

## BOSTON BOROUGH COUNCIL

### Planning Committee Meeting 27<sup>th</sup> July 2021

Reference No: B/20/0488

Expiry Date: 23-Mar-2021

Extension of Time: TBC

Application Type: Major - Outline Planning Permission

Proposal: Outline application for 46 residential dwellings and associated works with all matters reserved for later approval

Site: Land adj and to the rear of Fishtoft Scouts, Gaysfield Road, Fishtoft, Boston, PE21 0SF

Applicant: John Saul Ltd C/O Clive Wicks Associates

Agent: Clive Wicks Associates

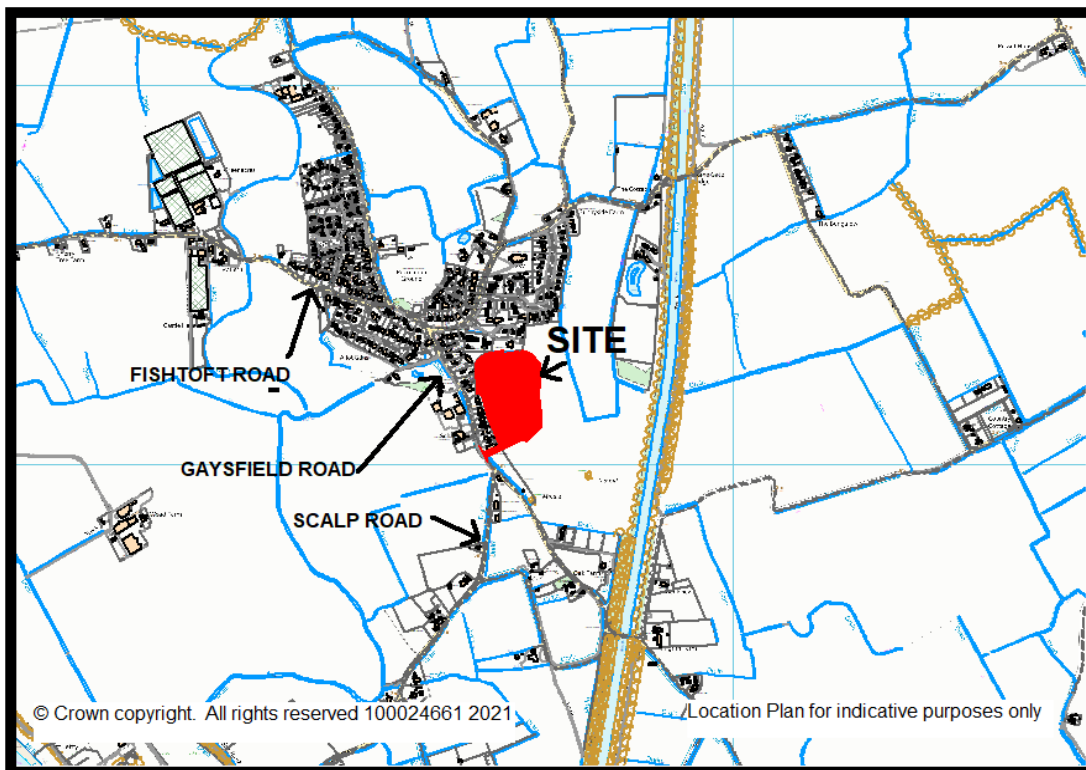
Ward: Fishtoft

Parish: Fishtoft Parish Council

Case Officer: Ian Carrington (ELDC)

Third Party Reps: 77

**Recommendation: Grant – subject to the completion of a Legal Agreement**



## **1.0 Reason for Report**

1.1 The application was called in for determination by the Planning Committee by local ward members for the following summary reasons:

Cllr Noble:

- Concerns regarding the size, scale, and density of the proposal – being out of keeping with adjacent dwellings. (Policy 2)
- Impact on neighbouring land uses and amenity (Policies 2 & 3) (Policy 2)
- Limited local facilities and amenities, a very limited bus service, and residents require a car to access facilities in Boston. (Policy 2)

Cllr Mrs. Skinner

- Concerns regarding access and traffic movements
- Drainage and surface water disposal issues.
- Limited local facilities – reliance on need of a vehicle to carry out everyday tasks

1.2 In addition the application has generated significant public interest.

## **2.0 Application Site and Proposal**

2.1 The application site is an area of arable field 3.0522 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 the scout hut 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 a reserved matter, but is shown indicatively as being 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 and the site was allocated for housing under Policy 11. The site is shown as an allocation Fis046 on Inset Map 15.

2.4 The application is outline, with all matters reserved. However the submission is illustrated by indicative layouts and drainage details the principles of which may be secured by condition if the application is approved. The application does however

seek to establish the principle of the development and the number of dwellings proposed.

2.5 The application is for 46 dwellings including 20% affordable housing (9 dwellings) and 2 low cost dwellings (a mix of 2 and 3 bed accommodation). The remainder of the development will be a mix of 3 bed, 4 bed and 5 bed detached houses (see 7.3.3, below). The application is supported by:

- Planning & Design Statement
- Flood Risk Assessment
- Ecological Report
- Air Quality Assessment
- Heritage Impact Statement and Tree Statement
- Preliminary Ecological appraisal
- Biodiversity Assessment
- Biodiversity Management Plan
- Geophysical Survey
- Ground Investigation Report
- Sustainable Drainage Strategy

2.6 The application has been amended and supplemented since original submission, including in particular revised indicative layouts, augmented drainage strategy and more detailed ecology and biodiversity information. These matters are discussed in more detail below.

2.7 The application is also shown as part of a wider Masterplan for the adjacent land (falling within the site allocation) which is subject to application B/20/0488, This masterplan has been presented to demonstrate how the two developments would work together. Both parcels of land are within the same ownership.

### **3.0 Relevant History**

3.1 A parallel full application, B/20/0489 has been submitted for 20 affordable homes as an exception site. That site is immediately south of the outline site and partly within the allocated area. If approved and completed the two would form a single built extension to the village and the two applications are material to each other, albeit they must be determined on their own merits.

### **4.0 Relevant Policy**

4.1 The following policies contained within the South East Lincolnshire Local Plan (2011-2036) (SELLP) are relevant to this application:

- 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

Policy 11 identifies that allocation Fis046 (the site) can accommodate an indicative number of 45 units. The site was classed as available, deliverable and suitable and was therefore allocated in the plan with that as an indicative number. Appendix 5 sets out the requirements, constraints and mitigation likely to be required – this is based upon assessment up to the plan-making stage.

#### 4.2 National Planning Policy Framework (NPPF)

At the heart of the 2019 Framework is a presumption in favour of sustainable development. Sections relevant to this scheme include: paragraphs 8, 11, 12, 34, 117, 118, 127, 128, 130, 150, 155, 157, 158, 159, 162, 163, 165, 189, 190, 192 and 199.

### 5.0 **Representations**

5.1 The case was initially publicised in December 2020/January 2021, and again in June 2021 on amended plans and additional details. As a result of publicity 77 representations have been received at the time of writing. 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 showing road or drainage conditions at the site. All comments have been carefully considered.

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

- Highway safety: narrow Gaysfield Road cannot cope with additional traffic pressure; already heavily used by agricultural and Anglian water vehicles; highway dangers compounded by parking and traffic issues from the school
- Fishtoft primary school is full
- Loss of neighbours amenity through overlooking, loss of privacy and loss of light
- Adverse impacts on wildlife and nature; lack of bat boxes, bat bricks and similar compensatory provision

- Flood risk and drainage: site is wet and low lying; standing water in gardens on Gaysfield Road; concerns about long term maintenance of proposed drainage systems
- Brexit: loss of agricultural land important to national self sufficiency
- Detrimental to the general wellbeing and mental health of local residents
- Contrary to Local Plan policy; contrary to 'the three pillars of development projects'
- Fishtoft has already exceeded its Local Plan housing allocation
- Wrong location for new housing; alternative locations preferable
- Pollution and disturbance during the construction phase
- Lack of employment opportunities for future residents
- Previous refusal of a planning application for a single dwelling on Gaysfield Road
- Potential harm to archaeological remains including the lost manor house of the first Mayor of Boston
- Contrary to local character
- This development could lead to further, larger development
- Adverse impact on trees in the vicinity of Fishtoft Manor
- Failure to mix affordable and market housing
- Footprint of dwellings increased in revised plans
- Potential breach of Human Rights Act Article 8
- Public consultation period too short and included holiday period
- Objection to the wording used in consultation and re-consultation

In addition, a correspondent requests the installation of nesting bricks for swifts in new houses

- 5.3 The Scouts: the 3<sup>rd</sup> 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 could impede their use of the grassed area to the south and requested a pedestrian crossing. Commenting on the amended plans the Group stated that the provision of a traffic hump partially addresses its concerns.
- 5.4 Boston Witham Academies Federation (operators of Fishtoft Primary School) supports the application. Pupil numbers at Fishtoft School have declined: new houses will bring new potential pupils which will help secure the long term future of the school. LCC has identified likely 9 new pupils from the proposal: 'we would want to accommodate these children'. School currently lacks some facilities and planning permission has been secured for new hall which would also be available for community use and 'the prospect of additional pupils from the new housing will give us the confidence to move forward with this development'. Proposal includes car parking provision which will help reduce roadside parking outside the school. Additional pupils will help secure the future of the school and provide a significant social benefit to Fishtoft.

## 6.0 Consultations

6.1 The full text of all consultee responses is available on the Council's website and the planning file. The summaries below may contain comments from more than one communication.

6.2 Fishtoft Parish Council – objects – in addition to reporting residents' views (included at 5.2 above) the Council's grounds include

- Highways danger including to school users
- Concerns regarding access
- Extra flood risk when nearby houses had experienced flooding problems
- Lack of local secondary school
- Lack of local public transport
- Lack of public support; submission at Christmas gave little time for discussion
- Question why developers not constructing sustainable buildings
- Land should be retained for farming
- Planning permission should only be for bungalows
- Site is outside the area of the Local Plan
- Unsustainable location with no facilities therefore unsuitable for housing
- Site of archaeological importance
- Adverse impact on the environment
- Previous refusal of permission on Gaysfield Road
- Contrary to character of the village
- Only bungalows should be built behind bungalows to maintain privacy
- Revised plans: Council does not accept that the proposed drainage scheme would work putting existing residents at a disadvantage; Council disapproves of 'creep' on housing sizes which exacerbates privacy issues for Gaysfield Road residents

6.3 Lincolnshire County Council as Highways Authority and Lead Local Flood Authority (LLFA) – raises no objection and supports the proposals subject to conditions - remarks regarding highways include:

- Principle highways tenet of the NPPF is at paragraph 109: 'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'.
- Notwithstanding the contention of comments received from residents Gaysfield Road is of sufficient width to permit two-way vehicle movement'
- The development would primarily generate traffic from private cars not larger vehicles - construction phase traffic could cause inconvenience but could be mitigated via a Construction Management Plan secured by condition
- School related parking is not evidence of a highway safety issue, nor is the carriageway condition. Schools and new development are not mutually exclusive and the new parking rear of the scout hut would benefit the school

- Existing pavements provide safe access; a short extension to the new entrance should be conditioned
- Whilst the application is outline, the indicative highways layout and the Gaysfield Road junction are acceptable and meet prescribed standards
- The vehicle movements generated by the scheme would not overwhelm any part of the neighbouring highways network

Remarks regarding surface water drainage include

- Comments on the seasonal waterlogging of the field are noted, but the development would substantially alter its drainage characteristics
- Instead of uncontrolled dispersal, water could face multiple impervious barriers and multiple primary and secondary drainage channels
- Roadside swales would capture run-off and convey to an attenuation area and thence to an IDB watercourse.
- Discharge rates would be controlled to match capacity of the system downstream. The crate storage system under the Public Open Space would provide storage in normal conditions, with the above ground area only needed in extreme situations and would normally available as open grass recreation space.
- In response to neighbour concerns a French drain on the western boundary would intercept any run-off before it affected the gardens of Gaysfield Road properties and convey water to the drainage system and thence to the IDB watercourse
- Whilst the final connection to the IDB drain would be piped, it would be installed at sufficient depth to avoid farming damage
- 'The proposed Drainage Strategy follows current best practice for Sustainable Drainage'. It is self-contained and will not affect any existing village drainage infrastructure.

6.4 Boston BC Environmental Health - no objection - no known former uses of the land likely to cause contamination but requests condition relating to 'unforeseen' contamination. Requests provision of Electric Vehicle (EV) charging points at each dwelling.

6.5 Anglian Water - no objection - regarding sewage Anglian comments that 'the foul drainage from this development is in the catchment of the Fishtoft Water Recycling Centre that will have available capacity for these flows'. Recommends condition requiring detailed scheme for foul water discharge showing joining points to the network.

Although no formal second comment has been received at the time of drafting of the report, it is noted that on B/20/0489, Anglian Water has maintained they have no objection and that there is sufficient capacity etc. It is therefore considered unlikely that the situation will have changed from the earlier 'no objection' response. Should alternative comments be received, Members will be advised at the meeting.

- 6.6 Witham Fourth District Internal Drainage Board - no objections - observations note requirement for Board consent to discharge to or culvert a watercourse
- 6.7 NHS Lincolnshire Clinical Commissioning Group (response covers applications B/20.0488 and B/20/0489) - requests a contribution of £660 per dwelling equating to £30,360 for B/20/0488. These sums to be index linked with late payment penalties - the trigger point for payment of all monies for each development would be completion of 50% of the dwellings in that development.
- 6.8 Lincolnshire County Council (Education) - no objections - no contribution for estimated 9 primary places resulting from the development is requested due to availability of local provision. The development is estimated to produce demand for 8 secondary places and 1 sixth form place and a developer contribution is sought of £154,358 payable on completion of 50% of the proposed dwellings.
- 6.9 Boston BC Housing Strategy - no objections - evidence shows 'there is a strong need for affordable housing in Fishtoft'. Proposal meets requirements of SELLP and this application and the related rural exception site 'will help meet this need'.
- 6.10 Lincolnshire Wildlife Trust - initially submitted a holding objection pending provision of more detailed ecological appraisal and protected species reports and a landscape and biodiversity management plan. These were prepared to the Trust's specifications and were subject to the second public consultation on June 2021.
- LWT have advised on 13/7/21 that the Preliminary Ecological Appraisal, Biodiversity Management Plan and Maintenance Plan are all acceptable. They recommend that adequate net gain can be achieved and this should be conditioned.
- 6.11 Heritage Lincolnshire - no objections - requests conditions - initial response noted the high archaeological potential of the site and recommended an Archaeological Scheme of Works to include a geophysical survey and trial trenching. Commenting on the results (submitted in May) of the geophysical survey Heritage Lincolnshire seeks trial trenching to inform mitigation as the next step in the Scheme of Works which would be secured as a pre-commencement condition.
- 6.12 Environment Agency - no objections subject to a planning condition securing finished floor levels to be set no lower than 4.66m above ordnance datum, dwellings to have at least two storeys and construction to incorporate flood resilience and resistance measures. The Agency supports the suggestion in the flood risk assessment that all dwellings should sign up to the Agency's free flood warning alert service.
- 6.13 Lincolnshire Police - no objections - general observations on crime prevention and design



## **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 on the Inset Maps are those that are 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 is through a combination of existing commitments, allocations and windfall development. These numbers are not however an upper limit. Members will also note that the Plan was adopted in 2019, and the Council can demonstrate a 5-Year Supply of Housing Land (as at 31/3/21) – this supply includes site allocations – and thus the plan may be given full weight in decision taking.

7.4 Policy 11 of the Plan contains a table of allocated sites which includes 'Fis 046 Land East of Gaysfield Road' with an allocation of 45 units, and this is shown graphically in Inset Map 15 of the Plan. (A further reserve site, Fis 041 for 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 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. Concerns have been expressed 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 for housing development in that allocated site. The principle of the development is therefore sound and already established. To take a contra view would to a degree render the Local Plan being considered 'out of date' and thus would have much greater, wide reaching implications and would trigger the 'tilted balance' as required by the NPPF. The existing allocation in essence replicates this outline application which seeks to establish the principle of the development and the number of units proposed. For development to proceed on site, a subsequent Reserved Matters submission would be required to secure the detail of the permission and also compliance with any conditions imposed would need to be obtained.

- 7.6 In this regard it should be noted that the planning refusals to which a number of representations referred were made under the old local plan, were for a different parcel of land and pre-dated the allocation of this site. The SELLP and the site allocation both made in 2019 supersede all previous policies and decisions. Therefore no weight is attributed to these matters.
- 7.7 Taking the market and affordable/low cost housing elements together the housing mix proposed is considered to accord with the requirements of Policy 17 – Providing a Mix of Housing. The indicative details also show how a mix of house types and sizes can be achieved. However it is noted that some of the objectives of that policy, especially those regarding the future proofing of new housing to ensure its suitability for an ageing population, are also issues dealt with through internal and external design detail in any future reserved matters application.
- 7.8 Overall, the proposals would release development on an allocated site, 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 (2019) is clear that proposals should be plan led, and that Authorities should approved 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 contend that in principle the proposals are in general accordance with the plan when taken as a whole. There is no reason therefore why the scheme should not be supported in principle.

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

- 7.11 Whilst the application is outline, an indicative layout is supplied. The final version has changed to reflect discussions with the Authority, and a 'Cross Sections' drawing illustrates potential impacts on the existing housing on Gaysfield Road. The layout demonstrates the relationship between the outline application and the exception site subject to B/20/0489. These details have been provided to demonstrate that the site can accommodate the number of units that are proposed

and to give confidence that a suitable scheme can come forward at Reserved Matters stage which would be acceptable in impact and compliant with policy.

- 7.12 The indicative layout shows a basic oval spine road with housing on both sides supplemented by two spur private drives projecting into the inner part of the oval. The use of swales as part of the drainage scheme would give a particularly spacious feel to the character of the development and there is room for a comprehensive tree planting scheme. A playground area is projected at the southern end of the development adjacent to the scout hut and site entrance, with a larger area of public open space beyond which would be bordered by native hedging and trees.
- 7.13 The original submission envisaged 46 dwellings, the market housing element being detached two storey houses of varying sizes. Responding to concerns about impact on Gaysfield Road neighbours, and especially the bungalows, the indicative layout was amended to show dormer bungalows on the western edge of the development. The applicant describes the intended built character of the site as similar to the Saxon Gardens development c.150m to the north, and this presents as a quality modern scheme with varying house types and an organic character emphasized by variation in roof heights, dwelling orientation and detailing. The proposed scheme is of a density of circa 16dph which is low and befitting of an edge of village location.
- 7.14 Clearly the development will result in change, however, that of itself is not necessarily harmful. Based on the indicative details provided, the development would be in keeping with the character of the village and would accord with Local Plan and NPPF requirements on design. 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 and there is no reason to assume that this would not be a high quality development. The proposals have been sensitively designed to prevent the development urbanising the edge of the village and it is considered the scale and general form of development is well conceived.
- 7.15 The layout plans and the applicant's design aspirations as set out in supporting documents are of course indicative only in this outline application. However they provide an insight into the possible finished form, and it is recommended that any approval secures these details by condition as design principles to which a final reserved matters scheme would have to accord. At that stage further protection of local character would derive from relevant Local Plan policies and NPPF guidance, and also from the Local Plan and the National Design Guide.
- 7.16 Whilst the application is outline only it is considered that a finished scheme could be realised which would fully accord with the character of the locality and with relevant policies of the Local Plan and the NPPF.

## **7.17 Impact on neighbour amenity**

- 7.18 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 revised indicative plans seek to address issues raised. It should be noted however that detailed consideration of these issues can be reconsidered at the Reserved Matters stage once the final form, and layout of the development is fixed.
- 7.19 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 an urbanized 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.
- 7.20 In this regard the change to the indicative layout is emphasised. This amended the proposed dwellings bordering Gaysfield Road to reduce their height, alter their fenestration and in some cases their orientation. The result is that in the indicative layout, 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 Policy 3 of the Local Plan dealing with residential amenity and relevant paragraphs of the Framework.
- 7.21 Whilst the application is outline only, the design principles established through the indicative drawings can be secured by condition to ensure that the amenity impacts of the final designs are clearly considered at the Reserved Matters stage. Appropriate conditions can be applied at that stage if necessary.

## **7.22 Flood risk and drainage**

- 7.23 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 allocation. In line with paragraph 162 of the Framework the sequential and exception tests do not need to be applied again.
- 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 flood risk. The application has been subject to review on two occasions by the ELDC Planning And Drainage (PAD) group – this is a combined meeting of officers and consultees drawn from the Council, LCC as the Lead Local Flood and Highways Authority, Anglian Water, the Environment Agency and the Internal Drainage Board – the aim of which is to consider the drainage implications in a holistic way and seek to secure sustainable outcomes. The document ‘Sustainable Drainage Strategy’ May 2021 supporting the application reflects the outcome of those reviews; participants who are consultees have also submitted formal comments on the application. It is fair to say that the Agent has engaged fully with and responded to the comments of that group in a positive way, in order to address concerns raised.

- 7.25 The Drainage Strategy covers both the outline application for 46 dwellings and the adjacent full application for the 20 dwelling rural exception site with an integrated SUDS (Sustainable Urban Drainage) scheme. It is therefore worked up to an unusually high level for an outline application – this is necessary both because of the linkage between the two developments and to conclusively demonstrate that there are viable drainage solutions for the proposal both independently and in combination.
- 7.26 Infiltration drainage is not an available option in this location. The scheme therefore employs swales running beside the central roadways to intercept and channel surface water south to an attenuation area beneath the public open space (POS) of the exception site. A structure of crates would underlie the entire POS which itself would take the form of a grassed depression which in times of exceptional rain would form an attenuation pond providing additional volume. The total capacity of this hybrid structure would be c. 2000 cubic metres, providing sufficient volume for water to be discharged at local field run-off rates via a pipe to an IDB maintained ditch beyond the eastern site boundary. Such an approach is considered to be SUDS compliant and has been used in practice elsewhere within the Borough.
- 7.27 The scheme has been modelled under a range of scenarios including a 1 in 100 year + 40% and has been shown to be effective. Residents of Gaysfield Road have complained that surface water from the field has in the past drained into their gardens. The 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 falls slightly toward these properties and to secure them from any run-off from the development west of the main SUDS a French drain is to be installed parallel to the rear boundary of the properties at Gaysfield Road. This will provide ‘a conveyance link for any exceedance flow and to mitigate any groundwater or extraneous pluvial flow that may gather in the area’.
- 7.28 The highways will be for adoption by the Highways Authority and the Authority has confirmed that the roadside swales would be part of that adoption. The drainage network will be offered for adoption to Anglian Water. The Anglian Water adoption has not yet been confirmed, and in the event of this option not going ahead then a

management company would be formed to take responsibility for maintenance. The Drainage Strategy also verifies that foul water flows to the Anglian Water sewer are acceptable.

- 7.29 The strategy has been assessed by all consultees and no objections have been received at the time of writing this report. The detailed comments of the County Council as Lead Local Flood Authority are entirely supportive and the proposed strategy is described as following 'current best practice for sustainable drainage'. The strategy is considered to meet the requirements of the Local Plan and the Framework with regard to flood prevention and foul and surface water drainage.

### **7.30 Heritage matters**

- 7.31 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. Again, due regard is also given to the allocated nature of the site and thus there has already been an establishment that some change to the setting of these assets will occur.

- 7.32 The high archaeological potential of the site has been emphasised by the Council's heritage consultant in her initial comment on the case. Responding, the applicant commissioned a Geophysical Survey which forms part of the application. This identified a number of points of archaeological interest within the site boundary in the light of which the heritage consultant has re-emphasised the need for an archaeological scheme of works including trial trenching prior to the commencement of works. This is considered reasonable and necessary and to accord with the requirements of the Framework and an appropriate condition is recommended.

### **7.33 Highway safety**

- 7.34 Whilst access is a reserved matter, the indicative layout shows in detail the access to the existing public highway and the internal roadways. These would be built to adoptable standards and it is the Highways Authority's intention to adopt. It should be noted that the indicative access point is in broadly the location identified by the site allocation as set out on the Inset Maps. There is therefore an early presumption that access in this location would be acceptable.

- 7.35 Residents have expressed concerns about future highways safety at the proposed junction and along Gaysfield Road and especially near the primary school, and also during the construction phase. These concerns have been carefully assessed. Commenting on the application LCC as Highways Authority considers that the

access will be safe and that the local road system is capable of absorbing likely additional traffic flows. It considers Gaysfield Road capable of accepting two way heavy goods vehicles, and that parent parking at the school is transient and not evidence of a highways problem. In correspondence with the case officer in February 2021 LCC Highways wrote: *'For your information, my colleague at Lincolnshire Road Safety Partnership has advised that their records show there have been no collisions involving personal injury along Gaysfield Road in the last five years – the usual review period – so there is no evidence to support a case for this road having a poor safety record'*. On this basis therefore, it would appear that there is no evidence to support a concern on highway safety grounds, particularly bearing in mind the allocated nature of the site.

7.36 County Highways requests a condition to construct a footway filling the short gap from the proposed entrance to the existing roadside footway on Gaysfield Road and this is considered reasonable and necessary. Beyond that, LCC considers that the scheme is satisfactory for the reasons summarised in more detail in Section 6.3 of this report. LCC specifically states that the scheme does not meet the requirements set out in paragraph 109 of the Framework to justify refusal on highways grounds. It is therefore considered that implementation of the proposal subject to appropriate conditions will not adversely affect highway safety and the proposal could not be sustainably refused on highways grounds.

7.37 It should be noted that the access road is to be bounded by footways on both sides and is shown to include a road hump, as an uncontrolled crossing point. This would be adjacent to the Scout Hut and would ensure that access to the adjacent enclosed field would be retained. A new post and rail fence with gates would be provided at the boundary of the field in order to maintain the safety of those using the field.

### **7.38 Affordable housing and developer contributions**

7.39 Policy 18 of the SELLP states that new housing schemes should deliver 20% affordable housing, and the proposal meets that requirement. Commenting on the application the Council's Housing Strategy Manager writes: *'the affordable housing need identified within Fishtoft is strong and both these 9 units and the 20 all affordable dwellings proposed within application B/20/0489 will help meet this need'*. Details of the tenures, housing types and locations will be secured via a Section 106 Agreement. The affordable housing part of the development would proceed in cooperation with a registered housing provider.

7.40 The Lincolnshire Clinical Commissioning Group has requested a contribution of £30,360.00 from the development to contribute toward local NHS primary care provision and this would be secured by a Section 106 agreement.

7.41 Lincolnshire County Council comments that there is sufficient space in the local primary school for the number of children the development would bring but requests a contribution of £154,358 toward secondary and sixth form education. This would

be index linked and secured by a Section 106 agreement. In this regard it is noted that the Boston Witham Academies Federation, the operators of the village primary school on Gaysfield Road, has written in support of the scheme on the grounds that it will fill vacant places and give confidence to the school to invest in improved facilities.

- 7.42 The applicant has given a written assurance that it does not contend the developer contribution and affordable housing requests. It is therefore recommended that permission is not granted until the necessary S106 agreement for the scheme has been concluded.

### **7.43 Ecology and Biodiversity**

- 7.44 The application is supported by an Ecological Appraisal, a Biodiversity Assessment and a Biodiversity Management Plan responding to specifications suggested by Lincolnshire Wildlife Trust.

- 7.45 The Ecological Appraisal notes that the site is largely an intensive arable field with a very modest contribution to nature, though the semi-improved grassland boundary strip and the dry ditch on the northern boundary offer more opportunities. The appraisal finds very limited likelihood of protected species being on the site but recommends precautionary and mitigation measures.

- 7.46 The Biodiversity Assessment is based on a detailed survey covering the sites of this application and associated case B/20/0489 and ascribes a numerical biodiversity unit value to the site based on the methodology set out in Biodiversity Metric 2.0, the latest version available at the time the report was prepared. *(NB: A revised Biodiversity Metric 3.0 was introduced on 9<sup>th</sup> July 2021. Natural England advises: 'projects currently using biodiversity metric 2.0 are advised to continue doing so unless requested otherwise by their client or consenting body as the biodiversity unit values generated by metric 2.0 and metric 3.0 may differ for their scheme or landholding')*. The Assessment shows a clear biodiversity net gain resulting from the scheme with the baseline unit value of 7.9 advancing to 8.27 (an improvement of 4.64%) in area habitats through tree planting, other planting and grassland replacing arable. In linear habitats the percentage increase was much greater (60.19%) from a lower base, largely due to the planting of selected native species hedging.

- 7.47 The Biodiversity Management Plan looks forward over a 30 year period to manage biodiversity improvements on the site. It includes the provision of nesting opportunities for declining bird species such as swifts and house martins, roosting and foraging opportunities for bats, foraging and commuting opportunities for hedgehogs and increasing site biodiversity through native planting and enhancements. Many of the recommended measures are incorporated in the revised Masterplan and Site Plan drawings and it is recommended that the recommendations are secured by condition along with the means to manage and



monitor the process over the long term. Most of the measures will add to the net gain metrics covered in the Biodiversity Appraisal, and should ensure a significant long term biodiversity gain from the mature built site compared to the intensively farmed current state of the land.

- 7.48 It is recommended that the elements of the Ecology Appraisal and the Biodiversity Assessment and Management Plan are secured by condition. These ecological enhancements are welcomed and would ensure that the scheme is compliant with policy as well as presenting an overall environmental improvement.

## **8.0 Summary and Conclusion**

- 8.1 Section 38(6) of the Act 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 2011-2036) 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 within the exercise is known as the 'planning balance'.
- 8.2 The proposal is on a site and at a density allocated in the Local Plan. No changes on the ground or in the planning framework have taken place since the Plan was approved in 2019 which would undermine the allocation. The principle of the development is sound. The proposal would deliver 46 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.
- 8.3 Whilst the application is outline with all matters reserved, indicative layouts 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 dwellings.
- 8.4 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 net gain.
- 8.5 The proposal would provide an affordable housing contribution in keeping with the Local Plan requirement and further contributions to NHS and education provision in

the locality, all of which would be secured by Legal Agreement prior to permission being issued.

- 8.6 Therefore, it is considered that the proposal is in accordance with the policies of the development plan when taken as a whole. Where any minor conflicts with the plan or minor material harm would occur these negatives would be outweighed by other material planning considerations, including the considerable economic benefits that are likely to arise from the development. The proposals are considered to be representative of sustainable development. In particular the development would be located on an allocated site within the Local Plan, and therefore having concluded that the scheme is compliant with the policies of the Local Plan it should be approved without delay. It is therefore recommended planning permission is granted subject to the conditions as set out in the report and set out below.

## **9.0 Recommendation**

- 9.1 It is recommended that Committee grant conditional permission, subject to the satisfactory conclusion of a S106 Legal Agreement to secure the contributions towards Affordable Housing and other infrastructure as set out in this report.

- 9.2 The following conditions are recommended:

1. No development shall commence until details of the access, appearance, landscaping, layout and scale of the development (hereafter referred to as the 'reserved matters') have been submitted and approved by the Local Planning Authority.

Those details shall conform to the design principles and layout shown in the approved indicative drawings 17-2397-01 Rev D Proposed Site Plan - Outline, 17-2397-CS-01 Cross Sections and 17-2397-MP-01 Rev F Proposed Masterplan.

**Reason:** This is an outline application only and such details must be approved before development commences in order to comply with the objectives of Policies 2 and 3 of the South East Lincolnshire Local Plan (2011-2036).

2. Application for approval of reserved matters shall be made to the Local Planning Authority not later than the expiration of four years from the date of this permission.

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

3. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

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

4. Any application for approval of reserved matters submitted pursuant to condition 1 of this permission shall accord with the outline permission insofar as it relates to a maximum of 46 dwellings and the overall site area (as shown on Drawing No. 17-2397-01 Rev D Proposed Site Plan - Outline received by the LPA on 27/05/2021).

**Reason:** The application is granted in outline only in accordance with the provisions of Article 4 of the Town and Country Planning (Development Management Procedure) Order 2015. Any application for reserved matters must be in accordance with and/or not exceed the parameters established as part of this permission and to comply with Policies 2 and 3 of the South East Lincolnshire Local Plan (2011-2036).

5. No development shall take place until a written scheme of archaeological investigation has been submitted to and approved 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 paragraph 199 of the National Planning Policy Framework.

6. 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 (through 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 onsite 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) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- j) 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 traffic and pedestrians within the vicinity at such facilities as the School and Scout Hut.
- 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 Policy 2 and 30 of the South East Lincolnshire Local Plan (2011-2036) and to ensure that appropriate measures are put in place before any development commences to limit noise, nuisance and disturbance to the occupiers of neighbouring properties during the construction of the development and to prevent any obstruction of or disturbance to the operation of the Highway.

7. Submissions of reserved matters shall be accompanied by full details of a surface water drainage strategy and scheme based on the document 'Sustainable Drainage Strategy' forming part of the approved application. These details shall also include measures relating to the adoption or long-term maintenance of the surface water drainage system. The details shall be submitted to and approved in writing by the Local Planning Authority.

The development shall be carried out in accordance with the approved drainage scheme and no dwelling shall be occupied until the approved scheme has been completed or provided on the site in accordance with the approved phasing. The approved scheme shall be retained and maintained in full in accordance with the approved details.

**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 (2011-2036).

8. Submissions of reserved matters shall be accompanied by full details of the proposed foul water drainage system including connection points to the public sewer, discharge rate and confirmation that the sewage authority has sufficient capacity to accept the flows; such details shall be submitted to and approved in writing by the Local Planning Authority.

The development shall be carried out in accordance with the approved drainage scheme and no dwelling shall be occupied until the approved scheme has been completed or provided on the site in accordance with the approved phasing. The approved scheme shall be retained and maintained in full in accordance with the approved details.

**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 (2011-2036).

9. Submissions of reserved matters shall include a detailed scheme of scheme of landscaping and tree planting for the site indicating, inter alia, the number, species, heights on planting and positions of all the trees, together with details of post-planting maintenance, shall be submitted to and approved in writing by the Local Planning Authority. Such scheme shall be in accordance with the details shown in the approved drawings and the approved Biodiversity Appraisal and Biodiversity Management Plan.

The landscaping shall be carried out in its entirety within a period of the first planting season following the date on which development is completed or in line with a timetable agreed in writing by the Local Planning Authority.

Within the period of 5 years following the last occupation of the development, all trees, shrubs and bushes shall be maintained by the owner or owners of the land on which they are situated and all losses shall be made good as and when necessary.

**Reason:** To ensure that appropriate landscaping is provided to integrate the site into the local area, in the interests of biodiversity and to accord with Policy 3 of the South East Lincolnshire Local Plan and paragraph 170 of the National Planning Policy Framework.

10. The development hereby permitted shall be implemented in strict accordance with the recommendations of the Biodiversity Assessment (CGC Ecology dated April 2021) and Biodiversity Management Plan (CGC Ecology dated April 2021) forming part of the approved application.

Submissions of reserved matters shall include full details of the biodiversity enhancement measures across the site and a timetable for their implementation. These measures should be in keeping with the principles set out in the Ecological Appraisal, Biodiversity Assessment and Biodiversity Management Plan forming part of the approved application. These measures should include details of proposals for landscaping, biodiversity net gain and the long term biodiversity management of the site, which shall be approved in writing by the Local Planning Authority prior to the commencement of any works and which shall be implemented in accordance with a timing plan to be agreed by the Local Planning Authority.

The works shall then be undertaken in accordance with the agreed details.

The site shall thereafter be managed in ecology terms based on those details contained within the Biodiversity Management Plan (CGC Ecology dated April 2021).

**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 (2011-2036).

11. The details of any reserved matters application shall include details of flood mitigation measures including a demonstration that:
  - the dwellings will be built using flood resilient construction techniques;
  - that there will be no ground floor sleeping accommodation;
  - that finished floor levels will be set a minimum of 4.66 metres above Ordnance Datum and;
  - that all dwellings will sign up to the Environment Agency flood warning service within one month of first occupation.

**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 (2011-2036).

12. Submissions of reserved matters relating to access shall include details of works to improve the public highway through the provision of a 1.8m wide frontage footway link between the entrance road at the junction with Gaysfield Road and the existing footway on the east side of Gaysfield Road. Those details shall be provided for agreement in writing by the Local Planning Authority.

No dwelling shall be occupied until the identified works have been completed in full and the footway link is available for use.

**Reason:** To ensure the continuity of safe and suitable pedestrian access, in the interests of pedestrian and public safety, in accordance with Policy 2, 32 and 33 of the South East Lincolnshire Local Plan (2011-2036) and the guidance within the NPPF.

13. Prior to the commencement of development above slab level, final details of measures that aim to reduce pollution and promote renewable and low carbon energy (including measures such as facilities for EV car charging) and details relating to the timing of their implementation, shall be submitted to and approved in writing with the Local Planning Authority. The development shall be constructed in accordance with the approved measures.

**Reason:** To help reduce pollution and promote renewable and low carbon energy in new development schemes and to accord with Policies 2, 3, 30 and 31 of the South east Lincolnshire Local Plan (2011-2036) and to accord with the intentions of the National Planning Policy Framework (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 (2011-0236).

15. 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 location, size, specification of the open space and how the POS will be landscaped (hard and soft) along with any play equipment or 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:
  - on-going inspections relating to performance and asset condition assessments;
  - operation costs for regular maintenance, remedial works and irregular maintenance of limited life assets; and
  - any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime.
- (iv) means of access and easements for maintenance purposes;
- (v) 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 (2011-2036).

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

**Reason:** To ensure all contamination within the site is dealt with and to accord with Policies 2 and 30 of the South East Lincolnshire Local Plan (2011-2036).

17. Prior to the commencement of development, details of the proposed post and rail fence and gates to serve the enclosed field as shown on drawing 17-2397-AS-01 RevC shall be provided for agreement in writing by the Local Planning Authority.

No works, other than site investigation and clearance shall take place until the aforementioned fence and gates have been provided, and they shall be retained thereafter.

**Reason:** To ensure the continuity of safe and suitable pedestrian access, in the interests of pedestrian and public safety, in accordance with Policy 2, 32 and 33 of the South East Lincolnshire Local Plan (2011-2036) and the guidance within the NPPF.



## **Informatives:**

### **Anglian Water**

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.

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.

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.

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.

### **STATEMENT OF PROACTIVE WORKING:**

In determining this application, the authority has taken account of the guidance in paragraph 38 of the National Planning Policy Framework 2019 in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the Borough.