

BOSTON BOROUGH COUNCIL

Planning Committee – 27th July 2021

Reference No: B/20/0489

Expiry Date: 23-Mar-2021

Extension of Time: TBC

Application Type: Major - Full Planning Permission

Proposal: Proposed residential development of 20 affordable dwellings and associated works

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

Applicant: John Saul Ltd C/O

Agent: Clive Wicks Associates

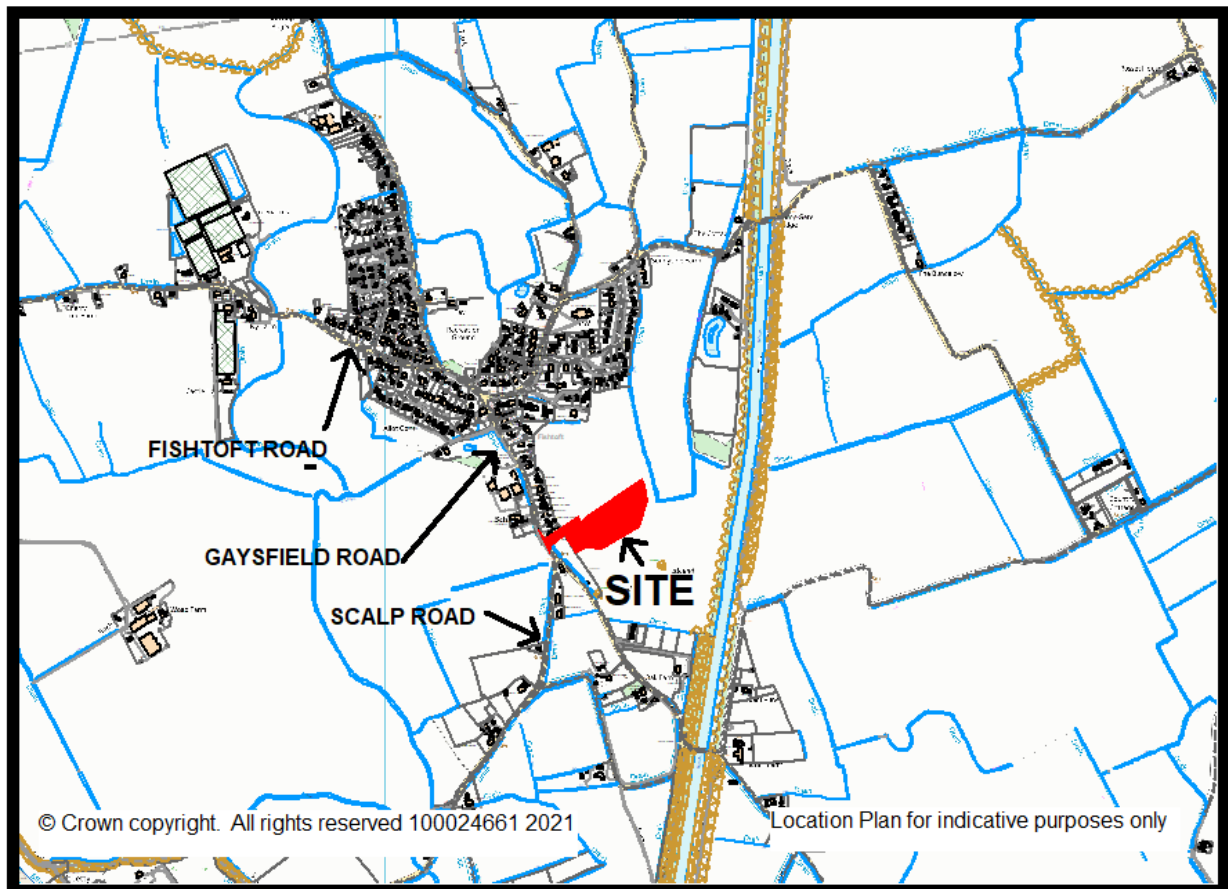
Ward: Fishtoft

Parish: Fishtoft Parish Council

Case Officer: Ian Carrington

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 a local ward member for the following summary reasons:

Cllr Mrs. Skinner:

- Application is outside of the Local Plan boundary
- Impact on Archaeology
- 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 level of negative public interest.

2.0 Application Site and Proposal

2.1 The application site is the southern part of a larger area (over 3 hectares) in extent lying to the east of Gaysfield Road, Fishtoft. The western boundary is marked a line of mature conifer trees. A further line of conifers 30m to the west encloses a grassed area and the two lines stretch south from the entrance for c.170m, effectively screening the site from public view from the highway. To the south and east is open farmland, and to the north is the area subject to the associated outline application B/20/0488. There is also an existing Scout Hut located to the west with an enclosed triangle of land between the aforementioned conifers which is associated with the scout hut facilities.

2.2 The topography is largely flat. Access would be adjacent to the scout hut, the southernmost building on Gaysfield Road. 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. A portion of the site in the south east corner forms part of the Fis046 allocation on Inset Map 15 and thus is in part allocated for housing under Policy 11.

2.4 This full application is for 20 affordable dwellings and associated works – the proposal is presented primarily as a Rural Exceptions scheme. The proposal is for 14 semidetached houses and two short terraces of three dwellings each. The dwellings would be two storey, and generally of a robust, traditional appearance comprised of brickwork under tiled roof. Detailing would be provided within the brickwork, as well as with headers, cills, porches and chimneys. 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
- 2.5 The application has been amended and supplemented since original submission, including an augmented drainage strategy and more detailed ecology and biodiversity information and archaeological baseline. These matters are discussed in more detail below.
- 2.6 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 outline application, B/20/0489 has been submitted for 46 dwellings (including 9 affordable homes) on allocated land immediately north of this application site. Some features (such as the surface water drainage scheme) are shared and if approved and completed the two would form a single built extension to the village. Each application is a material consideration in the assessment of the 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 19: Rural Exception Sites
- 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 45units. 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.

4.3 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, 64, 79, 117, 118, 127, 128, 130, 150, 155, 157, 158, 159, 162, 163, 165, 189, 190, 192 and 199.

4.4 Of particular relevance to this proposal, the NPPF offers support to windfall development, and provision of rural exceptions sites, as well as supporting development which will enhance or maintain the vitality of local communities, allowing villages the opportunity to grow and thrive.

4.5 In particular, attention is drawn to the following paragraph:

“Local planning authorities should support opportunities to bring forward rural exception sites that will provide affordable housing to meet identified local needs” (para 77)

and also the definition of a Rural Exception site:

“Rural exception sites: Small sites used for affordable housing in perpetuity where sites would not normally be used for housing. Rural exception sites seek to address the needs of the local community by accommodating households who are either current residents or have an existing family or employment connection. A proportion of market homes may be allowed on the site at the local planning authority’s discretion, for example where essential to enable the delivery of affordable units without grant funding.” (Glossary NPPF)

5.0 **Representations**

5.1 The case was initially publicized 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 great majority referring to both B/20/0488 and B/20/0489. The full text of all representations is available on the Council’s website and the planning file. All comments have been carefully considered.

5.2 The objections and comments from residents can be summarized 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 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 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 in comments submitted jointly with those on B/20/0488. 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 B/20/0488 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 (submitted jointly with those on B/20/0488) 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 subject to conditions - remarks regarding highways (submitted jointly with those on B/20/0488) 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 be available as open grass recreation space.
- 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

Anglian Water have provided a subsequent comment which reaffirms the above, confirms that there is sufficient local capacity, and that a connection under S106 of the Water Industry Act would be required.

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 £13,200 for B/20/0489. 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 - The development is estimated to produce demand for 2 secondary places and a developer contribution is sought of £33,982 payable on completion of 50% of the proposed dwellings.

6.9 Boston BC Housing Strategy - no objections - evidence (including Local Plan, the Strategic Housing Market Assessment and the Affordable Housing Demand Survey) 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
- Affordable housing
- Design and impact on local character
- Impact on neighbour amenity
- Flood risk and drainage
- Heritage matters
- Highway safety
- 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 Policies Inset Map 15 of the Plan. The mapped area includes a small part of the current application site, but primarily relates to the scheme covered by outline application B/20/0488. 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. 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 However in this case the proposal is for a rural exception site, which by definition is not required to be an allocated location nor within the normal area where housing would be encouraged. At the level of national guidance the NPPF defines rural exception sites as *'small sites used for affordable housing in perpetuity where sites would not normally be used for housing'*. Paragraph 77 of the Framework states: *'in rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs. Local planning authorities should support opportunities to bring forward rural exception sites that will provide affordable housing to meet identified local needs, and consider whether allowing some market housing on these sites would help to facilitate this'*.
- 7.6 At paragraph 78 the Framework goes on to state that *'housing should be located where it will enhance or maintain the vitality of rural communities'* and that planning *'should identify opportunities for villages to grow and thrive, especially where this will support local services'*. For this reason Exception Sites are frequently found on the edge of existing settlements where some level of services exists and where they may contribute to those services' ongoing viability. It is therefore generally considered that this scheme would accord with the national position in respect of an exceptions site, particularly as it would use part of the existing allocation and would also compliment the development on the main part of the allocation.
- 7.7 At the local level Policy 19 of the SELLP formalizes this approach and states: *'Proposals for housing on sites situated outside, but adjoining the defined settlement boundaries identified by Policy 1 will be permitted'* subject to certain conditions including that the development meets local need, that its scale will be appropriate to the 'role and function' of the settlement and that pre-application consultation has taken place 'to the satisfaction of the planning authority.

- 7.8 In this case the Council's housing team has confirmed that the scheme will help address identified local need, and the scale (20 homes) is significantly less than the total of the primary and secondary allocated sites in the village which as a minor service centre is identified as a sustainable location for new housing in the Local Plan. Then scale of development is considered to be in-keeping with the settlement (criteria 2) and in general terms the scheme is considered to be acceptable in all other respects. Whilst pre-application consultation (criteria 3) has been more with the Authority than direct with the community, this failure to accord precisely with that one element of Policy 19 does not outweigh the scheme's accordance with all other aspects of the policy and the requirements of the NPPF, and the public benefit of the provision of social housing. For the reasons set out above the principle of the development is sound.
- 7.9 It will be noted that the NPPF and Local Plan policy both allow for a proportion of the development to be for market housing to improve viability. In this case the entire 20 units is proposed as affordable housing to be delivered in concert with a social landlord. This would be secured by way of a Legal Agreement. It is clear therefore that this is a viable, and deliverable proposal.
- 7.10 Overall, the proposals complement the existing allocation and deliver much needed affordable housing. This would contribute to the overall housing need for the Borough, as well as contributing to the need within and managed level of growth anticipated for Fishtoft as identified through the Local Plan. Given this, although the proposals would be located outside of the settlement boundary, as the proposals would in general terms be compliant with policies 11, 18 and 19 the provision of affordable housing on this site would generally be in accordance with the thrust of the plan. Even if this were not the case, it is considered that the economic and community benefits that would arise from the proposal, in combination with the environmental enhancement measures which would be secured by conditions would be sufficient to demonstrate that the proposals met the objectives of policy 1. Therefore Officers consider that in principle, the scheme is compliant with the plan when taken as whole.
- 7.11 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.
- 7.12 **Affordable Housing**
- 7.13 Boston Borough Council's Housing Strategy Manager has confirmed that there is a substantial local need for affordable housing in this part of the borough and that this scheme would help address that need. Commenting on the application he writes: *'the affordable housing need identified within Fishtoft is strong and both [the] 9 units [associated with B/20/0488] and the 20 all affordable dwellings proposed within application B/20/0489 will help meet this need'*.
- 7.14 Details of the tenures, housing types and locations will be secured via a Section 106 Agreement or Unilateral Undertaking. The affordable housing part of the development would proceed in cooperation with a registered housing provider.

Taking all relevant material considerations into account it is considered that the proposal will meet identified need for affordable housing in an appropriate location in keeping with national guidance and SELLP Policies 18 and 19. This is also considered to be a significant, positive outcome which weighs strongly within the planning balance.

7.15 Design and Impact on Local Character

7.16 The proposal arranges the 20 new dwellings in a semi-circular layout overlooking a large central area of public open space. This area (which also forms part of the site drainage system) would be ringed with trees, and the rear boundary of the development would also be planted with trees and native species hedging – creating a buffer to the countryside beyond. Access would be via a semi-circular roadway connecting at both ends to the main spinal road of the larger development, which connects to the highway network at Gaysfield Road adjacent the Scout hut.

7.17 The proposed scheme is of a density of circa 20dph which is low and befitting of an edge of village location. The dwellings would consist of fourteen semi-detached and two three-unit mini terraces. All will be two storey brick houses to a traditional design featuring concrete pantile roofs, covered porches, reconstituted stone window lintels and brick detailing including soldier courses above windows, a linear decorative contrast line and an engineering brick plinth. Taken together these features present as traditional Lincolnshire styling very much in keeping with the more mature dwellings in the village and surrounding countryside. It is noted that the appearance of the individual units and of the overall development is of a quality scheme which could not be identified as affordable housing purely by its appearance.

7.18 Clearly the development will result in change, however, that of itself is not necessarily harmful, and it could be argued that the development would appear in many ways as a natural evolution and expansion of the village. There is no reason to doubt that the development would be delivered in a high quality way. 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. The proposal is in keeping with the distinctive character of the locality, and as such accords with policies 2 and 3 of the SELLP, relevant provisions of the National Design Guide and the NPPF including but not limited to paragraphs 127 and 128 dealing with design.

7.19 Impact on Neighbour Amenity

7.20 There are no immediate residential neighbours to the exception site, and future housing under outline application B/20/0488 would be well removed from this development and separated by extensive public open space. The exception site dwellings will have satisfactory levels of private amenity space and will not overlook or overshadow each other, and are provided with generous levels of public open space immediately adjacent.

7.21 Flood Risk and Drainage

- 7.22 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 0-1.6m. Compared to other sites in Fishtoft, this site is comparable in flood risk terms based on hazard and depth. The site shares a fully developed surface water drainage scheme shared with the site immediately to the north covered by application B/20/0488.
- 7.23 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) – this is a combined meeting group 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.
- 7.24 The Drainage Strategy covers both the full application for the 20 dwelling rural exception site and the adjacent outline application for 46 dwellings with an integrated SUDS (Sustainable Urban Drainage) scheme – 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.
- 7.25 The scheme has been modelled under a range of scenarios including a 1 in 100 year + 40% and has been shown to be effective. Surface water from the exception site and from the housing to the north will be collected and channeled to an attenuation area under the exception site public open space. From there it will flow via an underground pipe to a Drainage Board maintained drain to the north east of the site and thence to the Hobhole Drain and the sea. The attenuation system will ensure run-off rates are limited to normal rates for agricultural land – ie no worse than current. The capacity of the crated system under the public open space will be adequate for almost all conditions. Only under exceptionally severe circumstances would water pond above ground, meaning that for most of the time the space would have the appearance of a shallow grassy depression and would be available for residents’ recreational use. Such an approach is considered to be SUDS compliant and has been used in practice elsewhere within the Borough.
- 7.26 The highways will be for adoption 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. 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.

7.27 The strategy has been assessed by all consultees and no objections have been received. 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.

7.28 **Heritage Matters**

7.29 Grade II Listed Fishtoft Manor and Grade I Listed St Guthlac's Church lie respectively c.250m and c.470m to the north of the site and the scheme will have no material impact on their settings – primarily due to the considerable separation distances, presence of intervening lands and boundary treatments. Due regard is also given to the part allocated nature of the site and thus there has already been an establishment that some change to the setting of these assets will occur, indeed there is likely to be a greater impact from the development of the wider allocation as opposed to this proposal.

7.30 The high archaeological potential of the site and the field to the east has been emphasised by the Council's heritage consultant in the 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 Local Plan and NPPF and an appropriate condition is recommended.

7.31 **Highway safety**

7.32 The layout shows in detail the access to the existing public highway and the internal roadway, and the linkages to the outline scheme to the north. Roads would be built to adoptable standards and it is the Highways Authority's intention to adopt. It should be noted that the access road on to Gaysfield Road, 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 and necessary to serve the allocation.

7.33 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.

- 7.34 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 (including when taken together with the outline proposal for 46 dwellings) is satisfactory for the reasons summarized in more detail in Section 6.3 of this report. LCC specifically states that the proposal (taken together with the outline) 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.
- 7.35 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.
- 7.36 Affordable housing and developer contributions**
- 7.37 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 is supportive of the proposals based on the identified 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. As stated this is a fundamental part of the site coming forward as a Rural Exception Site, and the applicant considers that this is a viable and deliverable proposal on this basis.
- 7.38 The Lincolnshire Clinical Commissioning Group has requested a contribution of £13,200 from the development to contribute toward local NHS primary care provision and this would be secured by a Section 106 agreement.
- 7.39 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 £33,982 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.
- 7.40 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.

7.41 Ecology and Biodiversity

- 7.42 The application is supported by an Ecological Appraisal, a Biodiversity Assessment and a Biodiversity Management Plan responding to specifications suggested by Lincolnshire Wildlife Trust. These documents cover both this application and the associated outline application B/20/0488.
- 7.43 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.
- 7.44 The Biodiversity Assessment is based on a detailed survey covering the sites of this application and associated case B/20/0488 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 9th 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.
- 7.45 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.
- 7.46 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 materials considerations. The weight attributed to each of these factors within the exercise is known as the 'planning balance'.
- 8.2 Although the proposal encompasses part of the existing allocation, the proposal is for a rural exception site providing affordable housing which meets identified local need in an appropriate location in keeping with national and local policy and guidance. Although the site is therefore outside of the settlement boundary, it is considered that the scheme would comply with policy 19. The principle of the development is sound. In addition, the proposals would 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. It is considered that the scheme would lead to economic, social and environmental benefits and thus it would generally accord with the thrust of the plan to deliver sensitive levels of growth.
- 8.3 The Highways Authority is content 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.
- 8.4 The proposed design reflects positively the traditional built vernacular of the area and the proposal will accord with the distinctive character of the locality, and measures will be included for biodiversity enhancement and environmental 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.
- 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 and social benefits that are likely to arise from the development. The proposals are considered to be representative of sustainable development. In particular the development would provide a considerable contribution of affordable housing on the edge of a village which is identified as being sustainable within the Local Plan. 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. The development hereby permitted must be begun not later than the expiration of four years beginning with the date of this permission.

Reason: To take account of the present restrictions on implementing permissions, in order to assist the recovery and in order to comply with the requirements of 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:

- 17-2397-AS-09 Affordable Scheme Plots 19 & 20 received by the LPA on 08/12/2020
- 17-2397-AS-08 Affordable Scheme Plots 17 & 18 received by the LPA on 08/12/2020
- 17-2397-AS-07 Affordable Scheme Plots 15 & 16 received by the LPA on 08/12/2020
- 17-2397-AS-06 Affordable Scheme Plots 11 & 12 received by the LPA on 08/12/2020
- 17-2397-AS-05 Affordable Scheme Plots 9-10 & 13-14 received by the LPA on 08/12/2020
- 17-2397-AS-04 Affordable Scheme Plots 7 & 8 received by the LPA on 08/12/2020
- 17-2397-AS-03 Affordable Scheme Plots 4-6 received by the LPA on 08/12/2020
- 17-2397-AS-02 Affordable Scheme Plots 1-3 received by the LPA on 08/12/2020
- 17-2397-MP-01 Rev F Proposed Masterplan received by the LPA on 27/05/21

Reason: For the avoidance of doubt and the interests of proper planning.

3. 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.

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 (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

5. Prior to any development above slab levels a Surface Water Drainage Plan based on the principles set out in the Sustainable Drainage Strategy and Masterplan drawing forming part of the approved application and including arrangements for the future management of the drainage system 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).

6. Before any works above slab levels a foul water strategy including connection points to the public sewer, discharge rate and confirmation that the sewage authority has sufficient capacity to accept the flows 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).

7. 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;
- there will be no ground floor sleeping accommodation;
- finished floor levels will be set a minimum of 4.66 metres above Ordnance Datum and
- 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 (2011-2036).

8. Prior to the commencement of development, 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 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.

9. 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 to a specification to enable them to be adopted as Highways Maintainable at the Public Expense, 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).

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.

10. Before any works above the damp proof course a schedule of external materials, including samples where requested, to be used in the construction of buildings and hard surfaced areas and in accordance with the broad specifications shown in the approved plans shall be submitted to and approved in writing by the Local Planning Authority.

The development shall be constructed in accordance with the approved details.

Reason: In the interests of the character and appearance of the development and the visual amenity of the area in which it is set. This condition is imposed in accordance with Policy 2 of the South East Lincolnshire Local Plan and paragraph 127 of the National Planning Policy Framework.

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 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.
 - (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 (2011-2036).

12. 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).

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 (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 (2011-2036).

14. Prior to development above slab level, a detailed 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.

15. 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.

Prior to development above slab level full details of the biodiversity enhancement measures across the site and a timetable for their implementation shall be submitted to the Local Planning Authority for approval in writing.

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).

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.