

BOSTON BOROUGH COUNCIL

Planning Committee – 06 May 2025

Supplementary Agenda

Item 1: Planning Application B/24/0177

Further information received and officer assessment:

Since the completion of the main report an additional objection has been received. This takes the form of correspondence from a neighbour to the site to the Barn Owl Trust. In summary the neighbour asserts that the proposal as envisaged will endanger barn owls, a protected species, and that the proposed mitigation scheme is unworkable in part because a third party will not allow access to his premises. The correspondent also asserts the presence of other protected species on the site.

It is noted that the Authority has not received such a message from that third party. The issue of barn owls was raised at the start of the determination period, and much work in terms of design has been done to mitigate the effects of the development. The main report proposes that before the scheme commences a detailed mitigation plan must be drawn up by a suitably qualified ecologist and approved by the Authority. The terms of that condition were provided by the Barn Owl Trust itself and have not been reduced in any way. Prior to it being approved the mitigation plan will have to satisfy this Authority's external expert advisors including the Barn Owl Trust and the Lincolnshire Wildlife Trust, along with the Council's own ecologist. Officers are satisfied that this will provide a sound and enforceable framework to ensure that appropriate protection is afforded to this protected species, including the enhancement of other potential habitats nearby. The recommendations of the main report are therefore unchanged.

Recommended Conditions:

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RECOMMENDED CONDITIONS

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

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

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

- 14-2221-300-LP Location Plan
- 14-2221-301-01 Rev D Proposed Site Plan – Roofscape
- 14-2221-301-02 Refuse Strategy

- 14-2221-302 House Type Proposals - Plots 1 + 2
- 14-2221-303 House Type Proposals - Plots 3 – 6
- 14-2221-304 House Type Proposals - Plots 7 + 8 and 71 + 72
- 14-2221-305 House Type Proposals - Plots 9 + 10 and 73 + 74
- 14-2221-306 House Type Proposals - Plots 11 + 12
- 14-2221-307 House Type Proposals - Plots 13 – 15
- 14-2221-308 House Type Proposals - Plots 16 + 17
- 14-2221-309 House Type Proposals - Plots 18 + 19
- 14-2221-310 House Type Proposals - Plots 20 – 23
- 14-2221-311 House Type Proposals - Plots 24 + 25, 46 - 51 & 63 – 66
- 14-2221-312 House Type Proposals - Plots 26 + 27
- 14-2221-313 House Type Proposals - Plots 28 – 31
- 14-2221-314 House Type Proposals - Plots 32 – 34
- 14-2221-315 House Type Proposals - Plots 35 – 38
- 14-2221-316 House Type Proposals - Plots 39 + 40
- 14-2221-317 House Type Proposals - Plots 41 – 43
- 14-2221-318 House Type Proposals - Plots 44 + 45
- 14-2221-319 House Type Proposals - Plots 52 + 53
- 14-2221-320 House Type Proposals - Plots 54 – 57
- 14-2221-321 House Type Proposals - Plots 58 – 60
- 14-2221-322 House Type Proposals - Plots 61 + 62
- 14-2221-323 House Type Proposals - Plots 67 + 68
- 14-2221-324 House Type Proposals - Plots 69 + 70
- 14-2221-325 House Type Proposals - Plots 75 – 77
- 14-2221-326 House Type Proposals - Plots 78 + 79
- 14-2221-327 House Type Proposals - Plots 80 + 81
- 14-2221-328 House Type Proposals - Plots 82 + 83
- 14-2221-329 House Type Proposals - Plots 84 - 89, 105 - 106 + 125 – 128
- 14-2221-330 House Type Proposals - Plots 90 – 91
- 14-2221-331 House Type Proposals - Plots 92 – 95
- 14-2221-332 House Type Proposals - Plots 96 – 98
- 14-2221-333 House Type Proposals - Plots 99 + 100
- 14-2221-334 House Type Proposals - Plots 101 + 102
- 14-2221-335 House Type Proposals - Plots 103 + 104
- 14-2221-336 House Type Proposals - Plots 107 + 108
- 14-2221-337 House Type Proposals - Plots 109 + 110
- 14-2221-338 House Type Proposals - Plots 111 + 112
- 14-2221-339 House Type Proposals - Plots 113 + 114
- 14-2221-340 House Type Proposals - Plots 115 – 118
- 14-2221-341 House Type Proposals - Plots 119 + 120
- 14-2221-342 House Type Proposals - Plots 121 + 122
- 14-2221-343 House Type Proposals - Plots 123 + 124
- 14-2221-344 House Type Proposals - Plots 129 + 130
- 14-2221-345 House Type Proposals - Plots 131 + 132
- 14-2221-346 House Type Proposals - Plots 133 + 134
- 14-2221-347 House Type Proposals - Plots 135 + 136
- 14-2221-348 House Type Proposals - Plots 137 + 138
- 14-2221-349 House Type Proposals - Plots 139 + 140
- 14-2221-350 House Type Proposals - Plots 141 + 142

- 23-88-01 Topographical Survey (1 of 4)
- 23-88-01 Topographical Survey (2 of 4)
- 23-88-01 Topographical Survey (3 of 4)
- 23-88-01 Topographical Survey (4 of 4)

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

- SW23-228-REP-01 – Surface & Foul Water Drainage Strategy Report with the following Appended Drawings:
 - SW23-228-001 – Existing Flood Exceedance Plan
 - SW23-228-010B – Proposed Drainage Strategy Arrangement
 - SW23-228-011A – Proposed Drainage Strategy Details
 - SW23-228-015 – Proposed Flood Exceedance Plan
 - SW23-228-030 – Fire Tender
 - SW23-228-031 – Refuse Truck SW23-228-020
- SW23-228-L01A – Riparian Drain Condition & Flow Capacity Review Statement
- SW23-228-L02A – Drainage Principle Review Statement
- SW23-228-L03A – Site Boundary Drainage Review Statement with the following Appended Drawing:
 - SW23-228-SK004 – Proposed Boundary Section

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

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

- a 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)
- hours of work for site preparation, delivery of materials and construction
- measures to minimise and control noise, vibration, dust, dirt and fumes during the development period
- details of on-site parking facilities for both visiting construction vehicles and deliveries and workers on the site
- the loading and unloading arrangements for heavy plant and machinery and materials
- the location of storage of plant and materials used in constructing the development
- measures to avoid disturbance to nesting birds and other wildlife
- measures to prevent mud being deposited on the surrounding highway
- details of any protective fencing to maintain public access and public safety for the public footpaths that cross/are adjacent to the site
- measures to ensure that the site is properly drained during the construction period
- a programme for the implementation of all of the above items.

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

Reason: To satisfy Policies 2 and 30 of the South East Lincolnshire Local Plan (2019) and to ensure that appropriate measures are put in place before any development commences to limit noise,

nuisance and disturbance to the occupiers of neighbouring properties during the construction of the development and to prevent any obstruction of or disturbance to the operation of the Highway.

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

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

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

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

6. The permitted development shall be undertaken in accordance with a surface water drainage scheme which shall first have been approved in writing by the Local Planning Authority prior to the commencement of any works above ground level.

The scheme shall:

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

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

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

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

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

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

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

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

9. The carriageways of the estate roads hereby permitted shall be constructed up to and including binder course level prior to the commencement of the erection of any residential development intended to take access therefrom and no dwelling hereby permitted shall be occupied before the footway between that dwelling and the existing public highway is also constructed up to and including binder course level. The carriageway and footway binder course surfaces shall be maintained to a standard that will provide safe and suitable access for residents and their visitors until such time as the final surface courses are laid and the final surface courses shall be laid no later than three months following the date of occupation of the penultimate dwelling.

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

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

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

11. There shall be no vehicular access from the development to Fenside Road nor any access of any kind from any individual dwelling forming part of the development to Fenside Road and no such accesses shall be made in the future from the development or any dwelling forming part of the development.

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

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

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

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

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

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

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

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

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

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

five years beginning with the date of completion of the scheme and during that period all losses shall be made good as and when necessary.

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

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

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

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

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

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

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

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

17 The scheme shall proceed in accordance with the details of the ecological enhancements set out in the approved plans and supporting documentation together with such measures as shall be part of measures to be determined to achieve Biodiversity Net Gain and the protection of barn owls. The measures shall thereafter be so maintained.

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

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

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

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

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

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

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

20. Prior to any work above slab level on the development hereby approved a schedule of external materials and hard surfaced areas shall be submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing by the Local Planning Authority, the development shall be constructed in accordance with the materials so approved.

Reason : In the interests of the appearance and character of the development and the visual amenity of the area in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

BNG APPLIES	
BNG1	BIODIVERSITY NET GAIN CONDITION <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</p> <p>If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.</p> <p>Effect of Section 73(2D) of the 1990 Act</p> <p>Under Section 73(2D) of the Town and Country Planning Act 1990 (as amended) where -</p> <ul style="list-style-type: none"> (a) a biodiversity gain plan was approved in relation to the previous planning permission ("the earlier biodiversity gain plan"), and (b) the conditions subject to which the planning permission is granted: <ul style="list-style-type: none"> (i) do not affect the post-development value of the onsite habitat as specified in the earlier biodiversity gain plan, and (ii) in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat within the meaning of regulations made under paragraph 18 of Schedule 7A, do not change the effect of the development on the biodiversity of that onsite habitat (including any arrangements made to compensate for any such effect) as specified in the earlier biodiversity gain plan. <p>- the earlier biodiversity gain plan is regarded as approved for the purposes of paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 (as amended) in relation to the planning permission.</p>

INFORMATIVE NOTES

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

1. INFORMATIVE - Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.
2. INFORMATIVE - Protection of existing assets - A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water.

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

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

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

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

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

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

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

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

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

