

Reason for report

This application is presented to committee following a deferral of the item from the committee meeting of the 4th February 2025. The Agenda and Supplementary agenda for that meeting are attached as Appendix 1 and 2 to this report.

For the avoidance of doubt this report includes additional information and an assessment of the issues raised by members in debate of that meeting or since that time, it also includes information presented to members via a verbal update within the meeting itself. It does not include any comments that were previously presented to members via the supplementary agenda on 30/01/25.

This report is not intended to be a full report on the application and only seeks to address new responses since the previous committee meeting and to address the matters raised by committee previously.

Applicant's representations

The applicants have submitted a letter in response to matters raised by members in committee alongside an annotated site plan, identifying the IDB easement.

This confirms there is no development within the IDB easement and that they have obtained technical consent from the IDB to discharge into that drain along the southern boundary. It also confirms maintenance details in respect of the western boundary, that a boundary treatment to separate the site from the Bowls Club will be provided, and they agree to an informative or condition to confirm the number of hydrants requested by Lincs Fire and Rescue. It also sets out the relevant fallback position in terms of design and impact on character of the area.

Consultee comments

Since the publication of the Supplementary Agenda on 30th January the following consultee responses have been received:

LCC Highways/SuDS – Reiterated the request for additional technical details to assist the S.278 process in connection with the ghost island right turn and the proposed footway along the southern boundary of the site. Requested a condition relating to pedestrian access in the southwest corner to secure access plus lighting. Requested contributions including £1500 per household for a bus pass for a year. Upgrades to a nearby eastbound bus stop on Wainfleet Road (approx. £10,000) and £5000 for Travel Plan monitoring.

LCC S106 Officer – Objects – On behalf of Education and the Transport and Growth manager due to the lack of contributions. In particular regarding access to Secondary and 6th Form within a reasonable distance and that existing provision is at capacity. The proposal would be contrary to paragraphs 100

and 101. Raised concerns regarding the overage payment detailed within the viability assessment and that it should not be included within the justification.

NHS Integrated Care Board – Objects – Practices are at or near capacity within Boston, particularly the practice nearest the development. The contribution request will mitigate the increased clinical consultation capacity and staff accommodation requires and consider the financial request to be proportionate.

Lincs Fire and Rescue – Withdraw their objection following confirmation the highways will be built to standards set by, and subsequently adopted by, the Highway Authority.

Third party representations

One letter of representation has been received from a property that has previously written in indicating they are pleased that discussions regarding drainage impacts on the northern boundary are being considered but raised concerns regarding the methods proposed for this drainage and reiterated concerns regarding construction upon trees within the neighboring dwellings.

Officer assessment

The main issue in the consideration of this application is the issue of viability and whether the development should be permitted without financial contributions. At the meeting of the 4th of February, the application was deferred with members raising concerns regarding three issues. These are:

- The relationship with the drainage board easement
- The ownership of the drain along the western boundary
- The standard of road construction and the representations of Lincolnshire Fire and Rescue

Viability

As set out on the main agenda the applicant has provided a viability appraisal that demonstrates the scheme does would not support contributions and this has been independently assessed. We have now received objections from the NHS and LCC that have confirmed they consider the contributions necessary to mitigate harms arising from the increased burdens on education and health services in the locality. However, we have also received requests of further contributions from LCC taken the total financial burden requested as part of this application to £1,182,186.18.

No particular justification has been provided to support the additional request received in terms of public transport. No particular harm has been identified, nor is it clear how that harm would be mitigated through contributions to bus passes per household. In this case, such a contribution is not considered to be reasonable. Furthermore, the proposal secures improvements to the highway through

the ghost island right turn and the footways and any harm arising from the development in highway terms is considered to be mitigated. Improvements to a nearby bus stop are considered to be a more appropriate request, however, set against the fallback of an existing permission without that, it is not considered reasonable in this circumstance.

The viability appraisal was on the basis of contributions as they were agreed within the S.106 agreement signed in 2018 and totaling £662,000. The conclusions of the independent assessment are that the scheme cannot support any contributions and that even in a scenario with no contributions requested the residual land value would not meet the benchmark land value.

Concerns have been raised by LCC regarding the inclusion of an overage payment within the calculations, while the independent assessor has not raised express concerns regarding the inclusion of this as a cost of the proposal, it is noted that whether the figure is included or not, the residual land value with no contributions would still be below the benchmark land value. As such the conclusions of the report are considered to be sound, whether the overage payment is accepted as a cost or not

LCC have cited paragraphs 100 and 101 of the NPPF which identify that significant weight should be placed on the importance of new, expanded or upgraded public service infrastructure when considering proposals for development.

Policy 6 sets out that:

Developers will either make direct provision or will contribute towards the provision of local and strategic infrastructure and services required by the development, either alone or cumulatively with other developments. Contributions will be determined having regard to:

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

Policy 6 is clear that contribution requests need to have regard to both the identified needs that must be mitigated and the viability of the proposed development. Significant weight can be afforded to the need to provide upgraded public service infrastructure and still be outweighed by the viability considerations.

In this case, there is a clear identified impact to be mitigated against, supported by the information provided by the NHS and LCC Education. However, the viability assessment is also clear.

It is the view of officer's that greater weight should be given to the delivery of 200 affordable homes and that the development should be supported without contributions to offset harms to health and education infrastructure in line with the recommendation included at Appendix A.

Drainage Board Easement

The drainage board comments on the application were provided via the supplementary agenda and are available in full on the planning application. It is noted the drainage board do not object and have not identified any development with the 9m easement. The relevant section of the IDB comments above are

As per previous correspondence the Board recognizes and appreciates that trees and fencing have been removed from the 9 metre easement to the south Board maintained watercourse.

The applicants have provided an annotated site plan to confirm there is no development within that easement and it would be complied with.

Western boundary drain

The drain along that boundary is in riparian ownership, and the maintenance of that drain is the responsibility of the relevant land owner.

In this case that drain lies outside the red line of this application. Notwithstanding that, the applicant has confirmed they will include the maintenance of this drain within the maintenance of the other drainage features. This cannot be secured by condition, as it lies outside the site, and an informative note to remind the land owners of their responsibility is recommended.

Road construction

Concerns arose following a previous objection from Lincs Fire and Rescue. That objection raised concerns that the adoptable standard used by LCC as Highway Authority has a capacity of 12.5 tonnes while the fire service use some vehicles above that weight.

The bulk of estate roads are expected to be built to adoptable standard with only minimal use of private drives to serve dwellings on the periphery of the site. Lincs Fire and Rescue have withdrawn their objection following confirmation the roads would be built to adoptable standard. It is noted that Condition 12 on the recommendation in Appendix A secured details of which roads will be adopted and the maintenance arrangements for any features that are not.

An additional informative note is recommended to secure the 4 hydrants recommended by Lincs Fire and Rescue.

Other matters

It is noted some concerns were raised during debate in connection with design and the impact on the character of the area. These impacts have previously been addressed and considered to be acceptable through the grant of previous permissions B/21/0441 and B/24/0242. It would be unreasonable to revisit this matter except to consider any new impacts arising from this proposal. This assessment is included within the agenda and supplementary agenda attached at Appendix A and B.

Conclusions

It is considered that the matters raised by committee previously have been addressed by the additional information provided above and the application is recommended for approval subject to conditions and a unilateral undertaking to secure the affordable housing provision.

For the avoidance of doubt the final list of conditions is included below, as is a list of informative notes.

CONDITIONS / REASONS			
Pre-commencement conditions?	Yes	Agreed with applicant/agent - Date:	
1	<p>The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this permission.</p> <p>Reason: Required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004.</p>		
2	<p>The development hereby permitted shall be carried out in accordance with the following plans and details:</p> <ul style="list-style-type: none"> ▪ 101-094/(P) 180 Site Location Plan ▪ 101-094/(P) 181 Proposed Site Layout ▪ 101-094/(P) 182 Materials Plan ▪ 101-094/(P) 183 Proposed Boundary Treatment ▪ 101-094/(P)041G Street Scenes NO.1 ▪ 101-094/(P)042G Street Scenes NO.2 ▪ 101-094/(P)043F Street Scenes NO.3 ▪ 101-094/(P)044E Street Scenes NOS 4 and 5 ▪ 101-094(P) 119B LH 1B BUNG T3 RB ▪ 101-094(P) 120B LH 2X1B BUNG T3 RB ▪ 101-094(P) 121B LH 2B BUNG T4 V1 RB ▪ 101-094(P) 122B LH 2X2B BUNG T4 V1 RB ▪ 101-094(P) 123B LH 2X2B BUNG T4 V2 RB ▪ 101-094(P) 124B LH 2X2B BUNG T4 V3 RENDER ▪ 101-094(P) 125B LH 3X2B BUNG T4 V1 RB ▪ 101-094(P) 126B LH 3X2B BUNG T4 V2 RENDER ▪ 101-094(P) 127B LH 3B BUNG RB ▪ 101-094(P) 128B LH 2X3B BUNG V1 RB ▪ 101-094(P) 129B LH 2X3B BUNG V2 RB ▪ 101-094(P) 130A LH 4X1B MAIS RENDER ▪ 101-094(P) 131B LH 2X2B4P HOUSE T5 V1 RB ▪ 101-094(P) 132B LH 2X2B4P HOUSE T5 V1 BB ▪ 101-094(P) 133B LH 2X2B4P HOUSE T6 V1 RB 		

- 101-094(P) 134B LH 2X2B4P HOUSE T6 V2 BB
- 101-094(P) 135B LH 2X3B5P T8 V1 RB
- 101-094(P) 136B LH 2X3B5P T8 V2 RB
- 101-094(P) 137B LH 2X3B5P T8v RB
- 101-094(P) 138B LH 3B5P T9 RB
- 101-094(P) 139B LH 3B5P T9 - 3B5P T8 RENDER
- 101-094(P) 140B LH 3B5P T9 – 3B5P T8v RENDER
- 101-094(P) 141B LH 3B5P T8v – 3B5P T9 RENDER
- 101-094(P) 142B LH 2X3B5P T8v - 3B5P T9 RENDER
- 101-094(P) 143B LH 3B5P T9 – 2X3B5P T8v RENDER
- 101-094(P) 148A LH 2B BUNG T4 V2 RB
- 101-094(P) 149A LH 2x2B BUNG T4 V2 BB
- 101-094(P) 150A LH 3B BUNG BB
- 101-094(P) 151A LH 2x3B BUNG V1 BB
- 101-094(P) 152A LH 2x3B BUNG V2 BB
- 101-094(P) 153A LH 2x2B4P HOUSE T6 V1 BB
- 101-094(P) 088D HRH 2xD 2B HOUSE BB
- 101-094(P) 089B HRH 2xE 3B HOUSE RB
- 101-094(P) 105D HRH M 5B HOUSE RENDER BB
- 101-094(P) 144B HRH 3XD 2B HOUSE BB
- 101-094(P) 145B HRH 3XE 3B HOUSE RENDER BB
- 101-094(P) 146B HRH 4X1B MAIS RENDER RB
- 101-094(P) 147A HRH 2xE 3B HOUSE BB
- 101-094(P) 184A HRH K 4B HOUSE RB
- 101-094(P) 185A HRH K 4B HOUSE RB HANDED
- 101-094/(P)002D H21 1B2Px2 BUNG
- 101-094/(P)003D H21 2B3P-1B2P BUNG
- 101-094/(P)005D H21 1B2P-2B3P BUNG
- 101-094/(P)005G H21 – COMMUNAL BUILDING
- 101-094(P) 117B H21 1B2P-2B3P BUNG V2
- 101-094(P) 118B H21 2B3P-1B2P BUNG V2
- WRB-DCE-XX-XX-DR-C-5000 Rev P03 Drainage Strategy 1 of 2
- WRB-DCE-XX-XX-DR-C-5001 Rev P03 Drainage Strategy 2 of 2
- WRB-DCE-XX-XX-DR-C-5005 Rev P04 Preliminary Levels Strategy 1 of 5
- WRB-DCE-XX-XX-DR-C-5006 Rev P04 Preliminary Levels Strategy 2 of 5
- WRB-DCE-XX-XX-DR-C-5007 Rev P04 Preliminary Levels Strategy 3 of 5
- WRB-DCE-XX-XX-DR-C-5008 Rev P04 Preliminary Levels Strategy 4 of 5
- WRB-DCE-XX-XX-DR-C-5009 Rev P04 Preliminary Levels Strategy 5 of 5
- WRB-DCE-XX-XX-DR-C-6001 Rev P01 Preliminary Site Access General Arrangement Option
- LI5006-3M-004 Rev A A52 Wainfleet Road Indicative Right Hand Turn Lane

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

Pre-commencement conditions:

3	<p>Prior to the commencement of the development hereby permitted, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. Development shall then be carried out in accordance with the approved CEMP. The CEMP shall include (though not to be restricted to) the following details:</p> <ul style="list-style-type: none"> a) A traffic management plan incorporating the routing of construction traffic and details of heavy vehicle movement patterns (including the earliest and latest times, and, if necessary, the suspension of trips during peak traffic times) b) Measures to minimise and control noise, vibration, dust, dirt and fumes during the development period c) Details of onsite parking facilities for both visiting construction vehicles and deliveries and workers on the site d) The loading and unloading arrangements for heavy plant and machinery and materials e) The location of storage of plant and materials used in the construction of development f) Measures to avoid disturbance to nesting birds and other wildlife g) Measures to prevent mud being deposited on the surrounding highway h) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate i) strategy stating how surface water run off on and from the development will be managed during construction and protection measures for any sustainable drainage features. j) Details of the proposed hours of construction and hours of delivery, including the arrival and departure of staff k) A programme for the implementation of all the above items. <p>Reason: To minimise the impacts of construction and in the interests of the amenity of local residents in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.</p>
4	<p>Notwithstanding the submitted details, no development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles, and an assessment of the hydrological and hydrogeological context of the site, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall:</p> <ul style="list-style-type: none"> a) Provide details of how run-off will be safely conveyed and attenuated during storms up to an including the 1 in 100 year critical storm event, with an allowance for climate change, from all hard surfaced areas within the development into the existing local drainage infrastructure and watercourse systems without exceeding the run-off rate for the undeveloped site; b) Provide attenuation details and discharge rather which unless agreed otherwise with the surface water receiving body shall be restricted to 1.4 litres per second per hectare; c) Provide details of the timetable for any phasing of implementation for the drainage scheme; and d) Provide details of how the scheme shall be maintained and managed over the lifetime of the development, including any arrangements for adoption by any public body or Statutory Undertaker and any other arrangements required to secure the operation of the drainage system through its lifetime.

	<p>The development shall be carried out in accordance with the approved drainage scheme and no dwelling shall be occupied until the approved scheme has been completed or provided on the site in accordance with the approved phasing.</p> <p>Reason: To ensure that the site is adequately drained, to avoid pollution, and to prevent increased risk of flooding in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019 and national guidance contained within the National Planning Policy Framework 2024.</p>
5	<p>The development hereby permitted shall not be commenced until details of a comprehensive contaminated land investigation has been submitted to and approved by the Local Planning Authority (LPA) in writing and until the scope of works approved therein have been implemented. The assessment shall include all of the following measures unless the LPA dispenses with any such requirements in writing:</p> <ul style="list-style-type: none"> a) A site investigation shall be carried out to fully and effectively characterise the nature and extent of any land contamination and/or pollution of controlled waters. It shall specifically include a risk assessment that adopts the Source-Pathway-Receptor principle and takes into account the site's existing status and proposed new use. Two full copies of the site investigation and findings shall be forwarded to the LPA. b) Where the risk assessment (see preceding condition) identifies any unacceptable risk or risks, a detailed remediation strategy to deal with land contamination and/or pollution of controlled waters affecting the site shall be submitted and approved by the Local Planning Authority in writing. <p>No works, other than investigative works, shall be carried out on the site prior to receipt of written approval of the remediation strategy by the Local Planning Authority.</p> <p>On completion of remediation, two copies of a closure report shall be submitted to the Local Planning Authority. The report shall provide validation and certification that the required works regarding contamination have been carried out in accordance with the approved Method Statement(s). Post remediation sampling and monitoring results shall be included in the closure report.</p> <p>Reason: To ensure potential risk arising from previous site uses have been fully assessed and to accord with Policies 2 and 3 of the South East Lincolnshire Local Plan 2019.</p>
6	<p>Development may not begin unless a biodiversity gain plan has been submitted to and approved by the Local Planning Authority.</p> <p>Reason: To comply with Schedule 7A of the Town and Country Planning Act (1990, as amended).</p>
Conditions which apply during the course of and following completion of the development:	
7	<p>No development comprising the erection of any dwelling, shall take place until cross-sections of the site and adjoining land, including details of existing levels around the buildings hereby permitted and any</p>

	<p>changes in level proposed, together with the proposed floor levels within the buildings, have been submitted to and approved in writing by the Local Planning Authority.</p> <p>The development shall not be carried out other than in accordance with the approved cross sections.</p> <p>Reason: To secure the satisfactory development of the application site and minimise the impact on surrounding occupiers and to accord with Policy 2 of the South East Lincolnshire Local Plan, 2019.</p>
8	<p>The Ghost-Island Right turn Lane, shall be constructed in accordance with Drawing No. LI5006-3M-004 Rev A A52 Wainfleet Road Indicative Right Hand Turn Lane or other scheme to be agreed in writing by the Local Planning Authority. This shall be completed prior to the commencement of the construction of any dwelling and in accordance with the approved details.</p> <p>Reason: In the interests of safety of the users of the public highway and the safety of the users of the site in accordance with Policy 2 of the South East Lincolnshire Local Plan 2019</p>
9	<p>No dwellings shall be commenced before the first 50 metres of the estate road, including its junction with the public highway and visibility splays, has been completed.</p> <p>Reason: In the interests of safety of the users of the public highway and residents of the permitted development and to enable construction and material delivery vehicles and the vehicles of construction personnel to wait clear of the carriageway of Wainfleet Road in accordance with Policy 2 of the South East Lincolnshire Local Plan 2019.</p>
10	<p>Prior to development above ground level, details of a 2m wide footway along the south side of Wainfleet Road connecting the entrance of the site to the existing footway on the south side of Wainfleet Road shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>The footway shall be implemented prior to the occupation of the first dwelling hereby approved or other timetable agreed in writing with the Local Planning Authority.</p> <p>Reason: In the interests of safety of the users of the public highway and residents of the permitted development and to enable construction and material delivery vehicles and the vehicles of construction personnel to wait clear of the carriageway of Wainfleet Road in accordance with Policy 2 of the South East Lincolnshire Local Plan 2019.</p>
11	<p>No development comprising the erection of a dwelling shall commence until full details of the future ownership and maintenance responsibilities (including adoption by a public or statutory body) of all physical assets on the site above and below ground, including highways and associated infrastructure, private drives used as highways, drainage and sewage infrastructure, public open space, play equipment</p>

	<p>and lighting shall be submitted to and approved in writing by the Local Planning Authority. The development shall be operated in keeping with the details so approved.</p> <p>Reason: To ensure that all physical assets necessary for the proper running of the site are properly maintained in the interests of the amenities of the future occupants of the site and to accord with Policies 2, 3, 4, 28 and 32 of the South East Lincolnshire Local Plan (2019).</p>
12	<p>Prior to development above damp proof course, a detailed plan showing the provision of play equipment, which shall include the type number and location of equipment, along with a plan for the long term management and maintenance of that equipment shall be submitted to and approved in writing by the Local Planning Authority. That plan shall include details of any proposed management company or transfer to other public body to be responsible for that maintenance in perpetuity.</p> <p>Reason: To ensure adequate play equipment is available on site in accordance with Policy 32 of the South East Lincolnshire Local Plan, 2019.</p>
13	<p>The public open space and play equipment as shown on drawing no. 101-094 (P) 181 shall be implemented in accordance with the details required by condition 13 and shall be provided before 70% of the dwellings hereby permitted are first occupied. The public open space shall not at any time be incorporated within the curtilage of a dwelling and shall be retained for its permitted use thereafter.</p> <p>Reason: To ensure that adequate open space provision is made available for the occupiers of the development hereby permitted and that provision is made for the management and maintenance of the open space in accordance with Policy 32 of the South East Lincolnshire Local Plan, 2019.</p>
14	<p>Prior to the implementation or enhancement of any habitat included within the approved gain plan, a 30 year management and maintenance plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include:</p> <ul style="list-style-type: none"> ▪ Aims, objective and targets for management, including the target conditions as specified within the Statutory Biodiversity Metric and Biodiversity Gain Plan. ▪ Details of the phasing and implementation of the habitats ▪ Details of the management operations necessary to achieve those aims and objectives and the target conditions of all relevant habitats. ▪ Details of the monitoring needed to measure the effectiveness of management and details of an assessment as to whether the target condition is achieved within the time to target period specified within the approved metric. ▪ Mechanisms for adaptive management and remedial measures to account for changes in the work schedule to achieved required targets and to redress any shortfall in biodiversity units that may occur. ▪ Details of the persons responsible for the implementation and monitoring detailed above

	<ul style="list-style-type: none"> ▪ Reporting on the delivery of on-site gains on years 1, 2, 5, 10, 20 and 30 following the implementation of the habitats in accordance with the above details <p>The development shall be completed in accordance with the approved details and the management plan shall be adhered to for its duration.</p> <p>Reason: In the interests on improving biodiversity and delivering the Mandatory Biodiversity Net Gain. This condition is imposed in accordance with policy 28 and 31 of the South East Lincolnshire Local Plan 2019.</p>
15	<p>Prior to development above ground level details of proposed biodiversity enhancements, including bot boxes, bird boxes, and swift bricks shall be submitted to and approved in writing by the Local Planning Authority. The development shall proceed in accordance with the approved details and the features shall be maintained and retained in perpetuity.</p> <p>Reason: In the interests of the ecology of the site in accordance with the Wildlife and Countryside Act 1981 and Policy 28 of the South East Lincolnshire Local Plan 2019.</p>
16	<p>If during development contamination not previously considered is identified, then the Local Planning Authority shall be notified immediately and no further work shall be carried out until a method statement detailing a scheme for dealing with suspected contamination has been submitted to and approved in writing by the Local Planning Authority.</p> <p>Reason: To ensure all contamination within the site is dealt with and to accord with Policies 2 and 3 of the South East Lincolnshire Local Plan 2019.</p>
17	<p>No dwelling shall be occupied until a Travel Pack has been submitted to and approved in writing by the Local Planning Authority. The approved pack shall be provided to the occupant(s) of the proposed development upon occupation. The Travel Pack shall include details of walking and cycling routes and footpaths, local facilities, local clubs and organisations, local bus stops and useful contacts.</p> <p>Reason: In order to contribute towards the reduction in the number of trips in a private motor car, in particular single occupancy trips in accordance with the sustainability aims of the National Planning Policy Framework.</p>
18	<p>The development shall be undertaken in accordance with the Preliminary Ecology Appraisal by DeltaSimons, September 2017, Project No. 17-0934-01.</p> <p>Reason: In the interests of the ecology of the site in accordance with the Wildlife and Countryside Act 1981 and Policy 28 of the South East Lincolnshire Local Plan 2019.</p>

19	<p>No development shall be undertaken within 5 metres of the ditch to the southern boundary, including storage of materials. A fence shall be provided delineating the 5 metre buffer prior to the commencement of development and shall be retained during construction.</p> <p>Reason: In the interest of the ecology of the site, in particular water voles, in accordance with Policy 28 of the South East Lincolnshire Local Plan 2019.</p>
20	<p>The community building hereby permitted shall be occupied and operated ancillary to the H21 bungalows identified on drawing no. 101-094 (P) 181 and shall be used only in conjunction with the management and occupation of those dwellings.</p> <p>Prior to that building first being brought into use a statement of use shall be submitted to and approved in writing by the LPA. The building shall only be occupied in accordance with that statement.</p> <p>Reason: in the interest of providing a mix of housing types and tenures to meet the needs of the Borough. This condition is imposed in accordance with Policy 18 of the South East Lincolnshire Local Plan 2019.</p>
21	<p>The water consumption of any dwelling hereby permitted should not exceed the requirement of 110 litres per person per day (as set out as the optional requirement in Part G of the Building Regulations 2010 and the South East Lincolnshire Local Plan). The person carrying out the work must inform the Building Control Body that this duty applies. A notice confirming the requirement for the water consumption has been met shall be submitted to the Building Control Body and Local Planning Authority, no later than five days after the completion of the dwelling.</p> <p>Reason: To protect the quality and quantity of water resources available to the district. This condition is imposed in accordance with Policy 31 of the South East Lincolnshire Local Plan 2019.</p>
22	<p>The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA), undertaken by BSP Consulting, ref 17-0204/FRA/DS dated November 2017, and addendum to Flood Risk Assessment (dated 02 October 2021, ref:600397, completed by Hexa Consulting and the following mitigation measures detailed within the FRA:</p> <ul style="list-style-type: none"> ▪ Any proposed bungalows to have Finished floor levels set no lower than 3.4m above Ordnance Datum (AOD) ▪ Any proposed 2-storey dwellings to have Finished Floor Levels set no lower than 3.2mA above Ordnance Datum (AOD) ▪ Demountable defences/flood doors to be provided to a height of 600mm to cover all ground floor doors ▪ Flood resilience and resistance measures to be incorporated into the proposed development as stated <p>The mitigation measures shall be fully implemented prior to occupation and subsequently remain in place.</p> <p>Reason: To reduce the risk of flooding to the proposed development and future occupants in</p>

	accordance with Policy 4 of the South East Lincolnshire Local Plan 2019.
23	<p>Prior to the occupation of the dwellings hereby approved, a Flood Warning and Evacuation Plan shall be submitted to and approved in writing by the Local Planning Authority. The measures shall be fully implemented prior to occupation and subsequently remain in place.</p> <p>Reason: To reduce the risk of flooding to the proposed development and future occupants in accordance with Policy 4 of the South East Lincolnshire Local Plan 2019.</p>
24	<p>Notwithstanding the approved 101-094/(P) 183 Proposed Boundary Treatment plan, a scheme for improvements to the northern boundary treatment, to the rear of properties along Wainfleet Road, shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatments as approved shall be implemented prior to occupation of the dwellings shown as plots 002-006 inclusive, 007, 026 and 030-036 inclusive on plan 101-094/(P) 183 Proposed Boundary Treatment and retained thereafter.</p> <p>Reason: In the interests of mitigating overlooking and loss of privacy to protect residential amenity and in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan 2019.</p>
25	<p>Prior to any development above ground level, a refuse strategy identifying an properties on private drives that would not be built to adoptable standards and details of proposed refuse collection areas for those properties.</p> <p>Reason: To ensure properties have adequate waste collections facilities in accordance with Policy 30 of the South East Lincolnshire Local Plan.</p>
26	<p>Prior to the first occupation of any dwelling on site, details for the pedestrian access in the southwest corner of the site to Tollfield Road/Fernleigh Way shall be submitted to and approved in writing by the Local planning Authority, such details shall include the finished surface of the footway, its final location, and the timing of its implementation.</p> <p>Reason: To ensure that a safe and suitable standard of vehicular and pedestrian access is provided for residents throughout the construction period of the development and that the roads and footways are completed within a reasonable period following completion of the dwellings in accordance with Policy 2 of the South East Lincolnshire Local Plan, 2019.</p>

BNG APPLIES	
BNG1	<p>BIODIVERSITY NET GAIN CONDITION</p> <p>The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition “(the biodiversity gain condition”) that development may not begin unless:</p> <p>(a) a Biodiversity Gain Plan has been submitted to the planning authority, and</p>

	<p>(b) the planning authority has approved the plan.</p> <p>The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Boston Borough Council</p>
BNG3	<p>Statutory exemptions and transitional arrangements</p> <p>There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These can be found at Paragraph: 003 Reference ID: 74-003-20240214 of the Planning Practice Guidance, which can be found at https://www.gov.uk/guidance/biodiversity-net-gain.</p> <p>Irreplaceable habitat If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.</p> <p>Effect of Section 73(2D) of the 1990 Act Under Section 73(2D) of the Town and Country Planning Act 1990 (as amended) where -</p> <p>(a) a biodiversity gain plan was approved in relation to the previous planning permission (“the earlier biodiversity gain plan”), and</p> <p>(b) the conditions subject to which the planning permission is granted:</p> <p>(i) do not affect the post-development value of the onsite habitat as specified in the earlier biodiversity gain plan, and</p> <p>(ii) in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat within the meaning of regulations made under paragraph 18 of Schedule 7A, do not change the effect of the development on the biodiversity of that onsite habitat (including any arrangements made to compensate for any such effect) as specified in the earlier biodiversity gain plan.</p> <p>- the earlier biodiversity gain plan is regarded as approved for the purposes of paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 (as amended) in relation to the planning permission.</p>

<p>INFORMATIVES / NOTES TO BE INCLUDED ON/WITH DECISION NOTICE</p>
<p><u>STATEMENT OF PROACTIVE WORKING:</u> In determining this application, the authority has taken account of the guidance in paragraph 39 of the National Planning Policy Framework 2024 in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the Borough.</p>
<p>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.</p>

The maintenance responsibilities of the drain along the western boundary have been highlighted by residents and the drainage board. This drain is a riparian drain and maintenance responsibilities lie with the landowner. Consideration should be given to access to facilitate management of this and its inclusion within the details requested above, where appropriate.

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