB
- 101-094(P) 146B HRH 4X1B MAIS RENDER RB
- 101-094(P) 147A HRH 2xE 3B HOUSE BB
- 101-094(P) 184A HRH K 4B HOUSE RB
- 101-094(P) 185A HRH K 4B HOUSE RB HANDED
- 101-094/(P)002D H21 1B2Px2 BUNG
- 101-094/(P)003D H21 2B3P-1B2P BUNG
- 101-094/(P)005D H21 1B2P-2B3P BUNG
- 101-094/(P)005G H21 – COMMUNAL BUILDING
- 101-094(P) 117B H21 1B2P-2B3P BUNG V2
- 101-094(P) 118B H21 2B3P-1B2P BUNG V2
- WRB-DCE-XX-XX-DR-C-5000 Rev P03 Drainage Strategy 1 of 2
- WRB-DCE-XX-XX-DR-C-5001 Rev P03 Drainage Strategy 2 of 2
- WRB-DCE-XX-XX-DR-C-5005 Rev P04 Preliminary Levels Strategy 1 of 5
- WRB-DCE-XX-XX-DR-C-5006 Rev P04 Preliminary Levels Strategy 2 of 5

- WRB-DCE-XX-XX-DR-C-5007 Rev P04 Preliminary Levels Strategy 3 of 5
- WRB-DCE-XX-XX-DR-C-5008 Rev P04 Preliminary Levels Strategy 4 of 5
- WRB-DCE-XX-XX-DR-C-5009 Rev P04 Preliminary Levels Strategy 5 of 5
- WRB-DCE-XX-XX-DR-C-6001 Rev P01 Preliminary Site Access General Arrangement Option
- LI5006-3M-004 Rev A A52 Wainfleet Road Indicative Right Hand Turn Lane

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).

Pre-commencement conditions:

3. Prior to the commencement of the development hereby permitted, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority.

Development shall then be carried out in accordance with the approved CEMP. The CEMP shall include (though not to be restricted to) the following details:

- a) A traffic management plan incorporating the routing of construction traffic and details of heavy vehicle movement patterns (including the earliest and latest times, and, if necessary, the suspension of trips during peak traffic times)
- b) Measures to minimise and control noise, vibration, dust, dirt and fumes during the development period
- c) Details of onsite parking facilities for both visiting construction vehicles and deliveries and workers on the site
- d) The loading and unloading arrangements for heavy plant and machinery and materials
- e) The location of storage of plant and materials used in the construction of development
- f) Measures to avoid disturbance to nesting birds and other wildlife
- g) Measures to prevent mud being deposited on the surrounding highway
- h) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- i) strategy stating how surface water run off on and from the development will be managed during construction and protection measures for any sustainable drainage features.
- j) Details of the proposed hours of construction and hours of delivery, including the arrival and departure of staff
- k) A programme for the implementation of all the above items.

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

4. Notwithstanding the submitted details, no development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles, and an assessment of the hydrological and hydrogeological context of the site, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall:

- a) Provide details of how run-off will be safely conveyed and attenuated during storms up to an including the 1 in 100 year critical storm event, with an allowance for climate change, from all hard surfaced areas within the development into the existing local drainage infrastructure and watercourse systems without exceeding the run-off rate for the undeveloped site;
- b) Provide attenuation details and discharge rather which unless agreed otherwise with the surface water receiving body shall be restricted to 1.4 litres per second per hectare;
- c) Provide details of the timetable for any phasing of implementation for the drainage scheme; and
- d) Provide details of how the scheme shall be maintained and managed over the lifetime of the development, including any arrangements for adoption by any public body or Statutory Undertaker and any other arrangements required to secure the operation of the drainage system through its lifetime.

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.

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.

5. The development hereby permitted shall not be commenced until details of a comprehensive contaminated land investigation has been submitted to and approved by the Local Planning Authority (LPA) in writing and until the scope of works approved therein have been implemented. The assessment shall include all of the following measures unless the LPA dispenses with any such requirements in writing:

- a) A site investigation shall be carried out to fully and effectively characterise the nature and extent of any land contamination and/or pollution of controlled waters. It shall specifically include a risk assessment that adopts the Source-Pathway-Receptor principle and takes into account the site's existing status and proposed new use. Two full copies of the site investigation and findings shall be forwarded to the LPA.
- b) Where the risk assessment (see preceding condition) identifies any unacceptable risk or risks, a detailed remediation strategy to deal with land contamination and/or pollution of controlled waters affecting the site shall be submitted and approved by the Local Planning Authority in writing.

No works, other than investigative works, shall be carried out on the site prior to receipt of written approval of the remediation strategy by the Local Planning Authority.

On completion of remediation, two copies of a closure report shall be submitted to the Local Planning Authority. The report shall provide validation and certification that the required works regarding contamination have been carried out in accordance with the approved Method Statement(s). Post remediation sampling and monitoring results shall be included in the closure report.

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

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

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

Conditions which apply during the course of and following completion of the development:

7. No development comprising the erection of any dwelling, shall take place until cross-sections of the site and adjoining land, including details of existing levels around the buildings hereby permitted and any changes in level proposed, together with the proposed floor levels within the buildings, have been submitted to and approved in writing by the Local Planning Authority.

The development shall not be carried out other than in accordance with the approved cross sections.

Reason: To secure the satisfactory development of the application site and minimise the impact on surrounding occupiers and to accord with Policy 2 of the South East Lincolnshire Local Plan, 2019.

8. The Ghost-Island Right turn Lane, shall be constructed in accordance with Drawing No. LI5006-3M-004 Rev A A52 Wainfleet Road Indicative Right Hand Turn Lane or other scheme to be agreed in writing by the Local Planning Authority. This shall be completed prior to the commencement of the construction of any dwelling and in accordance with the approved details.

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

9. No dwellings shall be commenced before the first 50 metres of the estate road, including its junction with the public highway and visibility splays, has been completed.

Reason: In the interests of safety of the users of the public highway and residents of the permitted development and to enable construction and material delivery vehicles and the vehicles of construction personnel to wait clear of the carriageway of Wainfleet Road in accordance with Policy 2 of the South East Lincolnshire Local Plan 2019.

10. Prior to development above ground level, details of a 2m wide footway along the south side of Wainfleet Road connecting the entrance of the site to the existing footway on the south side of Wainfleet Road shall be submitted to and approved in writing by the Local Planning Authority.

The footway shall be implemented prior to the occupation of the first dwelling hereby approved or other timetable agreed in writing with the Local Planning Authority.

Reason: In the interests of safety of the users of the public highway and residents of the permitted development and to enable construction and material delivery vehicles and the vehicles of construction personnel to wait clear of the carriageway of Wainfleet Road in accordance with Policy 2 of the South East Lincolnshire Local Plan 2019.

11. No development comprising the erection of a dwelling shall commence until full details of the future ownership and maintenance responsibilities (including adoption by a public or statutory body) of all physical assets on the site above and below ground, including highways and associated infrastructure, private drives used as highways, drainage and sewage infrastructure, public open space, play equipment and lighting shall be submitted to and approved in writing by the Local Planning Authority. The development shall be operated in keeping with the details so approved.

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

12. Prior to development above damp proof course, a detailed plan showing the provision of play equipment, which shall include the type number and location of equipment, along with a plan for the long term management and maintenance of that equipment shall be submitted to an approved in writing by the Local Planning Authority. That plan shall include details of any proposed management company or transfer to other public body to be responsible for that maintenance in perpetuity.

Reason: To ensure adequate play equipment is available on site in accordance with Policy 32 of the South East Lincolnshire Local Plan, 2019.

13 The public open space and play equipment as shown on drawing no. 101-094 (P) 181 shall be implemented in accordance with the details required by condition 13 and shall be provided before 70% of the dwellings hereby permitted are first occupied. The public open space shall not at any time be incorporated within the curtilage of a dwelling and shall be retained for its permitted use thereafter.

Reason: To ensure that adequate open space provision is made available for the occupiers of the development hereby permitted and that provision is made for the management and maintenance of the open space in accordance with Policy 32 of the South East Lincolnshire Local Plan, 2019.

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

- Aims, objective and targets for management, including the target conditions as specified within the Statutory Biodiversity Metric and Biodiversity Gain Plan.
- Details of the phasing and implementation of the habitats
- Details of the management operations necessary to achieve those aims and objectives and the target conditions of all relevant habitats.

- Details of the monitoring needed to measure the effectiveness of management and details of an assessment as to whether the target condition is achieved within the time to target period specified within the approved metric.
- Mechanisms for adaptive management and remedial measures to account for changes in the work schedule to achieve required targets and to redress any shortfall in biodiversity units that may occur.
- Details of the persons responsible for the implementation and monitoring detailed above
- Reporting on the delivery of on-site gains on years 1, 2, 5, 10, 20 and 30 following the implementation of the habitats in accordance with the above details

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

Reason: In the interests of 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.

15 Prior to development above ground level details of proposed biodiversity enhancements, including bat boxes, bird boxes, and swift bricks shall be submitted to and approved in writing by the Local Planning Authority. The development shall proceed in accordance with the approved details and the features shall be maintained and retained in perpetuity.

Reason: In the interests of the ecology of the site in accordance with the Wildlife and Countryside Act 1981 and Policy 28 of the South East Lincolnshire Local Plan 2019.

16 If during development contamination not previously considered is identified, then the Local Planning Authority shall be notified immediately and no further work shall be carried out until a method statement

detailing a scheme for dealing with suspected contamination has been submitted to and approved in writing by the Local Planning Authority.

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

17 No dwelling shall be occupied until a Travel Pack has been submitted to and approved in writing by the Local Planning Authority. The approved pack shall be provided to the occupant(s) of the proposed development upon occupation. The Travel Pack shall include details of walking and cycling routes and footpaths, local facilities, local clubs and organisations, local bus stops and useful contacts.

Reason: In order to contribute towards the reduction in the number of trips in a private motor car, in particular single occupancy trips in accordance with the sustainability aims of the National Planning Policy Framework.

18 The development shall be undertaken in accordance with the Preliminary Ecology Appraisal by DeltaSimons, September 2017, Project No. 17-0934-01.

Reason: In the interests of the ecology of the site in accordance with the Wildlife and Countryside Act 1981 and Policy 28 of the South East Lincolnshire Local Plan 2019.

19 No development shall be undertaken within 5 metres of the ditch to the southern boundary, including storage of materials. A fence shall be provided delineating the 5 metre buffer prior to the commencement of development and shall be retained during construction.

Reason: In the interest of the ecology of the site, in particular water voles, in accordance with Policy 28 of the South East Lincolnshire Local Plan 2019.

20 The community building hereby permitted shall be occupied and operated ancillary to the H21 bungalows identified on drawing no. 101-094 (P) 181 and shall be used only in conjunction with the management and occupation of those dwellings.

Prior to that building first being brought into use a statement of use shall be submitted to and approved in writing by the LPA. The building shall only be occupied in accordance with that statement.

**Reason:** in the interest of providing a mix of housing types and tenures to meet the needs of the Borough. This condition is imposed in accordance with Policy 18 of the South East Lincolnshire Local Plan 2019.

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

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

22 The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA), undertaken by BSP Consulting, ref 17-0204/FRA/DS dated November 2017, and addendum to Flood Risk Assessment (dated 02 October 2021, ref:600397, completed by Hexa Consulting and the following mitigation measures detailed within the FRA:

- Any proposed bungalows to have Finished floor levels set no lower than 3.4m above Ordnance Datum (AOD)
- Any proposed 2-storey dwellings to have Finished Floor Levels set no lower than 3.2mA above Ordnance Datum (AOD)
- Demountable defences/flood doors 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

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

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

23 Prior to the occupation of the dwellings hereby approved, a Flood Warning and Evacuation Plan shall be submitted to and approved in writing by the Local Planning Authority. The measures shall be fully implemented prior to occupation and subsequently remain in place.

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

24 Notwithstanding the approved 101-094/(P) 183 Proposed Boundary Treatment plan, a scheme for improvements to the northern boundary treatment, to the rear of properties along Wainfleet Road, shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatments as approved shall be implemented prior to occupation of the dwellings shown as plots 002-006 inclusive, 007, 026 and 030-036 inclusive on plan 101-094/(P) 183 Proposed Boundary Treatment and retained thereafter.

Reason: In the interests of mitigating overlooking and loss of privacy to protect residential amenity and in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan 2019.

25 Prior to any development above ground level, a refuse strategy identifying properties on private drives that would not be built to adoptable standards and details of proposed refuse collection areas for those properties.

Reason: To ensure properties have adequate waste collections facilities in accordance with Policy 30 of the South East Lincolnshire Local Plan.

26 Prior to the first occupation of any dwelling on site, details for the pedestrian access in the southwest corner of the site to Tollfield Road/Fernleigh Way shall be submitted to and approved in writing by the Local planning Authority, such details shall include the finished surface of the footway, its final location, and the timing of its implementation.

Reason: To ensure that a safe and suitable standard of vehicular and pedestrian access is provided for residents throughout the construction period of the development and that the roads and footways are completed within a reasonable period following completion of the dwellings in accordance with Policy 2 of the South East Lincolnshire Local Plan, 2019.

**BNG Applies****BNG1 Biodiversity Net Gain Condition**

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

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and in accordance with Policy 4 of the South East Lincolnshire Local Plan 2019.
- (b) the planning authority has approved the plan.

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

### **BNG3 Statutory exemptions and transitional arrangements**

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

#### Irreplaceable habitat

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.

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

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

- (a) a biodiversity gain plan was approved in relation to the previous planning permission ("the earlier biodiversity gain plan"), and
- (b) the conditions subject to which the planning permission is granted:
  - (i) do not affect the post-development value of the onsite habitat as specified in the earlier biodiversity gain plan, and
  - (ii) in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat within the meaning of regulations made under paragraph 18 of Schedule 7A, do not change the effect of the development on the biodiversity of that onsite habitat (including any arrangements made to compensate for any such effect) as specified in the earlier biodiversity gain plan.

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

#### Informatics / Notes

#### To be included on / with Decision Notices

#### **Statement of Proactive Working:**

In determining this application, the authority has taken account of the guidance in paragraph 39 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.

Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore, the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991, or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence. The maintenance responsibilities of the drain along the western boundary have been highlighted by residents and the drainage board. This drain is a riparian drain and maintenance responsibilities lie with the landowner. Consideration should be given to access to facilitate management of this and its inclusion within the details requested above, where appropriate.

Lincolnshire Fire and Rescue recommends the installation of 4 fire hydrants in respect of the planning application to be provided at the developer's expense as an integral part of the water mains scheme to support the long term fire safety of residents. Developers completing their applications to Anglian Water Services for a new water mains scheme shall inform the water undertakers that 4 fire hydrants are required by the Fire Service. The Anglian Water Main-laying Design Team will send consultation drawings to the Fire Service Water Officer to confirm the required hydrant locations. Fire hydrants shall conform to BS750-2012 and acceptance testing will be carried out by a Hydrant Inspector on completion. Following adoption the Fire Service will be responsible for the ongoing maintenance and repairs for the lifetime of the fire hydrants. The Hydrant Inspector will fix a standard yellow "H" hydrant marker plate nearby.

The Meeting ended at 10.27 am.

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# PLANNING APPLICATION B 24 0177

## **Application Type:**

Major - Full Planning Permission

## **Proposal:**

Proposed Residential Development Comprising 142 Affordable Dwellings  
and Associated Works

## **Location**

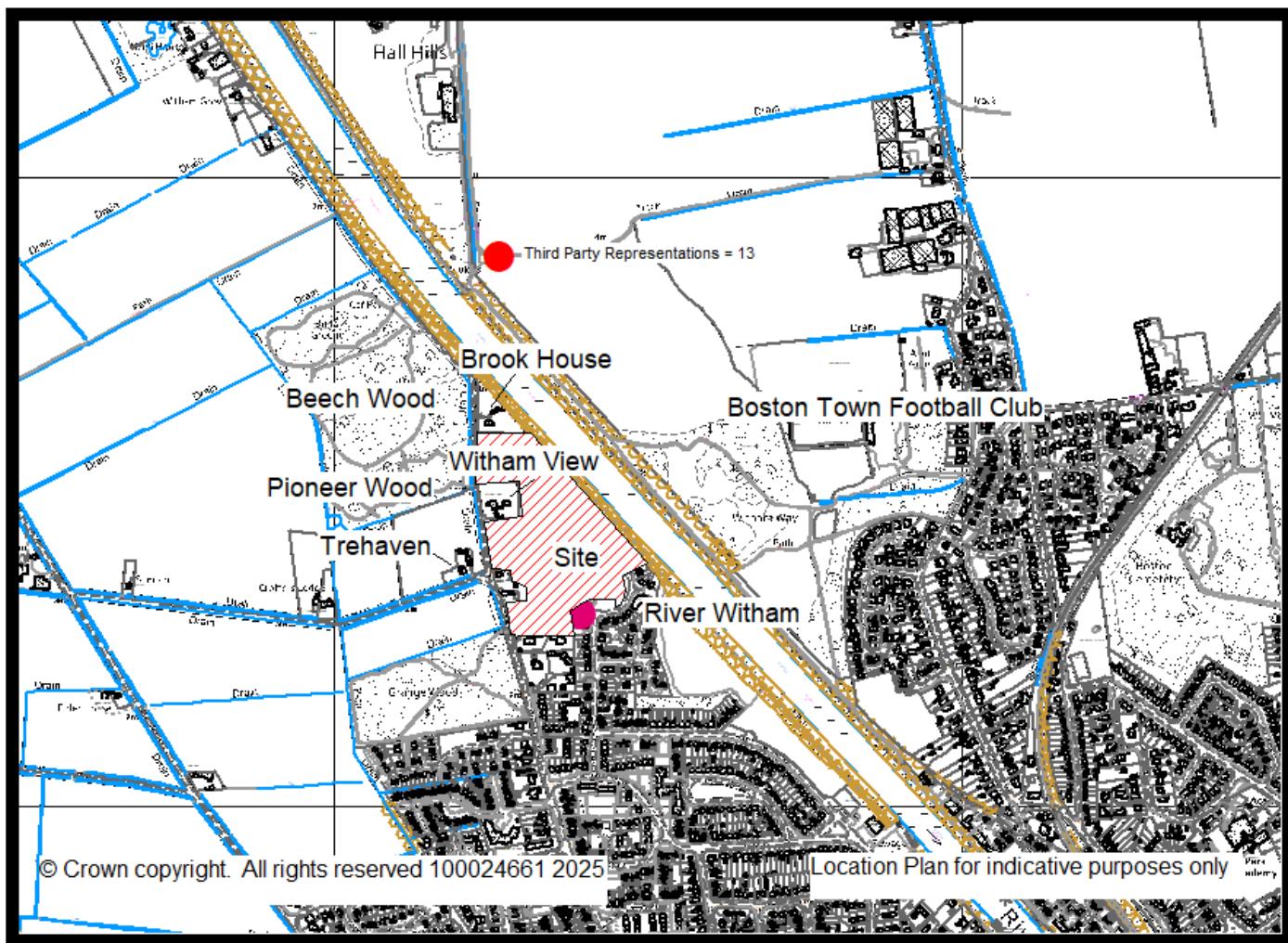
Land adj to 78 Puritan Way, Land off Puritan Way, Boston, PE21 8NW

## **Applicant**

James & Susan Gosling, Katie Newton Margaret Leggate & Rita Wicks

## **Agent**

Clive Wicks Associates



BOSTON BOROUGH COUNCIL

Planning Committee – 06 May 2025

Reference No: B/24/0177

Expiry Date: 29-Jul-2024

Extension of Time: 08-May-2025

Application Type: Major - Full Planning Permission

Proposal: Proposed Residential Development Comprising 142 Affordable Dwellings and Associated Works

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

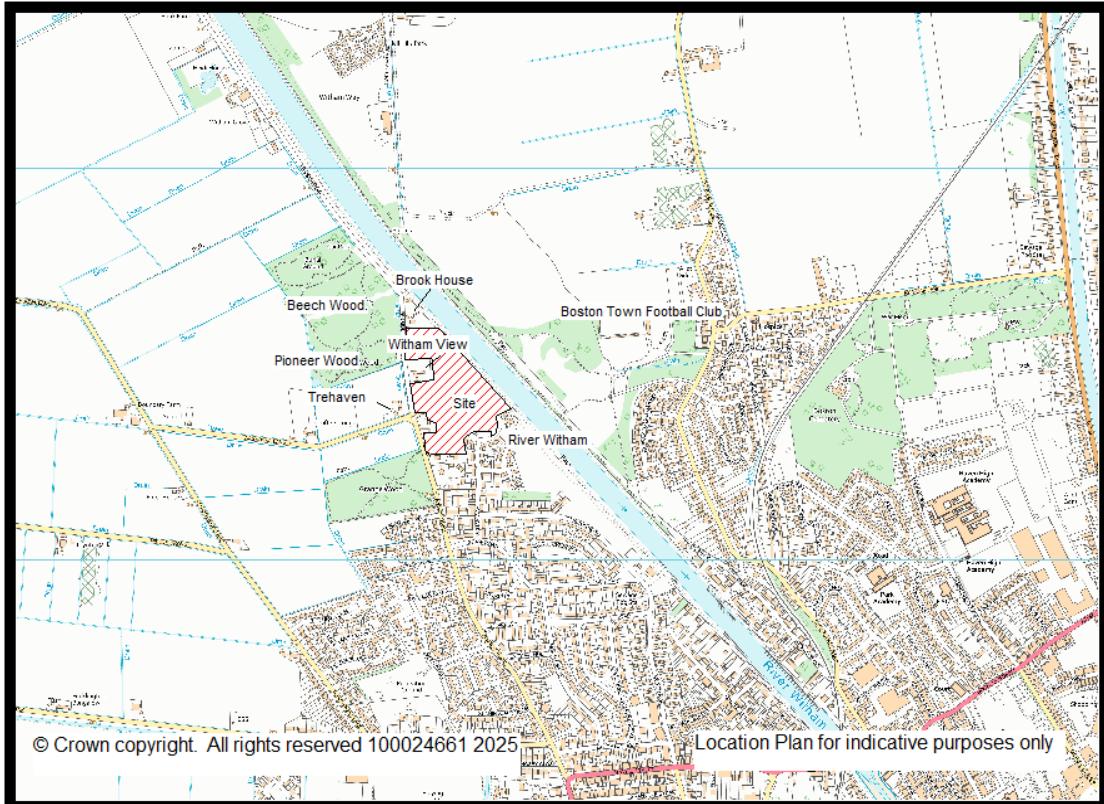
Applicant: James & Susan Gosling, Katie Newton Margaret Leggate & Rita Wicks

Agent: Clive Wicks Associates

Ward: Fenside Parish: Boston Town Area Committee

Case Officer: Ian Carrington Third Party Reps: 11

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



## **1.0 Reason for Report**

1.1 The application has been called in for Committee determination by a ward member, Cllr Dani, to allow discussion of the following issues:

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

## **2.0 Application Site and Proposal**

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

2.2 The application site forms the northern part of a larger area allocated for housing in the Local Plan. This extends to 8 hectares in total, and is described as allocation Fen006, Land East of Fenside Road, in Inset Map 1 and Policy 11 of the South East Lincolnshire Local Plan. The southern part of the allocation has already been developed.

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

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

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

## **3.0 Relevant History**

3.1 B/16/0106 allowed the erection of 86 dwellings – effectively the southern part of the allocation site.

3.2 B/18/0395 allowed the erection of 79 dwellings – this was an amendment to the scheme allowed under B/16/0106 which took into account some specific requirements of the housing association.

- 3.3 B/18/0385 allowed off-site works to provide surface water disposal for the scheme allowed under B/16/0106.
- 3.4 In addition there have been a number of applications confirming compliance with conditions imposed under B/16/0106.

#### **4.0 Relevant Policy**

South East Lincolnshire Local Plan 2019 (SELLP)

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

National Planning Policy Framework 2024 (NPPF)

National Design Guide (NDG)

Planning Practice Guidance (PPG)

#### **5.0 Representations**

- 5.1 As a result of publicity 11 representations including 4 objections have been received at the time of writing with some addresses providing multiple items of correspondence. Some correspondents have provided detailed documents, alternative plans and third-party assessments. The full text of all representations is available on the Council's website and the planning file. Correspondents have also supplied photographs including those showing drainage conditions at the site. All comments have been carefully considered. Note: After the initial submission amendments were made to the layout to incorporate a corridor for wildlife and natural planting, to add additional drainage at the boundary with existing neighbours and other detail changes, and the amended plans were subject to an additional consultation. Comments from both rounds of consultation are included in the summaries below.

5.2 The comments and objections can be summarised as follows:

- request that a condition requiring swift bricks is included
- there is a high potential for flooding on and near the site, with poor ground drainage conditions and potential for run-off from the raised new dwellings affecting neighbours
- alternative layout provided increasing the distance between the new dwellings and two of the existing neighbours and seeking to improve the situation for owls
- poor maintenance of existing riparian drains including that which take surface water from the earlier phase of development to the south
- alternative proposals for drainage including proposal to place additional drains on the perimeter of a neighbour's property
- No access should be permitted from Fenside Road
- the development will cause traffic congestion on local roads
- the development would be contrary to local character
- loss of privacy for existing neighbours

5.3 A comment was also received from the Boston Woods Trust. This did not object but asked that the following concerns should be taken into account: 1) poor local drainage and flooding; 2) concern that residents would access Fenside road directly, with adverse impacts on those (including pedestrians and dog walkers) seeking to access Boston Wood; 3) development will increase footfall, wear and tear and littering in the woods and requests a contribution towards upkeep from the developer.

## 6.0 Consultations

6.1 Lincolnshire County Council Highways/SUDS – no objection – highway layout is acceptable for adoption and subject to some minor conditioned improvements the local highway network has capacity for the new flows; drainage strategy is acceptable subject to provision and approval of further more detailed plans.

6.2 Barn Owl Trust – initial objection withdrawn subject to use of agreed condition requiring preparation of a mitigation strategy.

6.3 Council Ecologist – no objection - BNG provision satisfactory subject to details being secured by condition and/or a legal agreement.

6.4 Anglian Water – no objection – notes a) company assets in the locality; b) local system has capacity for foul water flows; c) notes provisions relating to adoption of assets and connection to AW systems; d) further work required on details of surface water strategy: QBAR rates proposed are not in accordance with Anglian Water policy 'we assess the 1 in 1 year rate only'.

6.5 BBC Housing Strategy – 'fully support'

- 6.6 BBC Environmental Operations – ‘no objections’
- 6.7 Environment Agency – initial objection withdrawn – supports subject to a condition stating: ‘ The development shall be carried out in accordance with the submitted FRA dated June 2024, ref: ‘ECL1081b/SHIELDS WILSON’, prepared by Ellingham Consulting Ltd and the following mitigation measures it details:
- Finished floor levels to be set no lower than 3.2 metres above Ordnance Datum (AOD)
  - The development to have at least two storeys
  - Flood resilience and resistance measures to be incorporated into the proposed development as stated’.
- 6.8 Black Sluice Internal Drainage Board – no objection – notes Board consent required for a range of operations including discharge to and works on watercourses; notes that increased ground levels on the site should not be allowed to generate off-site flood risk.
- 6.9 Lincolnshire Wildlife Trust – ‘holding objection’ pending additional BNG details. [Additional details were supplied but no further comment received from the Trust]. Trust also requests covenant on householders regarding BNG.
- 6.10 Lincolnshire County Council (education) – no objection – requests £626,780.82 towards secondary and sixth form education.
- 6.11 NHS Integrated Care Board – no objection – requests £93,720 towards primary health care.
- 6.12 BBC Environmental Health – no objection – requests a) contaminated land condition and b) construction management plan to be secured by condition.

## **7.0 Planning Issues and Discussions**

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

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

## **7.2 Principle of the development**

- 7.3 Policy 1 (Spatial Strategy), Policy 10 (Meeting Assessed Housing Requirements) and Policy 11 (Distribution of New Housing) of the SELLP set out the framework for housing provision and make allocations proportionate to current and anticipated need, and proportionate to available infrastructure. At Text 3.5.2 the Plan notes: 'the allocated sites identified in the Inset maps are those considered to best meet the requirement for each settlement'. Members will note the aim of the plan is to deliver 310 units per annum over the plan period, this being through a combination of existing commitments, allocations and windfall development. These numbers are not an upper limit. Members will also note that the Plan was adopted in 2019, and the Council can currently demonstrate a 5-Year supply of housing land. This supply includes site allocations and thus the plan may be given full weight in decision taking.
- 7.4 Policy 11 of the SELLP includes allocated sites. The application site forms part of allocation Fen006, Land East of Fenside Road, shown in Inset Map 1 and Policy 11 of the South East Lincolnshire Local Plan. The Plan was adopted on 8th March 2019 after widespread public consultation and an Examination in Public. The adopted Plan has been approved by the Planning Inspectorate, is not subject to legal challenge and has full weight in any planning decision. Therefore, the development of this part of the site has been agreed in principle as a result of the allocation.
- 7.5 The sites allocated in the Plan resulted from an intensive process of analysis and selection subject to public scrutiny and formal examination. No circumstances have arisen since the adoption of the Plan which would undermine the validity of allocated site Fen006 and the present application is for housing development on part of that allocated site.
- 7.6 The principle of the development is therefore considered to be sound and to accord with policies 1 and 11 of the Local Plan. The housing mix proposed is considered to accord with the requirements of Policy 17 Providing a Mix of Housing.

## **7.7 Design and impact on local character**

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

- 7.9 The layout and overall design of the development reflects that of the earlier development consented under B/16/0106. At its southern end this terminated with a large circular 'village green' feature with a service road around it, and the main distributor road for the present proposal would start at this point with a second road starting to its south. All roads are sinuous which will give an organic feel to the development and improve its appearance and living quality. The development will urbanise what has been open agricultural land on the settlement edge. This will have a significant character impact, but it must be remembered that the site was allocated for housing in the Local Plan and the urbanizing impact was taken into account and deemed acceptable at the plan making stage. The proposal implements this urbanization in a manner which references the previous stage of development but at a lower density, and is considered acceptable in this edge-of-settlement location.
- 7.10 The 'village green' forms the largest area of public open space for this development and would be shared with the housing already built, in accordance with the original concept and plan. Additional areas of open space and wildlife resource are scattered through the site with an area of woodland planting at the northern apex of the site. The public open space provision meets the requirements of Policy 32 of the Local Plan.
- 7.11 All dwellings have two storeys to meet flood resilience requirements, most are arranged as semi detached pairs, with some triples and two blocks of four maisonette units. The external design is conventional, with brick and tile external surfaces. The design of the dwellings, the layout and the materials palette is considered acceptable, and to accord with the character of the locality. Parking provision meets the requirements of Policy 36 of the Local Plan.
- 7.12 The proposal seeks 142 dwellings on an area of 4.6882 hectares, a density of 30.3 dwellings per hectare. The development to the immediate south (79 dwellings in its amended form on 2.2 hectares of land) has a higher density of 35.9 dwellings per hectare. The present proposal includes more recreational and nature-oriented open space than the southern development and also takes more than half of the circular 'village green'. The density as apparent on the street will not appear very different to the earlier phase. Development further to the south is also relatively dense suburban housing, and the proposed density of this scheme is acceptable in its context.

### **7.13 Impact on neighbour amenity**

- 7.14 Policy 2 of the Local Plan requires developments to meet sustainability requirements including those relating to good design and respecting existing developments and land uses, whilst Policy 3.11 makes 'residential amenity' a specific issue.
- 7.15 Dealing firstly with the amenities of future occupants, the arrangement of the dwellings, their separation distances, private amenity spaces and fenestration arrangements are

such that occupants will enjoy a good level of amenity. This will be augmented by the provision of public open space.

- 7.16 Turning to existing neighbours, there is a single dwelling to the north and two in separate plots inset into the west side of the site and a further two dwellings on the south side west of the 'village green'. There are also two more recent dwellings from the first phase, one to either side of the green.
- 7.17 The long-standing neighbours will of course experience the greatest degree of change. Historically the neighbouring land use has been agriculture with a rural outlook. Whilst loss of view is not a material planning consideration (and the inset dwellings have substantial boundary treatments including hedging) the change in land use to residential will have a degree of impact. However, it is noted that for the most part these dwellings have substantial curtilages with the dwelling itself set back from the boundary with the application site, and that a proposed area of trees will further distance the northern neighbour from the new housing.
- 7.18 The test is not whether there will be any impacts at all, but whether those impacts (through such things as overlooking, loss of privacy or overshadowing) would cause unacceptable harm to the residential amenities of those existing neighbours. In suburban situations such as will be created by this development a separation distance of 16 metres from the rear elevation of one dwelling to the elevation of its neighbour would be considered acceptable, and in this case the separation distances are significantly greater. Whilst for flood resilience reasons the new dwellings will be raised above existing ground level, the separation distances and existing boundary treatments are such that no significant harm through overlooking/loss of privacy is likely, and with the proposal lying east and north of most of the neighbours, overshadowing is not an issue.
- 7.19 In summary, by reason of separation distance, orientation, scale and fenestration the new dwellings would not cause unacceptable harm to the residential amenities of existing neighbours to the west, north or south. The relationship between the existing and the new dwellings would be more distant than that typical of the vicinity. The development would therefore accord with those parts of Policy 3 of the Local Plan which deal with residential amenity.

## **7.20 Flood risk and drainage**

- 7.21 The application is supported by a site-specific Flood Risk Assessment (FRA) which meets the requirements of the NPPF, a supplementary Drainage Principle Review Statement which contains additional information, a Site Boundary Drainage Statement and a Surface and Foul Water Drainage Strategy. Policy 4 of the Local Plan deals with flood risk; Section 14 of the Framework is also a material consideration. As a residential development in a location of elevated flood risk any development must mitigate flood risk.

- 7.22 The South East Lincolnshire Level 1 and Level 2 SFRA (2017) Flood Hazard Map for 2115 shows that the site has a Flood Hazard between 1.25 and 2 indicating a Danger for All. It is noted that the latest Environment Agency 2115 Breach Hazard Map quoted in the submitted FRA gives a range of depths across the site between 0.25m and 1m. The site is in Flood Risk Zone 3.
- 7.23 At the plan-making stage the site was fully assessed and no more recent information has come to light which would undermine the residential allocation set out in the Local Plan. Therefore, in line with paragraph 180 of the Framework the sequential and exception tests do not need to be applied again. As an allocation, the site is considered to be sequentially preferable to other, non-allocated sites and the sequential test is not required. However, regarding the exception test the NPPF states: 'the exception test may need to be reapplied if relevant aspects of the proposal had not been considered when the test was applied at the plan-making stage, or if more recent information about existing or potential flood risk should be taken into account'. Whilst no change of circumstances has taken place, it has been considered prudent to consider the merits of that Test afresh. The Test consists of two parts:

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

Regarding part (a) it is considered that the provision of 142 units of affordable housing provides a very substantial sustainability benefit to the community which outweighs the flood risk. This is in part because that flood risk has, as is required by part (b) of the Test, been mitigated both in terms of on-site and off-site risks, and that mitigation has, subject to the use of appropriate conditions as recommended in this report, been considered suitable by the Council and its expert consultees. The Exception Test is therefore considered to have been passed.

- 7.24 Preparatory ground investigations undertaken in January 2024 included 5 boreholes and 19 trial pits across the full extent of the site. Taken together with other evidence and local knowledge this work demonstrated that infiltration drainage was not feasible. The Drainage Strategy document therefore gives details proposals for surface water to be collected via a network of drains to an attenuation area including subsurface tanks and a detention basin to be located at the circular 'green'. Water would then be pumped into a riparian drain already used for the earlier phase and taken some 300m westward to be fed into the watercourse system maintained by the Black Sluice Internal Drainage Board. This would in part utilize infrastructure created for the earlier phase and would use the same riparian channel to connect to the IDB network. However, the connection will be made downstream of the existing flow control device for the earlier phase, and the two

systems will act independently of each other. The discharge rate will be limited to 6.6 litres per second in line with the existing greenfield run-off rate of the site.

- 7.25 The drainage strategy has been developed ground investigation included 5 boreholes and 19 trial pits across the full extent of the site with the involvement of the Black Sluice drainage board and has been reviewed by them, the Lead Local Flood Authority, the Environment Agency and Anglian Water. It is considered that it is capable of ensuring that surface water is properly drained from the site, but as the strategy itself acknowledges, further detailed design work for both above- and below-ground assets is necessary. It is therefore recommended that more detailed plans are secured by condition – these would include resolving a issue relating to discharge rates raised by Anglian Water. These would be subject to the approval of the Local Planning Authority, which would as ever be advised by a range of highly qualified experts.
- 7.26 An existing neighbour has expressed concern that run-off from the site would adversely impact his premises and has provided photographic evidence of standing water in the field adjacent to his boundary. The resident has made a number of suggestions to mitigate this, including amended layout, amended site grading and the installation of a concrete barrier at his site boundary to prevent inflowing water.
- 7.27 Responding to these concerns the Authority requested the provision of an interceptor drain to run along the western site boundary to capture any run-off from the new development. This feature is included in the overall site drainage plan and is discussed in detail in the document 'Site Boundary Drainage Statement'. This feature uses the wildlife corridor adjacent to the affected property and would consist of a depressed French drain to intercept any flows, though this would not be a graded 'live' drain removing water to another part of the site. Instead, the Statement seeks to demonstrate that this will allow natural drainage to take place as it would be above the water table. In this way the neighbouring property would be protected.
- 7.28 Foul water disposal would be via a connection to the Anglian Water sewer system which Anglian has confirmed has capacity to take and process the flows.
- 7.29 In an area of elevated flood risk flood mitigation and resilience measures are of great importance. The Environment Agency has requested both specified finished floor levels and flood resilient construction and these measures are considered reasonable and necessary to secure by condition.
- 7.30 The drainage measures have been assessed by the Authority's consultees. It is considered that the strategy has the potential to ensure that the site is properly drained and that the development will not cause increased risk of flooding on or off the site. However, the strategy needs to be developed into more detailed plans (and if necessary additional calculations to justify those plans) and it is recommended that their development and

approval is secured by condition. In this way the Authority and its expert advisors can ensure that the implemented scheme will deliver the performance required.

- 7.31 During the determination period a neighbour to the site commissioned a study of drainage documentation associated with the application. Its contents have been studied and are noted. The study – by Amazi Consultants Ltd. – was referred for comment to the Lead Local Flood Authority as an advisor and statutory consultee to the Authority. LCC responded as follows:

*Having reviewed the Flood and Drainage document by Amazi Consulting Ltd, Lincolnshire County Council as a Highway and Lead Local Flood Authority as a consultee for this application, have assessed the submitted details in relation to flood risk and the drainage strategy. During the consultation period, no concerning matters have been raised without them first being addressed at that stage to minimise the impact of any flood risk by applying mitigation measures. It should be noted from our formal response dated 09th August 2024, that the proposed drainage strategy adequately demonstrates a suitable scheme for the development site and has been conditioned to ensure that a detailed design requires submission and further review under a S38 Agreement to discharge the relevant condition.*

- 7.32 Subject to the use of appropriate conditions it is considered that the proposal will satisfactorily mitigate flood risk and will not cause increased risk of flooding off the site. The proposal is therefore considered to comply with the requirements of Local Plan Policy 4 and with the provisions of Section 14 of the NPPF.

### **7.33 Highway safety**

- 7.34 The site access will be off the circular public open space via a spur road and a distributor road, the latter with its own two spur roads. All estate roads will have footways. The estate will connect to Puritan Way (the road which serves the built phase to the south) and thence to the wider highway network. There will be no access to the estate roads or to individual dwellings from Fenside Road.
- 7.35 The proposal has been discussed extensively with LCC Highways. In its formal comments on the scheme it states that the layout is acceptable, and that roads should be built to adoptable standards to enable later adoption. It notes the connection to Boston via Puritan Way. The capacity of this road to take traffic flows was specifically raised with LCC, and County Highways considers that the network has capacity to accept traffic flows subject to some minor improvements such as the introduction of tactile crossings.
- 7.36 Commenting on the application, LCC Highways notes that its response is governed by the guidance set out in paragraph 109 of the NPPF, that judged by those criteria it makes no objection to the proposal and its formal recommendation is 'approve with conditions'. LCC requests a number of conditions and informative notes regarding highways matters,

and these are considered reasonable and necessary and are included in the recommendation.

### **7.37 Affordable housing and developer contributions**

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

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

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

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

*'The policy implications of this Local Plan, including those matters to be sought by developer contributions, have been subject to a Whole Plan Viability Assessment<sup>4</sup> to ensure that the cost would not adversely impact upon the viability of development in South East Lincolnshire. As such, it is expected that the costs of developer contributions are factored in when land is purchased. In exceptional circumstances, where applicants state that financial viability prevents the delivery of some or all developer contributions, a financial appraisal should be submitted. Preferably this should form part of the pre-application negotiations but must be submitted with a planning application. Each Local Planning Authority's independent valuer will consider the assessment. All costs associated with the assessments will be met by the developer'.*

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

7.40 A request for £626,780.82 was received from Lincolnshire County Council towards education provision, consisting of £463,272.78 for secondary education and £163,508.64 for sixth form provision. No request was made for primary education. In addition, a

request was received from the NHS Integrated Care Board for £93,720 towards local primary health care provision. A request for £67,000 from LCC Highways is made for improvements to Fenside Road to the junction with Washdyke Lane. A further request is made via LCC Highways for £350,000 to fund a new bus service consisting of £195,000 for operation costs for the first three years and £155,000 for free bus passes for each dwelling for 12 months. This adds up to a total of £1,167,500.82 sought against the scheme.

- 7.41 The applicant asserted that the scheme could not bear the obligations sought and submitted a detailed viability case. In line with Policy 6 this was assessed by the Council's expert independent advisor, CPV Viability Ltd., using nationally agreed methodology and with the costs borne by the applicant. The viability assessments process was a lengthy one, with detailed analyses from both sides being reviewed and discussed. Throughout it was noted that this scheme is entirely for affordable housing. The final position agreed by both the Council's assessor and the applicant was that the scheme could deliver the scheme as 100% affordable housing plus a total financial contribution of £152,478.
- 7.42 This figure is significantly less than the total contributions sought and it is therefore necessary to establish a hierarchy of planning obligations sought. In this case primacy is given to the £67,000 sought by LCC Highways primarily for the improvements to Fenside Road. These are considered by the Highway Authority to be essential for the scheme to proceed safely, and funding those improvements in their entirety is recommended.
- 7.43 Regarding the remaining £85,478, both the NHS and education are highly valuable services to the community. It could be argued that the NHS serves the entire population whilst education is restricted to those families with children in the appropriate age range, possibly at some relatively distant point in the future. Conversely not everyone needs the services of the NHS, whereas all children require education.
- 7.44 The options are to fund NHS request in full with the residue contributed to the education service, to allocate all available funds to education or simply to divide the available monies between the two. On balance (and it is a fine balance) officers recommend the first option due to health care being a universal requirement and education only benefitting those members of the community with children of a particular age. However, there are merits in all options, and the Committee could find justification for taking a different course. It is noted that in commenting on the case the Boston Woods Trust also requested an unspecified contribution from the developer. However, this request is not from a statutory provider, so that matter is left as a private issue between the applicant and the Trust.
- 7.45 Regarding the request for a new bus service, whilst desirable this is considered to be lower in the hierarchy of community benefit and is in any case unaffordable. It is also noted that the practicalities of creating a reserve for bus passes the take-up of which cannot be predicted would entail the reserve of £155,000 being created at the cost of other, better-

defined calls for funding. Moreover, the bus pass scheme is not considered by officers to accord with the requirements for planning obligations set out in paragraph 58 of the NPPF. The bus scheme is therefore discounted.

- 7.46 Regarding affordable housing, the Local Plan requires a 20% contribution on market schemes but this proposal will deliver the entire development as affordable homes. Commenting on the case the Housing Strategy Manager wrote: 'the application proposes 142 affordable dwellings - 16 x 1 bed 2 person, 80 x 2 bed 4 person, 37 x 3 bed 5 person and 9 x 4 bed 6 person dwellings all provided as affordable rented properties... this scheme will provide much needed affordable rented housing to meet the identified need'.
- 7.47 In summary, the proposed scheme will deliver 100% affordable housing plus a financial contribution which, though smaller than the sums sought, will nevertheless provide valuable community benefit. It is recommended that these are secured by means of a Section 106 legal agreement.

#### **7.48 Ecology and biodiversity**

- 7.49 The application was submitted after the new national Biodiversity Net Gain (BNG) provisions came into force, and therefore there is a requirement to demonstrate that the scheme can deliver at least 10% biodiversity net gain. Policy 28 of the SELLP deals with the natural environment. At 28.3 it requires development to provide 'biodiversity net gain' but does not specify a figure. The policy also requires at 28.1(b) that major housing applications within 10km of The Wash should be supported by a Habitats Regulations Assessment regarding their impact on sites of ecological value.
- 7.50 The application is supported by:
- Biodiversity Assessment - Report Dated August 2024
  - Preliminary Ecological Appraisal and Habitat Regulations (Screening) Assessment August 2024
  - Preliminary Ecological Appraisal and Habitat Regulations (Screening) Assessment Dated November 2023
  - Biodiversity Metric Calculation Tool (parts I and II)
  - Biodiversity Metric Condition Assessment Existing Habitats
  - Biodiversity Metric Condition Assessment Proposed Habitats
- 7.51 The Preliminary Ecological Appraisal and Habitat Regulations (Screening) Assessment and the Biodiversity Assessment deal with nearby sites of scientific and ecological interest. The proposal will have no adverse impacts on such sites, and the documents are considered to satisfy the requirements for a Habitat Regulations Assessment.
- 7.52 The proposals for on-site biodiversity net gain demonstrate that the site is capable of delivering significantly in excess of the national BNG requirement of 10% net. The

proposal envisages a net gain of habitat (area) biodiversity units of 4.5% and net gain of habitat (linear) biodiversity units of 55.94%. The applicant's proposal notes: 'this outcome assumes that areas of compensatory planting have successfully established and that a plan of adequate, long-term management and monitoring is implemented to ensure longevity for a minimum of 30 years'. It also states that if the on-site provision proves impossible to deliver it will be necessary to purchase off-site units.

- 7.53 The proposal has been assessed by the Council's ecologist, and after a number of modifications the final scheme is considered by him to be satisfactory to meet national requirements and to be capable of delivery. The recommendation is therefore the details are secured by a legal agreement to include both delivery and long-term monitoring.
- 7.54 A particular aspect of ecology for this case has been the issue of barn owls. The occupant of a dwelling on the southern site boundary has converted an outbuilding to provide barn owl nesting facilities, and reports that with his assistance broods are successfully raised each year. Barn owls, a protected species, hunt over open countryside, and the resident has raised concerns that the development would disturb nesting and deprive the owls of their hunting ground. The resident involved the Barn Owl trust in the case, and there have been lengthy discussions involving the Trust, the applicant's agent and the Authority.
- 7.55 The final position, agreed between the Authority and the Trust, is that any approval should be conditioned to require that a method of works and mitigation strategy is prepared by a suitably qualified ecologist, the details to include:
- Strict timings of works accompanied by immediate pre commencement checks conducted by a suitably qualified ecologist
  - Appropriate buffer zones around the existing nest site and any proposed temporary alternative mitigation.
  - Ensure permanent additional/alternative nesting provision i.e. wildlife tower positioning is in a location unlikely to suffer from high levels of disturbance post development and not obscured by soft or hard landscaping.
  - Design landscaping in such a way to maximise chances of continued use of the existing nest site post development. Removing trees and shrubs from entrance 'corridors'.

Such a strategy may require some minor modification of the BNG delivery plan, and may involve a degree of off-site provision. However, the Trust is of the opinion that such a mitigation strategy would provide appropriate protection for the species and at the same time allow the development to progress. The Council's ecologist and the applicant are in agreement with this proposal.

## **8.0 Summary and Conclusion**

- 8.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals are determined in accordance with the development plan unless material considerations

indicate otherwise. It is well defined in case law that the Development Plan (in this case the South East Lincolnshire Local Plan 2019) should be taken as a whole. It is for the decision-maker to weigh up the extent to which proposals are in accordance with or may conflict with policies of the development plan and their objectives, along with all relevant materials considerations. The weight attributed to each of these factors is known as the 'planning balance'.

- 8.2 The proposal is on a site allocated for housing in the Local Plan. No changes on the ground or in the planning framework have taken place since the Local Plan was approved in 2019 which would undermine the allocation. It is a material planning consideration that the proposal effectively forms the second phase of a wider development allowed under B/16/0106 and B/18/0395.
- 8.3 The principle of the development is sound. The proposal would deliver 142 units of additional residential accommodation, all of which will be affordable housing. The proposals would therefore be compliant with policies 11 and 18 of the Plan, as well as contributing to the housing stock within the Borough and the overall growth ambitions set out in the Plan.
- 8.4 The plans have demonstrated to the satisfaction of the Highways Authority that the scheme is capable of implementation without compromising the safety of road users and pedestrians. A comprehensive drainage strategy has demonstrated that the scheme is capable of implementation without causing additional risks of flooding on or off the site, and in a manner likely to result in betterment for existing neighbouring residents. Additional details of the drainage plan and its future maintenance will be required, and these can safely be secured by condition.
- 8.5 It has been demonstrated the amount of development proposed can be accommodated on site without causing harm to the residential amenities of neighbours to the site and in a manner in keeping with the character of the locality, and with the inclusion of measures to deliver environmental benefit and biodiversity net gain.
- 8.6 The viability assessment has demonstrated that the scheme can generate £152,478 towards panning obligations benefitting NHS primary care, education, or both. Such contributions as are approved by the Committee are recommended to be secured through a Section 106 legal agreement.
- 8.7 It is therefore considered that the proposal is in accordance with the policies of the development plan when taken as a whole and to represent sustainable development. It is recommended planning permission is granted subject to the conditions as set out below.

## 9.0 **Recommendation**

9.1 It is recommended that Committee approves the application subject to conditions and the signing of a Section 106 legal agreement.

### **RECOMMENDED CONDITIONS**

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

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

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

- 14-2221-300-LP Location Plan
- 14-2221-301-01 Rev D Proposed Site Plan – Roofscape
- 14-2221-301-02 Refuse Strategy
- 14-2221-302 House Type Proposals - Plots 1 + 2
- 14-2221-303 House Type Proposals - Plots 3 – 6
- 14-2221-304 House Type Proposals - Plots 7 + 8 and 71 + 72
- 14-2221-305 House Type Proposals - Plots 9 + 10 and 73 + 74
- 14-2221-306 House Type Proposals - Plots 11 + 12
- 14-2221-307 House Type Proposals - Plots 13 – 15
- 14-2221-308 House Type Proposals - Plots 16 + 17
- 14-2221-309 House Type Proposals - Plots 18 + 19
- 14-2221-310 House Type Proposals - Plots 20 – 23
- 14-2221-311 House Type Proposals - Plots 24 + 25, 46 - 51 & 63 – 66
- 14-2221-312 House Type Proposals - Plots 26 + 27
- 14-2221-313 House Type Proposals - Plots 28 – 31
- 14-2221-314 House Type Proposals - Plots 32 – 34
- 14-2221-315 House Type Proposals - Plots 35 – 38
- 14-2221-316 House Type Proposals - Plots 39 + 40
- 14-2221-317 House Type Proposals - Plots 41 – 43
- 14-2221-318 House Type Proposals - Plots 44 + 45
- 14-2221-319 House Type Proposals - Plots 52 + 53
- 14-2221-320 House Type Proposals - Plots 54 – 57
- 14-2221-321 House Type Proposals - Plots 58 – 60
- 14-2221-322 House Type Proposals - Plots 61 + 62
- 14-2221-323 House Type Proposals - Plots 67 + 68
- 14-2221-324 House Type Proposals - Plots 69 + 70
- 14-2221-325 House Type Proposals - Plots 75 – 77

- 14-2221-326 House Type Proposals - Plots 78 + 79
- 14-2221-327 House Type Proposals - Plots 80 + 81
- 14-2221-328 House Type Proposals - Plots 82 + 83
- 14-2221-329 House Type Proposals - Plots 84 - 89, 105 - 106 + 125 – 128
- 14-2221-330 House Type Proposals - Plots 90 – 91
- 14-2221-331 House Type Proposals - Plots 92 – 95
- 14-2221-332 House Type Proposals - Plots 96 – 98
- 14-2221-333 House Type Proposals - Plots 99 + 100
- 14-2221-334 House Type Proposals - Plots 101 + 102
- 14-2221-335 House Type Proposals - Plots 103 + 104
- 14-2221-336 House Type Proposals - Plots 107 + 108
- 14-2221-337 House Type Proposals - Plots 109 + 110
- 14-2221-338 House Type Proposals - Plots 111 + 112
- 14-2221-339 House Type Proposals - Plots 113 + 114
- 14-2221-340 House Type Proposals - Plots 115 – 118
- 14-2221-341 House Type Proposals - Plots 119 + 120
- 14-2221-342 House Type Proposals - Plots 121 + 122
- 14-2221-343 House Type Proposals - Plots 123 + 124
- 14-2221-344 House Type Proposals - Plots 129 + 130
- 14-2221-345 House Type Proposals - Plots 131 + 132
- 14-2221-346 House Type Proposals - Plots 133 + 134
- 14-2221-347 House Type Proposals - Plots 135 + 136
- 14-2221-348 House Type Proposals - Plots 137 + 138
- 14-2221-349 House Type Proposals - Plots 139 + 140
- 14-2221-350 House Type Proposals - Plots 141 + 142
- 23-88-01 Topographical Survey (1 of 4)
- 23-88-01 Topographical Survey (2 of 4)
- 23-88-01 Topographical Survey (3 of 4)
- 23-88-01 Topographical Survey (4 of 4)

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

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

- SW23-228-SK004 – Proposed Boundary Section

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

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

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

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

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

4. The development shall proceed in strict accordance with the contamination recommendations set out at page 30 of the contaminated land assessment for the site (GDP Project Number 2385) forming part of the approved application.

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

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

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

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

The scheme shall:

- be based on the results of evidenced groundwater levels and seasonal variations (e.g. via relevant groundwater records or on-site monitoring in wells, over a 12-month period);
- be based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development and the principles set out in the submitted documents Flood Risk Assessment; Surface & Foul Water Strategy Ref SW23-228-REP-01; Site Boundary Drainage Review Statement; Drainage Principle Review Statement and Drainage Principle Review Statement which form part of the approved application;
- provide flood exceedance routing for storm event greater than 1 in 100 years;
- provide details of how run-off will be safely conveyed and attenuated during storms up to and including the 1 in 100-year critical storm event, with an allowance for climate change, from all hard surfaced areas within the development into the existing local drainage infrastructure and watercourse system without exceeding the run-off rate for the undeveloped site;
- provide attenuation details and discharge rates which shall be restricted to a rate approved by the Local Planning Authority;
- provide detailed drawings and associated calculations of all drainage assets forming part of the scheme;
- provide details of the timetable for and any phasing of implementation for the drainage scheme; and
- provide details of how the scheme shall be maintained and managed over the lifetime of the development including the maintenance of the interceptor drain and any arrangements for adoption by any public body or Statutory Undertaker and any other arrangements required to secure the operation of the drainage system throughout its lifetime.

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

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

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

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

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

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

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

9. Before any dwelling is occupied, all of that part of the estate road and associated footways that forms the junction with the main road and which will be constructed within the limits of the existing highway, shall be laid out and constructed to finished surface levels in accordance with details to be submitted to, and approved in writing by, the Local Planning Authority.

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

10. The permitted development shall be undertaken in accordance with an Estate Road Phasing and Completion Plan, which shall first be approved in writing by the Local Planning Authority. The Plan shall set out how the construction of the development will be phased and standards to which the estate roads on each phase will be completed during the construction period of the development.

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

11. There shall be no vehicular or pedestrian access from the development to Fenside Road or from any individual dwelling forming part of the development to Fenside Road and no such accesses shall be made in the future from the development or any dwelling forming part of the development.

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

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

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

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

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

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

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

3. any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime including
  - (i) means of access and easements for maintenance purposes;
  - (ii) A timetable for implementation.

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

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

14. Prior to any works above slab level a detailed scheme of landscaping and planting based on the principles set out in the approved proposed site plan and including details of species and future maintenance shall be submitted to and approved in writing by the Local Planning Authority. Plan shall be carried out and completed in its entirety during the first planting season following completion of the development. All trees, shrubs and bushes shall be maintained for the period of five years beginning with the date of completion of the scheme and during that period all losses shall be made good as and when necessary.

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

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

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

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

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

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

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

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

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

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

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

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

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

- Aims, objective and targets for management, including the target conditions as specified within the Statutory Biodiversity Metric and Biodiversity Gain Plan.
- Details of the phasing and implementation of the habitats
- Details of the management operations necessary to achieve those aims and objectives and the target conditions of all relevant habitats.
- Details of the monitoring needed to measure the effectiveness of management and details of an assessment as to whether the target condition is achieved within the time to target period specified within the approved metric.
- Mechanisms for adaptive management and remedial measures to account for

- changes in the work schedule to achieve required targets and to redress any shortfall in biodiversity units that may occur.
- Details of the persons responsible for the implementation and monitoring detailed above
  - Reporting on the delivery of on-site gains on years 1, 2, 5, 10, 20 and 30 following the implementation of the habitats in accordance with the above details

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

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

<b>BNG APPLIES</b>	
BNG1	<p><b>BIODIVERSITY NET GAIN CONDITION</b></p> <p>The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition “(the biodiversity gain condition”) that development may not begin unless:</p> <p>(a) a Biodiversity Gain Plan has been submitted to the planning authority, and  (b) the planning authority has approved the plan.</p> <p>The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Boston Borough Council</p>
BNG3	<p><b>Statutory exemptions and transitional arrangements</b></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: <a href="https://www.gov.uk/guidance/biodiversity-net-gain">https://www.gov.uk/guidance/biodiversity-net-gain</a>.</p> <p><b>Irreplaceable habitat</b>  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><b>Effect of Section 73(2D) of the 1990 Act</b>  Under Section 73(2D) of the Town and Country Planning Act 1990 (as amended) where -  (a) a biodiversity gain plan was approved in relation to the previous planning permission (“the earlier biodiversity gain plan”), and</p>

	<p>(b) the conditions subject to which the planning permission is granted:</p> <p>(i) do not affect the post-development value of the onsite habitat as specified in the earlier biodiversity gain plan, and</p> <p>(ii) in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat within the meaning of regulations made under paragraph 18 of Schedule 7A, do not change the effect of the development on the biodiversity of that onsite habitat (including any arrangements made to compensate for any such effect) as specified in the earlier biodiversity gain plan.</p> <p>- the earlier biodiversity gain plan is regarded as approved for the purposes of paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 (as amended) in relation to the planning permission.</p>
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## INFORMATIVE NOTES

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

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

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

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

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

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

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

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

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

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## **PLANNING APPLICATION B 24 0121**

### **Application Type:**

Major - Full Planning Permission

### **Proposal:**

Construction of 102no. residential dwellings

### **Location**

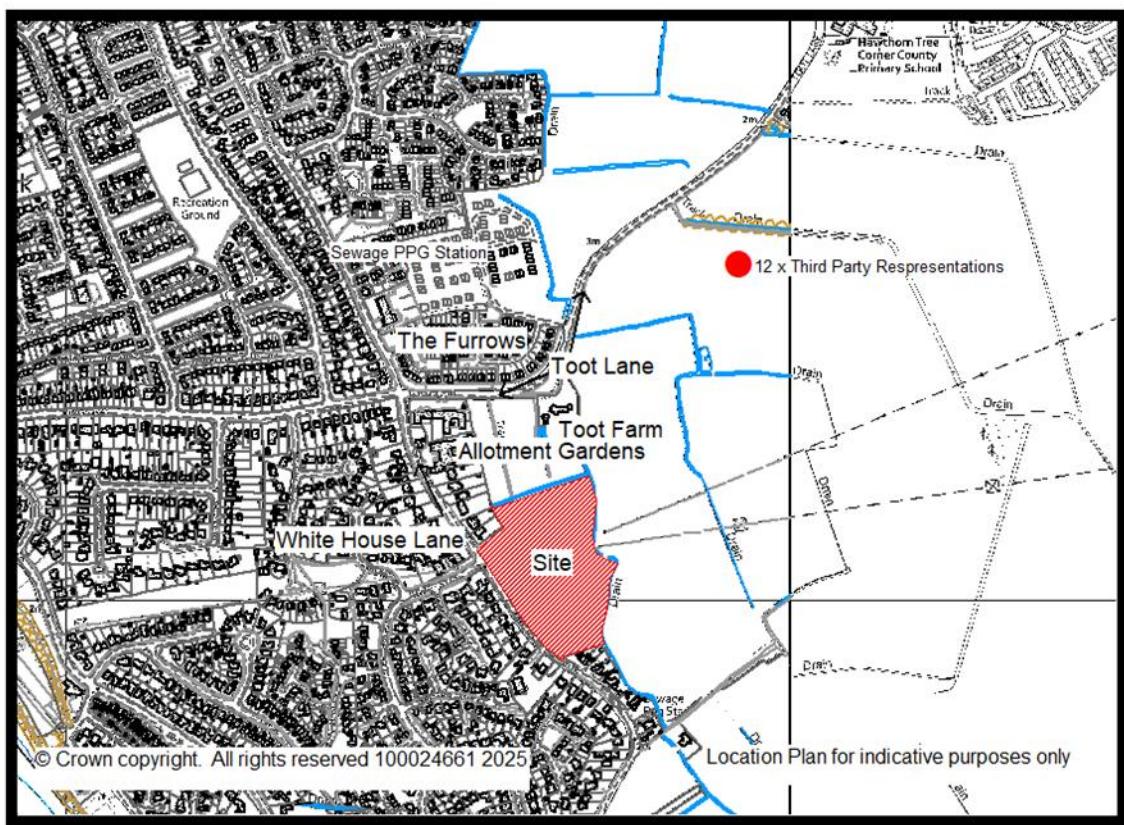
Agricultural land adjacent to White House Lane, Fishtoft, Boston PE21  
0BE

### **Applicant**

Mr Mandeep Poonian, Opal Homes Ltd

### **Agent**

Mr Colin Sutton, Sutton & Wilkinson Architects Ltd



## BOSTON BOROUGH COUNCIL

### Planning Committee – 06 May 2025

Reference No: B/24/0121

Expiry Date: 19-Jun-2024

Extension of Time: 13-May-2025

Application Type: Major - Full Planning Permission

Proposal: Construction of 102no. residential dwellings

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

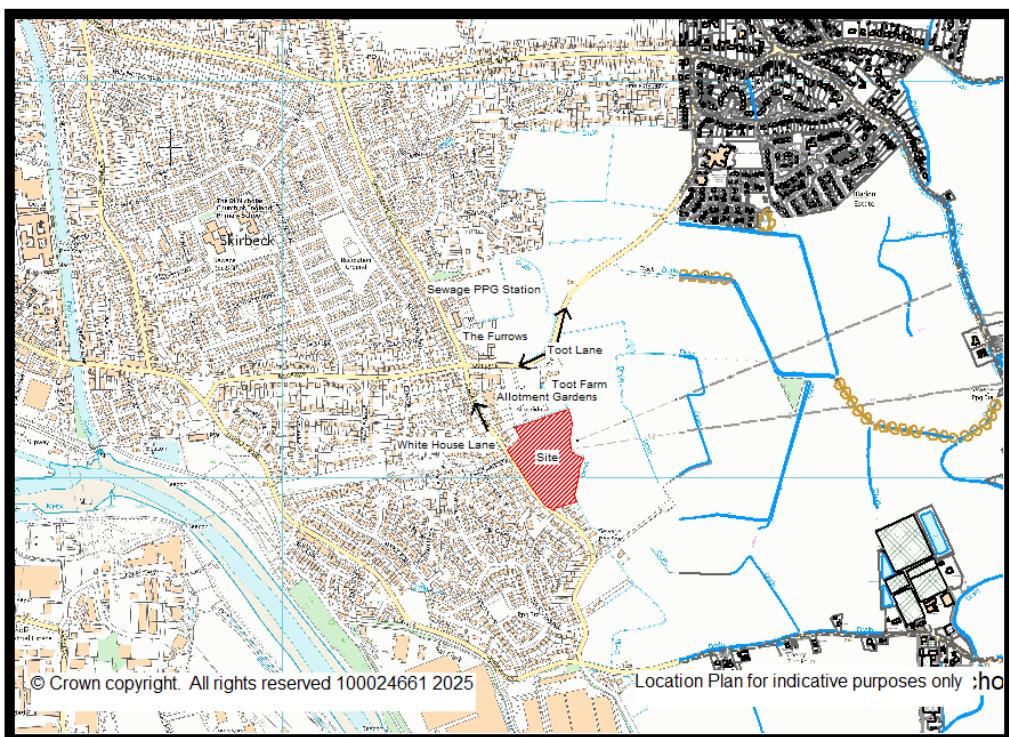
Applicant: Mr Mandeep Poonian, Opal Homes Ltd

Agent: Mr Colin Sutton, Sutton & Wilkinson Architects Ltd

Ward: Fishtoft Parish: Fishtoft Parish Council

Case Officer: Ian Carrington Third Party Reps: 12

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



## **1.0 Reason for Report**

The application was called in for Committee determination by a ward member, Cllr. Sarah Sharpe, for the following reasons:

- 1.1 Policy 2 – Development Management. The local plan states 90 dwellings, however this is for 102. The quality of design doesn't reflect the families that these houses will be built for. Having steps to the front door and from the rear door into the garden would make it incredibly difficult for parents of toddlers to access their house, and indeed play in the garden. Also, it would discount anyone who has a disability being able to access these homes. Whitehouse Lane is a busy road, this development would see an increase of two junctions. There is now an increase in HGV vehicles using this road to access Havenside Business Park. There is also no footpath on this side of the road and a junction at the end of the road, leading to the local primary school, which has seen an increase in accidents and is a source of worry for many residents. We have spoken to the LCC councillors about this on a number of occasions. Some of these roads are intended to be private roads, which would see responsibility for maintenance lie with the owners of the houses, and I am concerned about refuse lorry access each week for bin collections.
- 1.2 Policy 3 – Design of a new development. This is incongruous of the existing properties in the area. There is also limited public transport available. I have concerns about storage spaces of bins and cycles. Section 3.4.6 of Policy 3 states developments must be accessible for all – including those with disabilities, older people and those with pushchairs. As stated above - given the steps to the front and rear of the properties, I feel this isn't the case

## **2.0 Application Site and Proposal**

- 2.1 The application site is on the south-eastern edge of Boston to the east of White House Lane. It is 3.01 hectares in size and has been in agricultural use although currently lies fallow. To the north is 72 White House Lane and allotments. To the west is White House Lane with existing dwellings facing the application site. To the south is 1 White House Lane with agricultural fields beyond as well as to the east. The site is predominantly open with a few trees and hedgerows dotted along the northern and southern boundaries.
- 2.2 The application site is agricultural land and, according to the Borough wide Defra records, designated Grade 1. The site is within the Environment Agency Flood Risk Zone 3. The Council's Strategic Flood Risk Assessment (SFRA) 2010 identifies the majority of the site having a Flood Hazard rating of 'Danger for All' and a 'medium' tidal flood probability. The site has a depth from flooding for the 200-year event (2115) predominately in the range 0.5m – 1.6m.
- 2.3 There are no listed buildings or tree preservation orders on the site. Running approximately east-west through the middle of the site are overhead power lines and a pylon approximately 50 metres from the site boundary with White House Lane. A Tree

Preservation Order (Fishtoft No 5) applies outside of the site, the closest protected tree is within the rear garden of Jasmine (number 76), to the north of the application site on White House Lane. This would not be affected by the development.

- 2.4 In 2019 the South East Lincolnshire Local Plan allocated the site for residential development as allocation Fis003, Land east of White House Lane, with a notional estimated capacity of 90 dwellings (see Inset Map 1 and Policy 11).
- 2.5 The application is for 102 dwellings and associated infrastructure.

### **3.0 Relevant History**

- 3.1 B/18/0012 granted outline planning permission with some matters reserved (scale, appearance and landscaping) for proposed residential development of up to 83 dwellings.

### **4.0 Relevant Policy**

South East Lincolnshire Local Plan 2019 (SELLP)

Policy 1: Spatial Strategy

Policy 2: Development Management

Policy 3: Design of New Development

Policy 4: Flood Risk

Policy 5: Meeting Physical Infrastructure and Service Needs

Policy 6: Developer Contributions

Policy 10: Meeting Assessed Housing Requirements

Policy 11: Distribution of New Housing

Policy 17: Providing a Mix of Housing

Policy 18: Affordable Housing

Policy 31: Climate Change and Renewable and Low Carbon Energy

Policy 32: Community, health and Wellbeing

Policy 36: Vehicle & Cycle Parking

National Planning Policy Framework 2024 (NPPF)

National Design Guide (NDG)

Planning Practice Guidance (PPG)

### **5.0 Representations**

- 5.1 As a result of publicity 12 representations have been received at the time of writing with some addresses providing multiple items of correspondence. The full text of all

representations is available on the Council's website and the planning file. Two addresses submitted formal objections, other correspondence was in the form of comments.

5.2 The objections and comments can be summarised as follows:

- Adverse impacts of increased traffic on local roads and on road safety
- Upgrades to local highways are necessary if the scheme goes ahead
- The stepped access to the proposed dwellings is not suitable for all residents and discriminates against those with limited mobility; it does not provide safe fire escape route
- Use of Grade I agricultural land is inappropriate for housing
- Flood risk at the site, poor local drainage
- An assertion that the groundwater level tests are unsound
- Poor design of the dwellings and a cramped, over-dense development
- Poor local public transport
- Adverse impacts on privacy and quality of life of existing residents
- Disturbance during the construction phase
- Fishtoft has 'more than its fair share of affordable/social housing'
- 24/7 access required at nearby Franklyn Farm
- The development should include swift nesting bricks
- The number of dwellings should be reduced to allow a wider buffer between the houses and the high voltage power line

**6.0 Consultations**

- 6.1 Fishtoft Parish Council – no response received
- 6.2 NHS Integrated Care Board – requests £67,320 towards primary health care
- 6.3 Anglian Water – no objection – notes a) presence of Anglian Water assets at or near the site; b) that the Boston Water Recycling Centre has capacity for foul water flows; c) provides various informatics relating to the maintenance and potential adoption of drainage assets and connection to its network.
- 6.4 BBC Environmental Service – no objection - requests waste strategy [subsequently provided]
- 6.5 Planning Archaeologist – no objection - site is in an area of archaeological interest – requests condition requiring an Archaeological Scheme of Works including initial geophysical survey and trial trenching.
- 6.6 Lincolnshire Wildlife Trust – 'LWT will be placing a holding objection on this application pending the inclusion of BNG, if it is not already being included'. [Comprehensive BNG details had already been submitted – no further comments received from the Trust].

- 6.7 Environment Agency – no objection subject to the development being implemented in accordance with specified details in the Flood Risk Assessment including finished floor levels, flood defence equipment and flood resilience measures.
- 6.8 Witham Fourth District Internal Drainage Board (IDB) – no objection – comments a) detailed agreements with the applicant on measures relating to the IDB easement on the eastern side of the site; b) notes by law requirements for Board consent regarding various measures including discharging into, culverting or bridging a watercourse; c) any raising of ground levels must not cause adverse impacts on neighbours to the site; d) as a matter of policy the Board does not support the use of sub-base reservoirs.
- 6.9 Council Ecologist – no objection – notes a) submitted BNG metric and other information satisfactory; b) requirement for off-site provision; c) recommends Section 106 agreement to ensure proper long term monitoring and assessment of on-site and off-site provision.
- 6.10 Lincolnshire County Council Highways/Lead Local Flood Authority – ‘Recommendation: Approve with conditions’ – notes a) access arrangements satisfactory subject to provision of additional footway and tactile crossings; b) local road network has capacity for the additional traffic the scheme will generate; c) there is nothing in the local accident record to suggest the scheme will be unsafe; d) ‘the proposal will not increase surface water flood risk to the development site, surrounding properties or land’; e) LCC requests certain conditions and informatics.

## **7.0 Planning Issues and Discussions**

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

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

### **Principle of the development**

- 7.3 Policy 1 (Spatial Strategy), Policy 10 (Meeting Assessed Housing Requirements) and Policy 11 (Distribution of New Housing) of the SELLP set out the framework for housing provision and make allocations proportionate to current and anticipated need, and proportionate to

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

- 7.4 Policy 11 of the SELLP includes allocated sites. The application site is referred to in Policy 11 and Inset Map 1 as Fis003, land east of White House Lane, with an estimated capacity of 90 dwellings although this figure is not an upper limit. The South East Lincolnshire Local Plan was adopted on 8th March 2019 after widespread public consultation and an Examination in Public. The adopted Plan has been approved by the Planning Inspectorate, is not subject to legal challenge and has full weight in any planning decision. The previous consent B/18/0012 is a material consideration but was granted under an earlier Local Plan. The allocation of the site under the current Local Plan means that the principle of the development is sound. Comments on the application expressing concern about the use of high quality agricultural land for housing are noted, but like other matters this was considered at the plan making stage. The site having been allocated it cannot now be revisited.

## 7.5 Design and impact on local character

- 7.6 Policy 2 of the Local Plan deals with development management, and requires proposals to meet a range of criteria for sustainable development including matters of size, scale, layout, density and impact on the amenity, trees, character and appearance of the area and the relationship to existing development and land uses and also quality of design and orientation. Policy 3 of the Plan sets out parallel criteria dealing with the design of new development which seek to ensure that 'development will create distinctive places through the use of high quality and inclusive design and layout'. In addition to these local policies Section 12 of the National Planning Policy Framework provides overarching guidance on 'achieving well-designed places'.
- 7.7 The layout of the proposed scheme is very largely the same as that approved under B/18/0012. A single vehicular access links to internal distributor roads serving the majority of the dwellings, with 8 dwellings located on a drive running parallel with White House Lane and having its own entrance. Although the total number of dwellings is slightly higher than the scheme previously approved, the basic layout is adaptable to the new numbers.
- 7.8 In terms of density, the proposal seeks 102 dwellings in 3.01 hectares, an average of 33.887 dwellings per hectare. This is significantly higher than the average in the near vicinity which is more typically up to 20 dwellings per hectare. However, it should be noted that the

dwellings facing the site on the west side of White House Lane are predominantly larger detached units with substantial curtilages. Of more significance is the notional density of the allocation itself, which envisaged 90 dwellings in 3.01 hectares, an average density of 29.9 dwellings per hectare. Since this density was implicit in the approved Local Plan it is the key comparator, and the density of the proposal is not considered to be greater to a degree which could be a sustainable reason for refusal. In discussions during the determination period the Authority sought to reduce the numbers but the applicant has opted to keep to 102. Given the small difference with the implied density of the allocation as set out in the Local Plan the proposal is considered acceptable in terms of density. The proposal accords with the requirements for the efficient use of land set out in the Local Plan (paragraphs 3.3.2 and 5.3.9) and the NPPF (paragraph 129).

- 7.9 Eight different house types are proposed including 1-, 2-, 3- and 4-bedroom dwellings. Most are houses with a small number of dormer bungalows, and most are arranged as semi-detached with a small number of triples in certain corner positions. The designs are conventional with ridged or hipped roofs and are predominantly finished in brick and tile. The stepped front and rear entrances are discussed later in this report, but with the exception of that feature the proposed layout and the detail of the dwellings are considered to accord with the character of the locality, albeit at a greater density than existing housing nearby.
- 7.10 Policy 17 of the Local Plan sets out requirements for the provision of a mix of housing, including family homes of different sizes and dwellings suitable for an ageing population. The range of housing in this proposal is considered to meet the requirements of Policy 17.
- 7.11 The most distinctive visual element of the proposed dwellings is the result of meeting the requirements for raised finished floor levels consequent on the flood risk level at the site. Flood risk and drainage matters are discussed in detail later in this report, but there is a requirement to raise finished floor levels substantially to mitigate the risk of flooding. In many developments this will be achieved by raising the level of the site overall, or at least of the immediate area on which a particular dwelling will be located. In this application the chosen route is to seat each dwelling on a brick plinth approximately 1m in height which allows finished floor levels to be set at least 1m above existing ground level and a minimum of 3.5m above ordnance datum, as required by the Environment Agency.
- 7.12 The key consequences in terms of appearance in the street scene are that the dwellings appear to have an unusually strong vertical emphasis, and they have very prominent steps leading up to each front door. Neither are typical of the built environment in the nearby locality, and whilst they would be a uniform and consistent feature across the development, they would not be in keeping with the wider character of the area. However, the development is very largely self-contained, with only a small number of dwellings visible from White House Lane, and those will be partly screened by soft landscaping and fronting not onto the main highway but onto a separate parallel access road. So, whilst the steps feature is visually dissonant in terms of the wider area it will have a limited visual impact

beyond the site itself. The matter is finely balanced, but taking all relevant material considerations into account it is not considered that this feature will have a sufficiently harmful impact on local character to warrant a sustainable reason for refusal.

- 7.13 The ward member in her call-in and a number of residents in correspondence have also raised the potential difficulties for residents presented by the stepped front and rear access, in particular for parents and small children, the elderly or less mobile and those with some forms of disability. Amenity issues are discussed later in this report, but in the interests of clarity those related to the steps are dealt with here.
- 7.14 In policy terms the Local Plan makes numerous references to accessibility, but these largely relate to ensuring that public spaces and shopping and other facilities are accessible, that development is located where public transport is accessible and that vehicular and pedestrian access to developments is safe. There are no specific provisions relating to personal accessibility to new housing beyond the general provisions relating to 'quality of design' in Policy 2.2 and 'residential amenity' in Policy 3.11.
- 7.15 At the national level the Framework contains similar general provisions relating to accessibility, and also allows local plan makers to adopt national standards into local plans if they see fit (although this did not take place when the SELLP was prepared). Perhaps the closest NPPF reference is in paragraph 135 (f) which states that planning policies and decisions should 'create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience'. However, the Framework does not provide specific guidance relating to the accessibility of individual new homes.
- 7.16 The National Design Guide (NDG) carries similar weight to the NPPF. It makes reference to accessibility in terms of public and shared spaces, movement in general and active travel in particular. It also refers to accessibility as a means of promoting social inclusion: 'contributing to creating balanced and mixed neighbourhoods that are suitable and accessible for all' (paragraph 119). Dealing with homes and buildings paragraph 120 states: 'Well-designed homes and buildings are functional, accessible and sustainable. They provide internal environments and associated external spaces that support the health and well-being of their users'. Paragraph 121 continues: 'They meet the needs of a diverse range of users, taking into account factors such as the ageing population and cultural differences'.
- 7.17 The possibility of using an alternative method to stepped access to achieve the required floor levels has been raised with the applicant on a number of occasions. The applicant has opted to retain this design feature, and has referred to application B/21/0196. This was a reserved matters application for 42 dwellings in Butterwick, which approved the same stepped design as is now applied for.

7.18 Accessibility matters are covered by Part M of the Building Regulations, and hence are subject to another regulatory regime and normally beyond the remit of planning. Some local plans incorporate elements of or references to the regulations but this does not apply to the SELLP. It follows that any evaluation of the planning merits of the access arrangements for these dwellings must be made against the general references in the Local Plan and the Framework to amenity, accessibility and good design, and the guidance in paragraphs 120 and 121 of the NDG which although more applicable to the present case remain relatively general in terms of their wording. Taking all relevant material planning considerations into account, and noting that other regulatory regimes may apply, the matter is considered finely balanced. However, that balance is considered to be in favour of the development, and it is not considered that accessibility issue, real though they clearly are, would necessarily constitute a sustainable reason to refuse the application.

#### **7.19 Impact on neighbour and public amenity**

- 7.20 The existing neighbours to the north and south will not be subject to significant adverse amenity impacts, although it is of course the case that their outlook will change from an agricultural field to residential development. Neighbours to the west are separated by White House Lane itself, and whilst activity at the site entrances (especially traffic at night time) will have some impact it is not considered sufficient to be a reason for refusal. Within the site the layout, disposition of the dwellings and their fenestration arrangements are such that acceptable levels of residential amenity will be experienced by future residents.
- 7.21 The proposal includes two areas of public open space. The first, centered on the attenuation ponds, will include a children's play area. The second runs along the eastern boundary of the site along much of which an internal drainage board easement applies. This area includes a path. Taken together these areas are considered to meet the requirements of Local Plan Policy 32 (Community, Health and Well-being).
- 7.22 One item of correspondence has been received about the high voltage electricity line which crosses the site. This is supported by pylons, and the housing is arranged so avoid any dwelling being beneath the line. Guidance on this matter is set out in the document 'Development near overhead lines - Planning and amenity aspects of high voltage electricity transmission lines and substations' issued by the National Grid. This describes statutory safety clearances, which the development meets. It also notes that National Grid does not consider it appropriate to set minimum distances between properties and a transmission line. In this case there is no development planned beneath the line which has a clear run across the site, and the buffer zone is the same as was approved on this site under B/18/0012 and is very similar to those approved under other recent consents such as B/17/0317 and the subsequent permissions which allowed the Heron Park development. A resident of Wrangle has commented arguing that the buffer should be increased entailing the removal of 34 dwellings from the scheme. However, it is not considered that it has been demonstrated that this is necessary or reasonable, and it is noted that the Council's

Environmental Health team has been consulted on the application and has raised no concern about the transmission line.

#### **7.23 Flood risk and drainage**

- 7.24 The application is supported by a site-specific flood risk assessment (FRA) which meets the requirements of the NPPF. As a residential development in a location of elevated flood risk any development must mitigate that flood risk. Policy 4 of the Local Plan deals with flood risk and drainage. The application site is in Flood Risk Zone 3 with Environment Agency data showing the risk to be tidal/fluvial but with very low risk of surface water flooding. The hazard mapping varies across the site but is largely in the maximum risk category 'Danger for All' and maximum flood depths are predicted at between 0.5m and 1.6m depending on the scenario being modelled. At the plan-making stage the site was fully assessed and no more recent information has come to light which would undermine the residential allocation set out in the Local Plan. Therefore, in line with paragraph 180 of the Framework the sequential and exception tests do not need to be applied again.
- 7.25 The Environment Agency was consulted before the application was submitted and the details reflect both the Agency's advice at that time and its comments on the case. For mitigation the Agency requires that 'Proposals must have a minimum of 2 storeys, with FFL set a minimum of 1m above existing ground level, flood resilient construction to a height 300mm above the predicted flood depth, and demountable defences to 600mm above FFL'. The application also proposes that each dwelling should have to sign up to the Agency's flood warning system. Other expert external bodies including the Lead Local Flood Authority have been consulted on the case and have made no objections to this mitigation. It is therefore considered that subject to appropriate mitigation being secured by condition the scheme can be satisfactorily implemented without increasing the risk of flooding on or off the site.
- 7.26 The application is also supported by ground condition and permeability assessments and a comprehensive drainage strategy and plan. The final details have been subject to extensive consultation with the Lead Local Flood Authority and the Witham Fourth District IDB. Percolation drainage is not feasible at this location, so surface water would be collected by a network of drains and led to an attenuation area incorporating two detention basins. Water would then be released into the IDB maintained system, an IDB drain running parallel to the eastern site boundary. Release would be via two piped outfalls and would be limited by a hydrobrake to no more than 3 litres per second to ensure that capacity always exists to take the flows. The Council's expert advisors have expressed satisfaction with the final details, and it is recommended that these are secured by condition along with detailed design drawings of all drainage assets. Similarly a schedule of ownership and maintenance responsibilities of all drainage assets is recommended to be secured by condition to ensure that responsibilities are clear and that the system is properly maintained at all times.

- 7.27 Regarding foul water, Anglian Water has commented that the proposal site is in the catchment of Boston Water Recycling Centre which will have available capacity for these flows. Anglian Water also notes the presence of various of its assets in the vicinity, and requests informative notes to any grant of permission covering a range of issues including future adoption of drainage assets.
- 7.28 In summary, the proposal is considered to comply with the requirements of Local Plan Policy 4 and with the provisions of Section 14 of the NPPF.

**7.29 Heritage matters**

- 7.30 There are no nearby listed buildings or other significant above-ground heritage assets. The Council's archaeological advisor comments that the location is one of archaeological interest, remains spanning the period from the Roman occupation to the Middle Ages having been found in the vicinity. The advisor therefore recommends 'that the developer should be required to commission a Scheme of Archaeological Work, in the form of an archaeological evaluation to determine the presence, character and date of any archaeological deposits present at the site. This evaluation should initially consist of geophysical survey followed by a programme of trial trenching'. This advice is accepted, and a suitable condition to secure a Scheme of Archaeological works is recommended.

**7.31 Highway safety**

- 7.32 The County Council Highways team has been actively involved with the scheme during the period of its consideration, and the final plans incorporate a number of modifications made at its request. In its comments on the case LCC notes that it is satisfied with the safety of the junctions giving access to the site, that two tactile crossing will be provided to enable residents to cross White House Lane and that there is access to a shared footway/cycleway and to nearby bus stops. In addition to the junctions, a length of new footway would be built to connect the development to the existing footway network. LCC also notes that there is no history of accidents in the vicinity which would cast doubt on the capacity of the local road network to accommodate the additional traffic, and that the network is predicted to operate within capacity when the scheme is completed. The Highways team requests a number of conditions to secure certain details of the scheme.

- 7.33 In summary, subject to the use of appropriate conditions the scheme is capable of implementation in a manner which will maintain the safety of road users and pedestrians and provide safe access to the development.

**7.34 Affordable housing and developer contributions**

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

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

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

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

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

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

- 7.37 When submitted the application included a commitment to meet the Council's affordable housing requirements, and was supported by draft heads of terms for a Section 106 agreement to deal with that contribution. At a late stage in the consideration of the proposal a request was received from the County Council for a contribution of up to £354,000 towards a scheme to provide bus passes for residents for three years. Taken together with other smaller proposals a total of £403,000 was requested for transport by LCC. A request for £67,320 from the NHS Integrated Care Board had already been received; no request for an education contribution have been received.
- 7.38 Given the large sums involved in the bus pass scheme the applicant triggered a viability assessment and submitted a detailed viability case. In line with Policy 6 this was assessed

by the Council's expert independent advisor, CPV Viability Ltd., using nationally agreed methodology and with the costs borne by the applicant. The outcome of that assessment was that the Council's own assessor determined that the scheme could not bear the costs of the bus pass scheme or indeed of the affordable housing requirement set out in policy, but could deliver only 'a reduced S106 commitment of £131,000'. CPV also states that 'given the poor current viability outcome, the Council may wish to consider requesting a Review Mechanism, to be built into a S106 agreement. This would allow viability to be retested in the future and, in the event that market conditions were to improve, the Council would be able to recover part / all of its lost policy requirements'. The use of such a review mechanism has been accepted in writing by the applicant.

- 7.39 The outcome of the County Council's request and the subsequent viability assessment is unfortunate. The initial offer of a full 20% affordable housing contribution is withdrawn and the numbers which emerged from the assessment mean it cannot be demanded by the Authority. The bus pass scheme requested by the County Council is also unaffordable, though it must also be stated that officers do not believe such a scheme is either practicable nor in accordance with the requirements for planning obligations set out in paragraph 58 of the Framework. There is sufficient money to cover the NHS request with some left over, or alternatively the whole sum could be deemed a commuted sum toward off-site provision of social housing. There are positives and negatives to both options and the planning balance could support either. Given the expectation of 20% affordable housing from this scheme and the high levels of demand in the Borough, officers recommend that the entire £131,000 is devoted to affordable housing, but members would be equally valid in choosing to make the full requested contribution to local NHS care and put the remaining money toward off-site affordable provision.

#### **7.40 Ecology and biodiversity**

- 7.41 The application was submitted after the new national Biodiversity Net Gain (BNG) provisions came into force, and therefore there is a requirement to demonstrate that the scheme can deliver at least 10% biodiversity net gain. The application is supported by a Biological Impact Assessment, a Biodiversity Net Gain Metric, a multi-part Preliminary Ecological Assessment, a Pre-development Tree Survey and a range of soft landscaping proposals.
- 7.42 Policy 28 of the SELLP deals with the natural environment. At 28.3 it requires development to provide 'biodiversity net gain' but does not specify a figure. The policy also requires at 28.1(b) that major housing applications within 10km of The Wash should be supported by a Habitats Regulations Assessment regarding their impact on sites of scientific and ecological value.
- 7.43 The Preliminary Ecological Assessment deals in detail with nearby sites of scientific and ecological interest. The proposal will have no adverse impacts on such sites, and the document is considered to satisfy the requirements for a Habitat Regulations Assessment.

- 7.44 The document also contains a number of recommendations in the interests of ecology both for the long term and during the construction phase, and it is recommended that these are secured by condition. The applicant's submission in relation to BNG has been assessed by the Council's ecologist who comments that 'the information in the BNG metric file and assessment are sufficient and accurately calculated for the above application'. He goes on to note that in addition to the on-site measures, the applicant will need to purchase 1.03 area-habitat units and 0.07 hedge-habitat units from an off-site habitat bank. He concludes: 'In addition, due to the size of the site (2.91 ha) and the relative significance of on-site habitat creation (5.37 habitat units in total), the standard approach (stipulated in the guidelines) is to secure these over 30 years via a section 106 planning obligation'.
- 7.45 It is therefore considered that the scheme is capable of implementation in a manner which delivers the required level of biodiversity net gain, and that such delivery should be secured by an appropriate condition.

## **8.0 Summary and Conclusion**

- 8.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals are determined in accordance with the development plan unless material considerations indicate otherwise. It is well defined in case law that the Development Plan (in this case the South East Lincolnshire Local Plan 2019) should be taken as a whole. It is for the decision-maker to weigh up the extent to which proposals are in accordance with or may conflict with policies of the development plan and their objectives, along with all relevant material considerations. The weight attributed to each of these factors is known as the 'planning balance'.
- 8.2 The proposal is on a site allocated for housing in the Local Plan. No changes on the ground or in the planning framework have taken place since the Local Plan was approved in 2019 which would undermine the allocation. The principle of the development is sound.
- 8.3 The proposal would deliver 102 units of residential accommodation and the range of housing is compliant with Policy 17 of the Local Plan. However, the viability of the scheme is such that it does not deliver the level of affordable housing required by Policy 18, though a more modest off-site contribution via a commuted sum is possible.
- 8.4 The plans have demonstrated to the satisfaction of the Highways Authority that the scheme is capable of implementation without compromising the safety of road users and pedestrians. A comprehensive drainage strategy has demonstrated that the scheme is capable of implementation without causing additional risks of flooding on or off the site. Details of the drainage scheme and its future maintenance can be secured by condition.

- 8.5 The density of the proposal is considerably higher than is typical in the vicinity. However, it is only modestly higher (by approximately 3 dwellings per hectare) than that envisaged in the allocation itself, and this is considered to be acceptable.
- 8.6 The layout of the scheme and the basic design and materials of the house types are considered acceptable in relation to the distinctive character of the locality. By contrast, measures to respond to flood risk, notably the use of c.1 metre high brick plinths for the dwellings and the consequent use of stepped entrances front and rear are not in keeping with local character and will be dissonant features in the street scene. However, whilst finely balanced, they are considered acceptable in terms of visual impact and local character.
- 8.7 The stepped entrances are sub-optimal in terms of ease of access and may present challenges to future occupants including those with mobility impairments, small children and others including the disabled. In some respects, this feature fails to accord with policy requirements for good design, accessibility for all and inclusivity. This matter is also finely balanced, but it is noted that accessibility is not simply a planning matter but one which is subject to another regulatory framework (the Building Regulations). On balance the stepped access arrangements are therefore not considered to be a reason for refusal in this case.
- 8.8 The viability of the scheme has been demonstrated to be capable of delivering only a modest level of planning gain. This means that some requests or policy requirements for planning obligations will not be met, but such contribution as can be delivered should be secured by a legal agreement with built-in review.

## **9.0 Recommendation**

- 9.1 It is recommended that Committee approves the application subject to the use of appropriate conditions and the signing of a Section 106 legal agreement.

### **Conditions**

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

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

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

- 2451-03 Location Plan
- 2451 - 09 Rev L Proposed Site Layout

- 000156/E01 Rev D Proposed Drained Areas
- 00156 E02H Indicative Drainage Layout
- 000156/H02 Vehicle Tracking Sheet 2
- 2401-PL1-02 Soft Landscaping Masterplan
- 2401-PL1-03 Soft Landscaping Proposals - Detailed Plans
- 2401-PL1-04 Soft Landscaping Proposals - Detailed Plans
- 2401-PL1-05 Soft Landscaping Proposals - Detailed Plans
- 2401-PL1-06 Soft Landscaping Proposals - Detailed Plans
- 2401-PL1-07 Soft Landscaping Proposals - Detailed Plans
- 2401-PL1-08 Specimen Plants Near Easements (Based on Revision A of the Landscape Masterplan)
- 2401-PL1-09 Specimen Plants Near Easements (Based on Revision A of the Landscape Masterplan)
- 2401-PL1-Tree Provision
- 2451 - 01 Topographical Survey
- 2451 - 10 Rev C House Type A (2 Bed 3 Person) - Floor Plans & Elevations
- 2451 - 11 Rev C House Type B (2 Bed 3 Person) - Floor Plans & Elevations
- 2451 - 12 Rev C House Type C (3 Bed 5 Person) - Floor Plans & Elevations
- 2451 - 13 Rev C House Type D (3 Bed 5 Person) - Floor Plans & Elevations
- 2451 - 14 Rev C House Type E (4 Bed 7 Person) - Floor Plans & Elevations
- 2451 - 15 Rev C House Type F (4 Bed 6 Person) - Floor Plans & Elevation
- 2451 - 16 Rev D House Type G - Floor Plans & Elevations
- 2451 - 17 Rev C House Type H (3 Bed 5 Person) - Floor Plans & Elevations
- 2451 - 18 Rev B Proposed Street Scenes (1 of 2)
- 2451 - 19 Rev A Proposed Street Scenes (2 of 2)
- 2451 - 20 Refuse Strategy
- 2451 - 22 House Type A (2 Bed 3 Person) - Floor Plans & Elevations (Render Option)
- 2451 - 23 House Type A (2 Bed 3 Person) - Floor Plans & Elevations (Brick Option)
- 2451 - 24 House Type A (2 Bed 3 Person) - Floor Plans & Elevations (Cedral Option)
- 2451 - 25 House Type B (2 Bed 3 Person) - Floor Plans & Elevations (Render Option)
- 2451 - 26 House Type C (3 Bed 5 Person) - Floor Plans & Elevations (Brick Option)
- 2451 - 27 House Type C (3 Bed 5 Person) - Floor Plans & Elevations (Render Option)
- 2451 - 28 House Type C (3 Bed 5 Person) - Floor Plans & Elevations (Cedral Option)
- 2451 - 29 Proposed House Tenure Layout

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

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

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

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

1. An assessment of significance and proposed mitigation strategy (i.e. preservation by record, preservation in situ or a mix of these elements).
2. A methodology and timetable of site investigation and recording including provision for trial trenching based on the results of the geophysical survey and appraisal forming part of the approved outline application
3. Provision for site analysis
4. Provision for publication and dissemination of analysis and records
5. Provision for archive deposition
6. Nomination of a competent person/organisation to undertake the work

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

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

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

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

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

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

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

The scheme shall:

- be based on the results of evidenced groundwater levels and seasonal variations (e.g. via relevant groundwater records or on-site monitoring in wells, over a 12-month period);
- be based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development and the principles set out in the submitted documents R-00156-001-FRA-E Flood Risk Assessment, 000156/E01 Rev D Proposed Drained Areas and 00156 E02H Indicative Drainage Layout which form part of the approved application;
- provide flood exceedance routing for storm event greater than 1 in 100 years;
- provide details of how run-off will be safely conveyed and attenuated during storms up to and including the 1 in 100-year critical storm event, with an allowance for climate change, from all hard surfaced areas within the development into the existing local drainage infrastructure and watercourse system without exceeding the run-off rate for the undeveloped site;
- provide attenuation details and discharge rates which shall be restricted with a flow control device or devices to no more than 3 litres per second;
- provide detailed drawings and associated calculations of all drainage assets forming part of the scheme;
- provide a routing from the interceptor drain on the northern and western site boundaries which will direct flows into the site attenuation area and thence to the IDB maintained drainage system;
- provide details of the timetable for and any phasing of implementation for the drainage scheme; and
- provide details of how the scheme shall be maintained and managed over the lifetime of the development including the maintenance of the interceptor drain and any arrangements for adoption by any public body or Statutory Undertaker and any other arrangements required to secure the operation of the drainage system throughout its lifetime.

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

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

7. The development hereby permitted shall not be occupied before a 2.0-metre-wide frontage footway, including uncontrolled pedestrian crossing points with tactile paving, to connect the development to the existing footway network, has been provided in accordance with details that shall first have been submitted to, and approved in writing by, the Local Planning Authority. The works shall also include appropriate arrangements for the management of surface water run-off from the highway.

**Reason:** To ensure the provision of safe and adequate pedestrian access to the permitted development, without increasing flood risk to the highway and adjacent land and property and to accord with policies 2 and 3 of the South East Lincolnshire Local Plan 2019.

8. Before any dwelling is occupied, all of that part of the estate road and associated footways that forms the junction with the main road and which will be constructed within the limits of the existing highway, shall be laid out and constructed to finished surface levels in accordance with details to be submitted to, and approved in writing by, the Local Planning Authority.

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

9. The permitted development shall be undertaken in accordance with an Estate Road Phasing and Completion Plan, which shall first be approved in writing by the Local Planning Authority. The Plan shall set out how the construction of the development will be phased and standards to which the estate roads on each phase will be completed during the construction period of the development.

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

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

10. Prior to any works above slab level, details of refuse collection arrangements for dwellings served by private drives shall be submitted to and approved in writing by the Local Planning

Authority. The development shall proceed in accordance with the details so approved which shall thereafter be so maintained.

**Reason:** In the interests of the amenities of occupants of the development and to accord with policies 2 and 3 of the South East Lincolnshire Local Plan 2019.

11. The development shall be implemented and maintained in accordance with the recommendations of the Preliminary Ecological Appraisal forming part of the approved application.

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

12. None of the dwellings hereby approved shall be occupied until details of the public open space and how it is managed and maintained as part of the development has been submitted to and approved in writing by the Local Planning Authority. The scheme shall cover the full lifetime of the open space and drainage system and, as a minimum, shall include:
  - (i) details of the public open space and how the POS will be landscaped (hard and soft) along with provision of play equipment or other facilities;
  - (ii) arrangements for adoption by an appropriate public body or statutory undertaker, or management and maintenance by a Residents' Management Company.
  - (iii) arrangements concerning funding mechanisms for the ongoing maintenance of all elements of the POS (including mechanical components) to include details such as:
    1. on-going inspections relating to performance and asset condition assessments;
    2. operation costs for regular maintenance, remedial works and irregular maintenance of limited life assets; and
    3. any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime including
      - (i) means of access and easements for maintenance purposes;
      - (ii) A timetable for implementation.

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

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

13. The scheme of landscaping and tree planting shown in the following documents:

- 2401-PL1-02 Soft Landscaping Masterplan
- 2401-PL1-03 to 2401-PL1-07 Soft Landscaping Proposals - Detailed Plans
- 2401-PL1-08 Specimen Plants Near Easements (Based on Revision A of the Landscape Masterplan)

- 2401-PL1-09 Specimen Plants Near Easements (Based on Revision A of the Landscape Masterplan)
- 2401-PL1-Tree Provision

shall be carried out and completed in its entirety no later than the first planting season following completion of the development. All trees, shrubs and bushes shall be maintained for the period of five years beginning with the date of completion of the scheme and during that period all losses shall be made good as and when necessary.

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

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

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

15. The development hereby approved shall not be commenced until details of a comprehensive contaminated land investigation has been submitted to and approved by the Local Planning Authority and until the approved scope of works have been implemented. The assessment shall include the following measures unless the LPA dispenses with any such requirement in writing:

- A Phase 1 desk study carried out to identify and evaluate all potential sources of contamination and the impacts on land and/or controlled waters, relevant to the site. The desk study shall establish a 'conceptual model' of the site and identify all plausible pollutant linkages. Furthermore the assessment shall set objectives for the intrusive site investigation works/quantitive risk assessment. A copy of the desk study and non-technical summary shall be submitted to the Local Planning Authority.
- A site investigation shall be carried out to fully and effectively characterise the nature and extent of any land contamination and/or pollution of controlled waters. It shall specifically include a risk assessment that adopts the source-pathway-receptor principle and take into account the sites existing status and proposed new use. A copy of the site investigation and findings shall be submitted to the Local Planning Authority.

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

16. Where the risk assessment (condition 15) identifies any unacceptable risk or risks, a detailed remediation strategy to deal with land contamination and/or pollution of controlled waters affecting the site shall be submitted to and approved in writing by the Local Planning Authority. No works, other than investigative works, shall be carried out on the site prior to receipt of written approval of the remediation strategy by the Local Planning Authority.

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

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

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

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

18. The development shall be carried out in accordance with the submitted flood risk assessment dated March 2024, ref: 'R - 00156 – 001 – FRA – B', prepared by SEA Consulting Engineers and the following mitigation measures it details:

- Finished floor levels to be set no lower than 1.0 metre above the existing ground level, equivalent to 3.5 metres above Ordnance Datum (AOD)
- The dwellings shall have at least two storeys
- Demountable defences/flood doors shall be provided to a height of 600mm above the finished floor level, to cover all ground floor doors
- Flood resilience and resistance measures to be incorporated into the proposed development as stated.

The mitigation measures shall be fully implemented prior to occupation and subsequently remain in place throughout the lifetime of the development.

**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.

#### **INFORMATIVE NOTES**

1. The applicant's attention is drawn to the comment on the application dated 20-May-2024 from the

Witham Fourth District Internal Drainage Board and correspondence dated 1-Jul-2024 from the Board to the applicant and their agent. These documents cover a range of issues including by-law restrictions on activities on and near the Board's assets and activity, development and planting at or near those assets. The applicant is advised to discuss these matters with the Board's officers prior to the scheduling or commencement of any works.

2. The applicant's attention is drawn to the comment on the application dated 5-April-2024 from

Anglian Water. This contains advice and information regarding foul and surface water drainage and company assets in the area and the following four informative notes:

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

The applicant is advised to discuss these matters with the company prior to the scheduling or commencement of any works.

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

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

5. The highway improvement works referred to in condition 6 are required to be carried out by means of a legal agreement between the landowner and the County Council, as the Local Highway Authority. For further guidance please visit our website; [www.lincolnshire.gov.uk/highways-planning/works-existing-highway](https://www.lincolnshire.gov.uk/highways-planning/works-existing-highway)
6. Please contact the Lincolnshire County Council Streetworks and Permitting Team on 01522 782070 to discuss any proposed statutory utility connections, Section 50 licences and any other works which will be required within the public highway in association with the development permitted under this Consent. This will enable Lincolnshire County Council to assist in the coordination and timings of these works. For further guidance please visit the Highway Authority's website via the following link: Traffic Management - <https://www.lincolnshire.gov.uk/traffic-management>
7. The existing ground level of the site must not be raised above the ground level of any surrounding land without further consultation with the Lead Local Flood Authority and Local Planning Authority, to consider suitable mitigation measures to ensure that surface water flood risk is not created or increased to land adjacent to the permitted development.

<b>BNG APPLIES</b>	
<b>BIODIVERSITY NET GAIN</b>	
BNG1	<p><b>BIODIVERSITY NET GAIN CONDITION</b></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"> <li>(a) a Biodiversity Gain Plan has been submitted to the planning authority, and</li> <li>(b) the planning authority has approved the plan.</li> </ul> <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><b>Statutory exemptions and transitional arrangements</b></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 <a href="https://www.gov.uk/guidance/biodiversity-net-gain">https://www.gov.uk/guidance/biodiversity-net-gain</a>.</p> <p><b>Irreplaceable habitat</b>  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><b>Effect of Section 73(2D) of the 1990 Act</b>  Under Section 73(2D) of the Town and Country Planning Act 1990 (as amended) where</p> <ul style="list-style-type: none"> <li>-</li> <li>(a) a biodiversity gain plan was approved in relation to the previous planning permission (“the earlier biodiversity gain plan”), and</li> <li>(b) the conditions subject to which the planning permission is granted:</li> <li>(i) do not affect the post-development value of the onsite habitat as specified in the earlier biodiversity gain plan, and</li> <li>(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.</li> </ul>

	<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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## PLANNING APPLICATION B 23 0379

### **Application type:**

Major - Full Planning Permission

### **Proposal:**

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

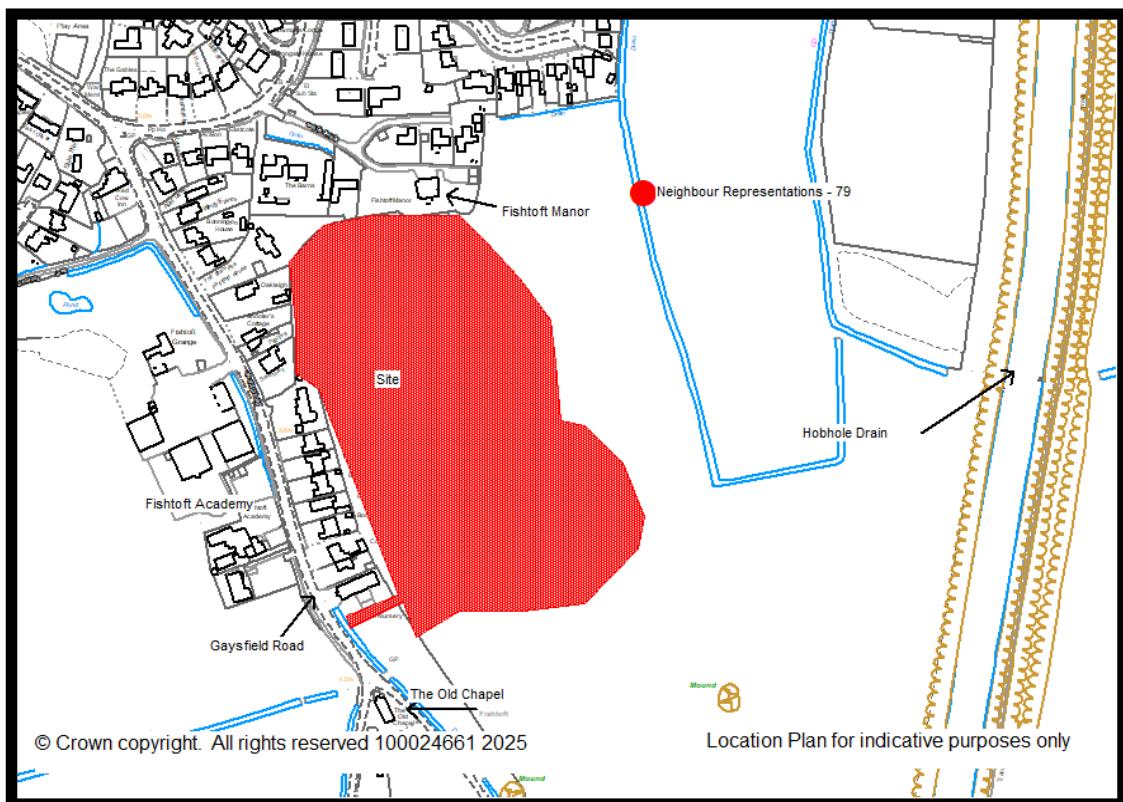
### **Location:**

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

### **Applicant:**

Fiona Beddoes, Gleeson Regeneration Ltd

### **Agent:**



**BOSTON BOROUGH COUNCIL**

Planning Committee – 06 May 2025

Reference No: B/23/0379

Expiry Date: 05-Feb-2024

Extension of Time: 07-May-2025

Application Type: Major - Full Planning Permission

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

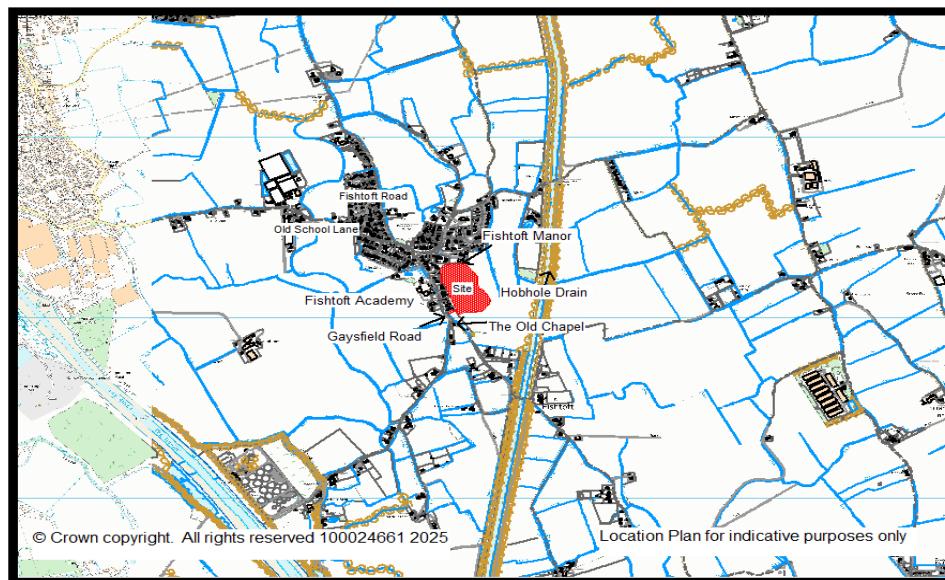
Site: Land to the East of Gaysfield Road, Fishtoft, Boston PE21 0SF

Applicant: Fiona Beddoes, Gleeson Regeneration Ltd

Ward: Fishtoft Parish: Fishtoft Parish Council

Case Officer: Ian Carrington Third Party Reps: 84

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



## **1.0 Reason for Report**

- 1.1 The application was called in for Committee determination by Cllr Mrs. Staples to allow full and public discussion of key planning matters including:
  1. The impact of the new development on existing neighbours;
  2. The number of dwellings and the density of the proposal and its relationship to the character of the village;
  3. Access and egress, and the impact on the local highway network;
  4. Access to the development for emergency vehicles;
  5. Design of the dwellings including room sizes and storage space, and their suitability as family homes;
  6. Flood risk and drainage, and the drainage impacts of the proposal on existing residential neighbours and other buildings.
- 1.2 In addition the application has generated significant local interest and a substantial volume of comments.

## **2.0 Application Site and Proposal**

- 2.1 The application site is an area of arable field 3.83 hectares in extent lying to the east of Gaysfield Road, Fishtoft. The western boundary is marked by existing linear housing development on Gaysfield Road with further residential development around Fishtoft Manor on the northern boundary. To the south and east is open farmland. There is also an existing Scout Hut located to the west with an enclosed triangle of land also associated with scouts' facilities to the south, which would be adjacent to the development.
- 2.2 The topography is largely flat although there is a slight rise toward the north boundary. Access is to be via a new connection adjacent to the scout hut, the southernmost building on Gaysfield Road. The existing housing on the western boundary is mixed, with mostly modern houses and bungalows. The site is in Flood Risk Zone 3 (FRZ3).
- 2.3 Fishtoft is classified as a Minor Service Centre in Policy 1 of the Local Plan. Part of the site is allocated for housing in the Local Plan as allocation Fis046 on Inset Map 15.
- 2.4 The proposal is for residential development of 89 dwellings and associated infrastructure, drainage and open space. The submission includes 20% affordable housing.
- 2.5 The application has been amended and supplemented since original submission, including in particular revised layouts, amended house types and materials specifications and augmented drainage strategy. These matters are discussed in more detail below.

### **3.0 Relevant History**

- 3.1 B/24/0488 was an outline application which approved the erection of 46 market dwellings on the northern part of the site largely in the area of the allocation;
- 3.2 B/24/0499 was a full application which approved the erection of 20 affordable homes immediately south of the of the B/24/0488 site, the two schemes effectively forming a single larger development.

### **4.0 Relevant Policy**

South East Lincolnshire Local Plan 2019 (SELLP)

Policy 1: Spatial Strategy

Policy 2: Development Management

Policy 3: Design of New Development

Policy 4: Flood Risk

Policy 5: Meeting Physical Infrastructure and Service Needs

Policy 6: Developer Contributions

Policy 10: Meeting Assessed Housing Requirements

Policy 11: Distribution of New Housing

Policy 17: Providing a Mix of Housing

Policy 18: Affordable Housing

Policy 31: Climate Change and Renewable and Low Carbon Energy

Policy 32: Community, health and Wellbeing

Policy 36: Vehicle & Cycle Parking

National Planning Policy Framework 2024 (NPPF)

National Design Guide (NDG)

Planning Practice Guidance (PPG)

### **5.0 Representations**

- 5.1 The case was initially publicised in December 2023/January 2024, and again in January 2025 on amended plans and additional details. As a result of publicity 84 representations have been received at the time of writing with some addresses providing multiple items of correspondence. The full text of all representations is available on the Council's website and the planning file. A number of correspondents have also supplied photographs including those showing drainage conditions at the site, boundary conditions and trees. All comments have been carefully considered.

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

- Highway safety: Gaysfield Road and the wider village highway network cannot cope with additional traffic; this is exacerbated by parking and traffic using the primary school;
- Village facilities do not have the capacity to cope with the pressures which the additional residents would generate; there are no significant employment opportunities in Fishtoft so residents would have to commute to work;
- Loss of amenity for existing residents through overlooking and loss of privacy;
- Adverse impacts on wildlife and ecology and lack of provision for wildlife and nature;
- Adverse impacts on trees at Fishtoft Manor;
- Flood risk and drainage: the site itself is subject to poor drainage and run-off from the site causes flooding in residents garden on Gaysfield Road and at the Manor;
- Concerns about long term maintenance of proposed drainage systems;
- Fishtoft has already exceeded its Local Plan housing allocation;
- The site is the wrong location for new housing in general and for social housing in particular due to isolation and poor public transport links;
- The construction phase will cause major disturbance to local residents and the village as a whole;
- The site has archaeological remains which could be damaged by the scheme;
- The development would not be in keeping with the distinctive character of the village;
- The recreation area and the attenuation pond should not be close together on safety grounds;

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

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

## 6.0 Consultations

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

6.2 Fishtoft parish Council – objects – grounds include

- Village does not have the infrastructure capacity to absorb 89 dwellings
- 'probable future sink estate' not in keeping with local character
- Excessive housing density
- Inadequate vehicular and pedestrian access
- Inadequate travel plan
- Inadequate hard and soft infrastructure to service new residents who 'will not be particularly affluent, and therefore reliant on local services to a greater degree than the majority of the current population'
- The site will be at high risk of flooding and 'water has to go somewhere'
- Existing Gaysfield Road residents' drainage needs upgrading
- Concern that Gleeson Homes propose that the contractor 'will have the final decision on drainage matters'
- Lack of a submitted archaeological plan
- Lack of construction phase management plan
- Lack of post-construction site management plan

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

6.4 Witham Fourth District Internal Drainage Board – no objection – in final comments and correspondence notes a) requirement for 9m easement for Board maintained assets; b)

requirement for Board consent for works affecting a number of specified local assets; c) Board consent required to discharge into a watercourse whether Board or riparian maintained and that such discharge will trigger a fee; e) Board does not support the use of 'sub-base reservoirs'; f) notes it is necessary to ensure that raised finished floor levels on site do not adversely impact neighbours; g) requests that the proposed interceptor drain does not terminate in local watercourse but is fed into the on-site attenuation and discharge system; h) requests that details of surface water drainage and long term maintenance schedule of drainage assets are secured by condition; i) accepts discharge rate to Board maintained watercourse of up to 2.5 litres per second from the site attenuation system.

- 6.5 Anglian Water – no objection – comments a) that there are Anglian Water assets in the vicinity which must be respected; b) that the local system has capacity to accept foul water flows; c) that further processing will be necessary to arrange adoption of drainage assets; d) that surface water drainage does not relate to Anglian Water assets.
- 6.6 Historic Conservation Advisor (archaeology) – no objection - notes that the area is one of high archaeological potential and notes the findings of a heritage Assessment including geophysical survey. Recommends an archaeological scheme of works including trial trenching is secured by condition.
- 6.7 Historic Conservation Advisor (non-archaeology heritage) – no objection - notes concerns regarding the precise boundary between the site and the curtilage of Fishtoft Manor and the need for boundary treatments, layout, materials and structures to respect the setting of the listed building.
- 6.8 Lincolnshire Wildlife Trust – ‘holding objection’ – states that the application is not supported by assessments of nearby sites of scientific or nature conservation interest and wishes to have further information on ecology and compliance with national Biodiversity Net Gain regulations.
- 6.9 Lincolnshire Fire & Rescue – objects but states objection can be overcome if a) the roadways meet building regulations and LRF’s own carrying capacity requirements for pumping appliances and b) 3 fire hydrants are installed in the development.
- 6.10 Lincolnshire Police – ‘do not have any objections to this development’
- 6.11 BBC Environmental Operations – no objection – comments: ‘Environmental Operations would request confirmation from the applicant if the proposed ‘shared surface’ road serving plots #s 69 - 80 will be constructed to adoptable standards, as our refuse vehicles would be unable to service the street if it were not’.
- 6.12 BBC Environmental Health – no objection – comments: a) an update on the ground gas monitoring which has taken place as part of the groundwater monitoring programme is

- required; b) a comprehensive Construction Management Plan is required which should ensure that wherever possible site deliveries avoid drop-off and pick-up times at the nearby school.
- 6.13 Active Travel England – no comment as development does not meet its statutory requirements.
- 6.14 NHS Lincolnshire Integrated Care Board – requests contribution of £58,740 toward primary care.
- 6.15 LCC (education) – no objection – requests contributions of £517,775.46 towards secondary education and £190,534.84 towards sixth form education.
- 6.16 LCC (highways) requests up to £133,500 towards bus passes for future residents (total sum dependent on take-up) and £5,000 for travel plan monitoring.
- 6.17 Sport England – comments include 'consideration should also be given to how any development for new housing, will provide opportunities for people to lead healthy lifestyles and create healthy communities'.
- 6.18 Environment Agency – no objection subject to conditions including finished floor levels and flood resilience measures on certain plots. The Agency confirms it accepts single storey dwellings in this development.
- 6.19 BBC Forward Plans (Planning Policy) – no objection – notes a) that the site was allocated 'because it has a good flood hazard category. A lot of the allocation has 'No Hazard', some is 'Low Hazard' and a small area is 'Danger for Some' and b) that the proposal meets the Local Plan requirement for affordable housing.

## **7.0 Planning Issues and Discussions**

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

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

## **7.2 Principle of the development**

- 7.3 Policy 1 (Spatial Strategy), Policy 10 (Meeting Assessed Housing Requirements) and Policy 11 (Distribution of New Housing) of the SELLP set out the framework for housing provision and make allocations proportionate to current and anticipated need, and proportionate to available infrastructure. At Text 3.5.2 the Plan notes: 'the allocated sites identified in the Inset maps are those considered to best meet the requirement for each settlement'. Members will note the aim of the plan is to deliver 310 units per annum over the plan period, this being through a combination of existing commitments, allocations and windfall development. These numbers are not an upper limit. Members will also note that the Plan was adopted in 2019, and the Council can currently demonstrate a 5-Year supply of housing land. This supply includes site allocations and thus the plan may be given full weight in decision taking.
- 7.4 Policy 11 of the SELLP includes allocated sites. The northern part of the proposal site for this application is shown as allocation 'Fis043 Land East of Gaysfield Road' in Inset Map 15 of the Plan, with an estimated capacity of at least 45 dwellings. (A further reserve site, Fis 041 with an estimated capacity of at least 39 dwellings was allocated elsewhere in the village under Policy 12). The South East Lincolnshire Local Plan 2011-2036 was adopted on 8th March 2019 after widespread public consultation and an Examination in Public. The adopted Plan has been approved by the Planning Inspectorate, is not subject to legal challenge and has full weight in any planning decision. Therefore, the development of this part of the site has been agreed in principle as a result of the allocation. In addition, development within Fishtoft through windfall sites and existing commitments is also agreed in principle, and thus the area can accommodate growth. Objectors to the proposal have expressed concerns about the sustainability of Fishtoft and its ability to accommodate growth, however, this managed approach to growth has already been tested through the plan-making process, and thus, an objection to the development on sustainability grounds would be unreasonable and be unlikely to succeed at Appeal.
- 7.5 The sites allocated in the Plan resulted from an intensive process of analysis and selection subject to public scrutiny and formal examination. No circumstances have arisen since the adoption of the Plan which would undermine the validity of allocated site Fis 046 and the present application is in part for housing development on that allocated site.
- 7.6 The application also includes a slight enlargement of the allocated site to the east and a significant addition of further land to the south. Both of these areas were approved for housing under B/20.0488 and B/20/0489. The eastern extension is a small strip of land and was not regarded as consequential. The southern addition was approved for affordable housing under B/20/0489, effectively as a rural exception site. Whilst the present application blends the affordable units into the overall scheme rather than siting them exclusively in one area, the principle of the use of the land for residential which was established under the two previous applications is not considered to be undermined. Whilst the overall numbers have increased, the total of 89 dwellings is almost the same

as the 84 total of the two Fishtoft allocations. The scale of this development therefore is in line with the overall scale of new housing in Fishtoft which the Local Plan considers to be appropriate and capable of being serviced by local facilities.

- 7.7 The principle of the development is therefore considered to be sound and to accord with policies 1 and 11 of the Local Plan. Taking the market and affordable/low cost housing elements together the housing mix proposed is considered to accord with the requirements of Policy 17 Providing a Mix of Housing.
- 7.8 Overall, the proposals would release development on an allocated site, plus additional land already consented for residential development, to deliver much needed housing. This would contribute to the overall housing need for the Borough, as well as contributing to the managed level of growth for Fishtoft as identified through the Local Plan.
- 7.9 The NPPF (in the versions applying to the 2020 planning permissions as well as today) is clear that proposals should be plan led, and that Authorities should approve development proposals that accord with an up-to-date development plan without delay. This applies in this instance, and is given significant material weight. Officers therefore consider that in principle the proposals are in general accordance with the plan when taken as a whole. There is no sustainable reason why the scheme should not be supported in principle.

#### **7.10 Design and impact on local character**

- 7.11 Policy 2 of the Local Plan deals with development management, and requires proposals to meet a range of criteria for sustainable development including matters of size, scale, layout, density and impact on the amenity, trees, character and appearance of the area and the relationship to existing development and land uses and also quality of design and orientation. Policy 3 of the Plan deals with sets out parallel criteria dealing with the design of new development which seek to ensure that 'development will create distinctive places through the use of high quality and inclusive design and layout'. In addition to these local policies Section 12 of the National Planning Policy Framework provides overarching guidance on 'achieving well-designed places'.
- 7.12 The design of the scheme to be determined reflects a number of changes made in response to discussions with officers. In particular the main roadway is now more sinuous and+ amendments have been made to the siting and orientation of dwellings and to the materials to be used. The area of public open space and the attenuation pond has also been subject to changes.
- 7.13 The layout is similar to that approved under B/20/0488 and B/20/0489. A spine road runs up the west side of the development, but whereas the earlier version continued around the site to form an oval, the present proposal has spur roads on an east-west axis. This accommodates increased dwelling numbers, and also breaks the development into

smaller sub-neighbourhoods. The attenuation area remains in the south east, with public open space and recreation area around it.

- 7.14 The spine road has been amended from the straight road originally proposed to a more sinuous design and the orientation, house-type and materials of the dwellings has been made less uniform. On the spur roads the front elevations have been stepped alternatively forward and back, again with increased variety of house-type and materials. Overall this will create a more interesting and varied street scene which is considered to contribute to a better living experience for residents.
- 7.15 The application is supported by a landscaping plan which indicates proposed planting including grassed areas and public open space, planting of trees and shrubs, new stretches of hedgerow and other soft landscaping elements. In general terms this is considered appropriate and will contribute positively to the quality of life enjoyed by future residents. A condition is recommended to secure the fine details of the landscaping in accordance with the general principles of the landscape plan.
- 7.16 The elements of the landscape plan are also relevant in the delivery of biodiversity net gain, and this is discussed in more detail later in this report.
- 7.17 The proposal is for 89 dwellings on a 3.89 hectare site, a density of 23 dwellings per hectare. Looking elsewhere in the village, the housing on St Guthlac's Way is at a density of just over 20 dwellings per hectare, and the area bounded by Church Green Road, Fishtoft Road and Gilder way is also at a density of just over 20 dwellings per hectare. The area inset from Church Green Road served by Royal Way and Scotia Road is a little denser at 24 dwellings per hectare. Therefore, whilst the proposal is at greater density to that already approved, that density is nevertheless not untypical for Fishtoft village and is in keeping with the character of the settlement. Both the Local Plan and the NPPF have relevant guidance in this regard. The SELLP (at paragraph 3.3.2) and the NPPF (at paragraph 129) make clear that development should make 'efficient use of land', the Framework stating that: 'planning policies and decisions should support development that makes efficient use of land'. Both documents emphasise that this should be in the context of local character, and the proposed density is demonstrably in keeping with the range of densities found in Fishtoft.
- 7.18 The external impact of the development beyond its own boundaries would be very limited. The site is screened from the north and west by existing development and viewed from the nearest public footpath some 300m east on the bank of the Hobhole Drain it would effectively merge into the backdrop of the built form of the village. It would in many ways appear as a natural evolution of the village. Being largely concealed from the highway by existing housing and landscaping, the proposal would not have a significant urbanising impact in the street scene. Overall, the development would be in keeping with the character of the village and would accord with Local Plan and NPPF requirements on design.

## **7.19 Amenity impacts**

- 7.20 As with the predecessor applications, concerns have been raised by neighbours to the west and north of the site about loss of amenity through overlooking, massing and disturbance through domestic use of the land. These concerns have been carefully assessed, and the amended plans seek to address issues raised.
- 7.21 There is no doubt that the development will have an impact on residents bordering the site. In particular where they currently enjoy an open countryside view there will in future be a prospect of domestic housing. However loss of view is not a material consideration: the planning issue is whether residential amenity would be unacceptably harmed by the development through such factors as overlooking, loss of light, massing, noise or odour. Furthermore, this must be considered in the context of the residential allocation of the site as set out earlier in this report, as the context of these relationships was anticipated to change.
- 7.22 The development has been designed to maintain a separation of at least 20 metres dwelling-to-dwelling between the new homes and the existing Gaysfield Road neighbours, and in most cases that distance would be closer to 25 metres. In urban and suburban situations a separation distance of over 16 metres is generally considered acceptable as far as overlooking is concerned, and whilst some of the new dwellings will be two storey units it is not considered than any of them will have an unacceptably harmful impact through overlooking or loss of privacy. Being set due east of Gaysfield Road, and given the separation distances, the proposal will have no significant impacts in terms of overshadowing or loss of light.
- 7.23 To summarize, by reason of separation distance, orientation, scale and fenestration the new dwellings would not cause unacceptable harm to the residential amenities of neighbours to the west or north. Gaysfield Road is an urbanized location and the relationship between the existing and the new dwellings would be typical of that found elsewhere in the village. No harm would be likely to existing or future residents and the new development would be in keeping with those parts of Policy 3 of the Local Plan which deal with residential amenity.

## **7.24 Flood risk and drainage**

- 7.25 The application is supported by a site-specific flood risk assessment (FRA) which meets the requirements of the NPPF. As a residential development in a location of elevated flood risk any development must that mitigate flood risk. The application site is in Flood Risk Zone 3. The hazard mapping varies across the site ranging from Danger to Most to Low or No Hazard. Similarly predicted depths vary across the site from 0-1m. Compared to other sites in Fishtoft, this site is favourable in flood risk terms based on hazard and depth. At the plan-making stage the site was fully assessed and no more recent information has

come to light which would undermine the residential allocation set out in the Local Plan. Therefore, in line with paragraph 180 of the Framework the sequential and exception tests do not need to be applied again.

- 7.26 Infiltration drainage is not a viable option in this location. The proposed Sustainable Urban Drainage Scheme (SUDS) therefore employs roadside swales and a network of underground drains to capture and channel surface water south to an attenuation pond. From there excess surface water will be carried by a pipe to a watercourse which is maintained by the Witham Fourth District Internal Drainage Board (IDB) to the east of the site, and thence from the IDB network to the Environment Agency watercourse network for final discharge to the sea. The rate of flow into the IDB drain would be limited by a hydrobrake to no more than 2.5 litres per second. Taken together with the attenuation pond, this will ensure that the on-site system can store surplus surface water awaiting discharge, and that the IDB system has the capacity to cope with flows discharged.
- 7.27 Residents of Gaysfield Road have provided photographic evidence that surface water from the field forming the application site sometimes flows into their back gardens during heavy rainfall events causing localized flooding and considerable distress. At the insistence of this Authority the drainage scheme as originally submitted has been modified to include an interceptor drain running along the boundary with neighbouring properties. Whilst the main SUDS scheme will intercept almost all the water from the developed area of the field, a small portion of the western part of the site which falls slightly toward the Gaysfield Road properties will drain into the interceptor drain. This will not be a passive sump, but a graded drain which will capture and actively remove any surface water which would otherwise have flowed off the site and affected the neighbours. Run-off from the existing field has also been reported as causing problems at the northern site boundary, and the interceptor drain will therefore run adjacent to this boundary as well as the western. In this regard the scheme therefore represents significant betterment and is designed to remove a problem which has been affecting neighbouring residents for many years.
- 7.28 The highways will be adopted by the Highways Authority which has confirmed that the roadside swales would be part of that adoption. The drainage network will be offered for adoption to Anglian Water, with any assets not adopted by Anglian Water or the County Council being maintained by the site management company. The Drainage Strategy also verifies that foul water flows to the Anglian Water sewer are acceptable and this has been confirmed by Anglian Water in its comments on the case.
- 7.29 The application is supported by a site-specific flood risk assessment (FRA) which meets the requirements of the NPPF. The surface water drainage scheme has been modelled to cope with 1 in 100-year rainfall events plus a 40% margin. The application has been subject to detailed review by Lincolnshire County Council as the Lead Local Flood Authority, Anglian Water, the Environment Agency and the Witham Fourth District Internal Drainage Board. The Environment Agency consultation included a specific check

that single storey dwellings are acceptable on the site, to which the response was positive although additional raising of finished floor levels will be necessary on plot 14. The drainage board has stated there must be mitigation to ensure that raising part of the site will not displace surface water onto neighbouring land. The overall drainage plan and the interceptor drain will achieve this.

- 7.30 The submitted drainage plan is considered satisfactory to establish that the principle of the strategy will drain the site. However, given the level of flood risk and the poor natural permeability of the site, it is considered necessary to impose comprehensive conditioning to ensure that engineering- and construction-level drawings and calculations are submitted to and approved by the Authority prior to the commencement of any works. This will give the Authority (advised by the Lead Local Flood Authority, the Environment Agency and the internal drainage board) the opportunity to verify and approve all final details and ensure that the system will function as intended. In this regard it is noted that the outfall of the interceptor drain as initially proposed is not considered satisfactory. This would have discharged into a riparian watercourse beyond the site boundary, and such a watercourse could not be subject to the on-site maintenance schedule secured by condition. The state of repair and capacity of the watercourse was also not calculated. Instead, a drainage condition is proposed which will ensure that the interceptor discharges via the on-site attenuation pond to the IDB maintained watercourse and thence to the Environment Agency system.
- 7.31 Subject to the use of appropriate conditions the expert consultees are satisfied that the proposal will satisfactorily mitigate flood risk and will not cause increased risk of flooding off the site. The proposal is therefore considered to comply with the requirements of Local Plan Policy 4 and with the provisions of Section 14 of the NPPF.

### **7.32 Heritage matters**

- 7.33 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. Policy 29 of the SELLP relates to the historic environment. Proposals that affect the setting of a Listed Building or Conservation Area should preserve or better reveal the significance of the building and the setting. Section 16 of the NPPF re-iterates these aims and further requires the significance of non-designated heritage assets to be considered and a sets out that a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage assets.
- 7.34 Grade II Listed Fishtoft Manor and Grade I Listed St Guthlac's Church are the only designated heritage assets close to the development. New housing (the Manor Grange development) has recently been allowed near the manor house and the current proposal

will by reason of distance, dwelling types and boundary treatments have no significant adverse impacts on its setting. The church is some 240m north east of the proposal and separated from it by modern housing and the scheme will have no material impact on its setting or significance. Due regard was also given to heritage issues at the time the allocation was made.

- 7.35 The high archaeological potential of the site has been emphasised by the Council's heritage advisors. The applicant accepts that there are a number of points of archaeological interest within the site boundary and that a pre-commencement archaeological scheme of works will be necessary and this is recommended to be secured by condition.

#### **7.36 Highways and Access**

- 7.37 The estate roads would join the highway network on Gaysfield Road just south of the Scout Hut. Internal roadways would be built to adoptable standards and would when complete be adopted by the County Council.
- 7.38 It is noted that Lincolnshire Fire & Rescue has lodged an objection, but it is also noted that this objection can be overcome by a) ensuring that the roads are constructed to building regulations specification to take the weight of a fire engine and b) by the provision of three fire hydrants. Both of these measures can be secured by condition.
- 7.39 In its role as Highway Authority the County Council has assessed the proposal. As with the predecessor applications it considers that the entrance is safe and that the impact on the local highway network will be acceptable. Some improvement to the local footway/cycleway network is requested via a Grampian condition. This request is considered reasonable and necessary and an appropriate condition is recommended.

#### **7.40 Developer Contributions and affordable housing**

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

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

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

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

*'The policy implications of this Local Plan, including those matters to be sought by developer contributions, have been subject to a Whole Plan Viability Assessment<sup>4</sup> to ensure that the cost would not adversely impact upon the viability of development in South East Lincolnshire. As such, it is expected that the costs of developer contributions are factored in when land is purchased. In exceptional circumstances, where applicants state that financial viability prevents the delivery of some or all developer contributions, a financial appraisal should be submitted. Preferably this should form part of the pre-application negotiations but must be submitted with a planning application. Each Local Planning Authority's independent valuer will consider the assessment. All costs associated with the assessments will be met by the developer'.*

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

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

- 20% affordable on-site housing contribution;
- £58,740 towards local NHS primary healthcare;
- £708,534.84 requested by the County Council for education, £517,775.46 being for secondary education and £190,534.84 being for sixth form provision (the local primary school adjacent to the site has spare capacity and no primary contribution is requested)
- Up to an additional £133,500 requested by the County Council to fund bus passes for future residents (this request was received in April 2025, after the viability assessment had been prepared) plus £5,000 for travel plan monitoring.

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

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

- 7.45 In considering the relative weight to be given to the different forms of planning gain sought, the site history is of particular relevance. As was set out in detail earlier in this report, only the northern part of the site is allocated. The principle of residential development over the whole site including the non-allocated land was established through approvals B/20/0488 and B/20/0489. These applications included market and affordable housing with the affordable units located together at the southern end of the site. The present application distributes the affordable units throughout the development (which is regarded as preferable) and that sustains the principle of residential development. However, if the affordable housing contribution were to be removed or significantly reduced, the principle of the development would be undermined because it was established on the basis of a full contribution meeting the requirements of the Local Plan.
- 7.46 It therefore follows that in establishing a hierarchy of planning obligations (which is necessary as the site has the capacity to meet only some of the contributions which are sought) affordable housing should have primacy, since without a full contribution as required by the Local Plan the basic principle of the scheme would become unsound. The second option proposed by CPV is therefore the one recommended to be followed: 'a 20% onsite affordable housing provision and a reduced S106 payment of £400,000'. This has been accepted in writing by the applicant.
- 7.47 Turning to the remaining contributions which have been requested it is noted that local NHS primary care will serve all future residents, whereas secondary and sixth form education will serve only part of the population, and some of those will be at a relatively distant point in the future. Whilst health and education are both deeply valuable to the community, it is therefore recommended that the NHS contribution of £58,740 is made in full with the remaining £341,260 being allocated to LCC to be distributed to education with £5,000 of that being reserved for travel plan monitoring. All planning obligations would be secured by a Section 106 legal agreement. This solution is considered to be in keeping with the provisions of the Local Plan, the National Planning Policy Framework and Planning Practice Guidance relating to planning obligations.
- 7.48 No allocation is recommended for the bus pass scheme proposed by the County Council. In part this is because such a scheme, whilst desirable, is not seen to carry greater weight or to be likely to provide greater public benefit than the elements identified above – it is considered to be lower in the hierarchy. In addition, the bus pass scheme faces two further hurdles. Firstly, the uptake of such a scheme by future residents cannot be predicted. Therefore, whilst the upper limit of the funds required can be set, creating a reserve which would be drawn down would inevitably mean that those funds would not be available for competing, better defined requests for planning gain funds. Secondly, whether secured by legal agreement as planning obligations or through a condition, planning gain proposals must meet the requirements set out in paragraphs 56 to 58 of the Framework. Planning conditions are to be used to make acceptable what would otherwise be unacceptable developments and must be 'necessary, relevant to planning

and to the development to be permitted, enforceable, precise and reasonable in all other respects'. Planning obligations may not be imposed unless they meet all the following tests: they must be 'a) necessary to make the development acceptable in planning terms; b) directly related to the development; and c) fairly and reasonably related in scale and kind to the development'. It is not considered that LCC has demonstrated that its bus pass proposal is in accordance with the requirements for planning conditions or planning obligations.

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

#### **7.50 Ecology and biodiversity**

- 7.51 The application was submitted before the national regulations for Biodiversity Net Gain (BNG) came into force in February 2024, and in consequence those provisions do not apply in this case. It is noted that the Lincolnshire Wildlife Trust has objected, and that the Trust has repeatedly asserted that even if applicants are not obliged to meet the 10% BNG improvement 'it is expected' that they should nevertheless comply voluntarily. Whatever the merits of this argument, as Local Planning Authority the Council has no powers to enforce national BNG requirements on non-qualifying applications.
- 7.52 Policy 28 of the SELLP deals with the natural environment. At 28.3 it requires development to provide 'biodiversity net gain' but does not specify a figure. The policy also requires at 28.1(b) that major housing applications within 10km of The Wash should be supported by a Habitats Regulations Assessment regarding their impact on sites of ecological value.
- 7.53 The application is supported by a landscape plan and by a comprehensive Ecological Impact Assessment (EIA). This details legislative and policy requirements (including those referenced above) and provides in-depth assessments of the site, of the presence or absence of a number of species and the relationship of the site and the proposal to the wider local ecosystem. It also assesses the impact of the proposal on the site, on nearby statutory and non-statutory nature sites and on The Wash itself.
- 7.54 The report concludes that 'it is unlikely that there is any 'linked functionality' between the Site and The Wash/SSI/SPA/Ramsar site and no impact is predicted on the integrity of these receptors'. This satisfies the Habitat Regulations Assessment requirement.
- 7.55 The EIA also lists a range of improvements planned for the site which aim to increase biodiversity and provide specific supports to various flora and fauna, and it is

recommended that these are secured by condition. Regarding BNG, the Wildlife Trust cites as one reason for its objection the absence of a BNG baseline. However just such a baseline assessment is made in the EIA, along with detailed calculations as to the level of biodiversity gain which the scheme will deliver. The overall impact can be summarised in the EIA's note (at Section 5.5 of that document) that the total of the measures planned will deliver a 15.55% net increase. Therefore, whilst national BNG does not apply, the proposal comfortably exceeds the 10% gain standard, and also accords with the requirements of Local Plan Policy 18.

## **8.0 Summary and conclusions**

- 8.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals are determined in accordance with the development plan unless material considerations indicate otherwise. It is well defined in case law that the Development Plan (in this case the South East Lincolnshire Local Plan 2019) should be taken as a whole. It is for the decision-maker to weigh up the extent to which proposals are in accordance with or may conflict with policies of the development plan and their objectives, along with all relevant materials considerations. The weight attributed to each of these factors is known as the 'planning balance'.
- 8.2 The proposal is partly on a site allocated in the Local Plan and entirely on land on which the principle of residential development has already been established. No changes on the ground or in the planning framework have taken place since the Local Plan was approved in 2019 which would undermine the allocation. It is a material planning consideration that extant planning permissions B/20/0488 and B/20/0489 form a viable fallback position.
- 8.3 The principle of the development is sound. The proposal would deliver 89 units of additional residential accommodation, including a policy compliant level of affordable housing. The proposals would therefore be compliant with policies 11 and 18 of the Plan, as well as contributing to the housing stock within the Borough and the overall growth ambitions set out in the Plan.
- 8.4 The plans have demonstrated to the satisfaction of the Highways Authority that the scheme is capable of implementation without compromising the safety of road users and pedestrians. A comprehensive drainage strategy has demonstrated that the scheme is capable of implementation without causing additional risks of flooding on or off the site, and in a manner likely to result in betterment for existing neighbouring residents. Whilst certain additional details of the drainage plan and its future maintenance will be required, these can safely be secured by condition.
- 8.5 It has been demonstrated the amount of development proposed can be accommodated on site without causing harm to the residential amenities of neighbours to the site and in a manner in keeping with the character of the locality, and with the inclusion of measures to deliver environmental benefit and biodiversity net gain.

- 8.6 The proposal would provide an affordable housing contribution in keeping with the Local Plan requirement. In addition, there would be a cash contribution of £400,000 which would meet the requested NHS contribution in its entirety and the requests for secondary and sixth form education in part. All these contributions would be secured through a Section 106 legal agreement.
- 8.7 Therefore, it is considered that the proposal is in accordance with the policies of the development plan when taken as a whole and to represent sustainable development. It is therefore recommended planning permission is granted subject to the conditions as set out below.

## 9. **Recommendation**

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

## **RECOMMENDED CONDITIONS**

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

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

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

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

- 21-354-U-0001 Rev C05 354 House Type Urban
- 21-355-R-0001 Rev C06 355 House Type Rural
- 21-355-U-0001 Rev C07 355 House Type Urban
- 21-356-U-0001 Rev C06 356 House Type Urban
- 21-358-M-0001 Rev C04 358/9 Render
- 21-358/9-R-0001 Rev C04 358/9 House Type Rural
- 21-358/9-U-0001 Rev C03 358/9 House Type Urban
- 21-360-R-0001 Rev C05 360 House Type Rural
- 21-360-U-0001 Rev C04 360 House Type Urban
- 21-450-M-0001 Rev C04 450 House Type Render
- 21-450-R-0001 Rev C04 450 House Type Rural
- 21-450-U-0001 Rev C03 450 House Type Urban
- 21-451-M-0001 Rev C03 451 House Type Render
- 21-451-R-0001 Rev C03 451 House Type Rural
- 21-451-U-0001 Rev C02 451 House Type Urban
- 21-452-U-0001 Rev C05 452 House Type Urban
- 21-454-R-0001 Rev C07 454 House Type Rural
- 21-454-U-0001 Rev C07 454 House Type Urban
- 21-455-M-0001 Rev C05 455 House Type Render
- 21-455-U-0001 Rev C03 455 House Type Urban
- D001 Rev 2 Engineering Layout
- D300 Rev 1 Longsections Sheet 1 of 3
- D301 Rev 1 Longsections Sheet 2 of 3
- D302 Rev 1 Longsections Sheet 3 of 3
- 3158-A01-01 Rev A Site & Materials Layout
- 22206 D202 Rev 3 SuDS Identification Plan
- 22206 D702 Rev 1 Attenuation Basin and Headwall Details
- 22206 D205 Rev 2 Flood Routing Plan
- 22206 D208 Rev 1 Land Drain Plan
- 22206 D801 Rev 2 Section 38 Plan
- 22206 D600 Rev 1 Direct Cut and Fill
- 22206 D701 Rev 1 Adoptable Drainage Details
- EY-01-07 Rev D Gable Front Sales Garage
- WL-01C Landscape Plan
- Site Location Plan
- 1846G/22/02a Proposed Site Location Plan
- 22206 D700 Rev 1 Road Construction Details
- SD-100 Rev F 1800mm High Close Boarded Timber Fence
- SD103 Rev C 600mm High Post and Wire Fence
- SD1700 Rev B 3m x 6m internal dimension Detached Single Garage Details
- SD1701 Rev B 3m x 6m internal dimension Detached Double Garage Details

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

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

1. An assessment of significance and proposed mitigation strategy (i.e. preservation by record, preservation in situ or a mix of these elements).
2. A methodology and timetable of site investigation and recording including provision for trial trenching based on the results of the geophysical survey and appraisal forming part of the approved outline application
3. Provision for site analysis
4. Provision for publication and dissemination of analysis and records
5. Provision for archive deposition
6. Nomination of a competent person/organisation to undertake the work

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

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

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

- a) a traffic management plan incorporating the routing of construction traffic and details of heavy vehicle movement patterns (including the earliest and latest times, and the suspension of trips during peak traffic times)
- b) hours of work for site preparation, delivery of materials and construction including provision to ensure that delivery periods avoid drop-off and pick-up times at the school on Gaysfield Road
- c) measures to minimise and control noise, vibration, dust, dirt and fumes during the development period
- d) details of on-site parking facilities for both visiting construction vehicles and deliveries and workers on the site
- e) the loading and unloading arrangements for heavy plant and machinery and materials
- f) the location of storage of plant and materials used in constructing the development
- g) measures to avoid disturbance to nesting birds and other wildlife

- h) measures to prevent mud being deposited on the surrounding highway
- i) details of any protective fencing to maintain public access and public safety for the public footpaths that cross/are adjacent to the site – including provisions relating to traffic and pedestrians within the vicinity at such facilities as the School and Scout Hut
- j) measures to ensure that the site is properly drained during the construction period
- k) a programme for the implementation of all of the above items.

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

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

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

The scheme shall:

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

- drainage scheme; and
- provide details of how the scheme shall be maintained and managed over the lifetime of the development including the maintenance of the interceptor drain and any arrangements for adoption by any public body or Statutory Undertaker and any other arrangements required to secure the operation of the drainage system throughout its lifetime.

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

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

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

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

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

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

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

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

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

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

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

9. The permitted development shall be undertaken in accordance with an Estate Road Phasing and Completion Plan, which shall first be approved in writing by the Local Planning Authority. The Plan shall set out how the construction of the development will be phased and standards to which the estate roads on each phase will be completed during the construction period of the development.

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

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

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

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

- (i) details of the public open space and how the POS will be landscaped (hard and soft) along with provision of play equipment or other facilities;
- (ii) arrangements for adoption by an appropriate public body or statutory undertaker, or management and maintenance by a Residents' Management Company.

- (iii) arrangements concerning funding mechanisms for the ongoing maintenance of all elements of the POS (including mechanical components) to include details such as:
1. on-going inspections relating to performance and asset condition assessments;
  2. operation costs for regular maintenance, remedial works and irregular maintenance of limited life assets; and
  3. any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime including
    - (i) means of access and easements for maintenance purposes;
    - (ii) A timetable for implementation.

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

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

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

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

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

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

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

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

15. The scheme of landscaping and tree planting shown on dwg. no. WL-01C Landscape Plan shall be carried out and completed in its entirety during the first planting season following completion of the development. All trees, shrubs and bushes shall be maintained for the period of five years beginning with the date of completion of the scheme and during that period all losses shall be made good as and when necessary.

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

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

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

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

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

#### **INFORMATIVE NOTES FOR DECISION NOTICE**

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

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

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

2. INFORMATIVE - Protection of existing assets - A public sewer is shown on record plans within the land identified for the proposed development. It appears that development

proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water.

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

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

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

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

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

6. The highway improvement works referred to in the above condition are required to be carried out by means of a legal agreement between the landowner and the County Council, as the Local Highway Authority. For further guidance please visit our website;

<https://www.lincolnshire.gov.uk/highways-planning/works-existing-highway>

## **BIODIVERSITY NET GAIN**

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

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

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

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

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