

Boston Borough Council

Minutes of a meeting of the **Planning Committee** held in the Committee Room - Municipal Buildings, West Street, Boston, PE21 8QR on Tuesday 6th May 2025 at 10.00 am.

Present:

Councillor David Middleton, in the Chair.

Councillors Councillor David Scoot, Alison Austin, Peter Bedford, Dale Broughton, Anne Dorrian, Barrie Pierpoint, Lina Savickiene, Sarah Sharpe, Suzanne Welberry, Stephen Woodliffe, James Cantwell (substitute for Claire Rylott) and Stuart Evans (substitute for David Brown).

In attendance:

Councillor Helen Staples.

Officers:

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

39 Apologies for Absence

Apologies for absence were received from Councillor Claire Rylott, with Councillor James Cantwell substituting, and Councillor David Brown, with Councillor Stuart Evans substituting.

40 Declarations of Interest

Standing declarations of interest were received for all members of the Council who are also members of:

The South East Lincolnshire Joint Strategic Planning Committee:
Councillors Peter Bedford and David Middleton.

The Internal Drainage Boards: Councillors Peter Bedford, Anne Dorrian, David Middleton, Chris Mountain, Claire Rylott, David Scoot, and Suzanne Welberry.

41 Minutes

The minutes of the meeting held on 25th February 2025 were approved as a correct record and signed by the Chairman.

42 Public Questions

No questions were received.

43 Planning application B 24 0177

Major - Full Planning Permission

Proposed Residential Development Comprising 142 Affordable Dwellings and Associated Works

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

The application had been called in for Committee determination by ward member, Councillor Anton Dani, to allow discussion of the following issues:

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

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

The application site formed the northern part of a larger area allocated for housing in the Local Plan, which extended to 8 hectares in total, and was described as allocation Fen006, Land East of Fenside Road, in Inset Map 1 and Policy 11 of the South-East Lincolnshire Local Plan. The southern part of the allocation had already been developed.

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

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

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

The recommendation was to approve the application, subject to conditions and the signing of the Section 106 agreement.

The Principal Planning Officer presented his report. He drew the Committee's attention to matters in the supplementary agenda, which contained an assessment of a comment made by a third party in relation to barn owls. The reporting officer's recommendations remained unchanged and the supplementary agenda included a complete list of conditions and informatives which had been recommended for the application.

By way of update, there had been an additional comment received by the Barn Owl Trust who had reiterated that they considered that a suitably worded condition was an appropriate resolution, and that a mitigation strategy could be achieved if it was well designed. Their representation acknowledged that it was not ideal and best practice would include a robust strategy "up front". Part of the reason for this was a potential delay in works arising from identifying suitable alternative offsite routes. However, the

recommendation included a condition (condition 16) in the supplementary agenda which had been agreed with the Trust. The Council would be consulted on any application to discharge that condition.

The Principal Planning Officer presented the location plan and photographs, setting out the boundaries of the site, including the location of existing properties adjoining the site.

The proposed site plan was presented. The Principal Planning Officer confirmed that the housing would be off two spur roads, with a single access point through Puritan Way, with no vehicular access on to Fenside Road. A condition was recommended which would prevent the creation of vehicular accesses for these dwellings at a later stage. The Principal Planning Officer confirmed there would be two pedestrian access points, which would facilitate pedestrian access to the Woods Trust site.

In terms of house type, there would be a predominance of semi-detached dwellings, although there were a variety of house types and proposed landscaping. The plans also included a mix of materials and slight deviations in house types to provide distinction. Typical illustrations were displayed.

In terms of drainage, the proposed drainage scheme was outlined. The scheme had been submitted and agreed in principle by the Internal Drainage Board (IDB), the Environment Agency and Anglian Water. The Principal Planning Officer confirmed that none of them had raised objections to the proposals. He summarised that the drainage scheme proposed to collect water which would be piped under the roadways to underground attenuation tanks, and then pumped approximately 300 metres to the west into an IDB drain.

Part 7.24 of the report set out a more detailed assessment of what the drainage scheme entailed. An interceptor drain was proposed along the western edge of the site, which would be expected to catch residual run-off effectively and would infiltrate naturally.

The Principal Planning Officer drew attention to part 7.31 of the report showing that a resident had contracted a third-party study of the proposed drainage scheme and the response from the local lead flood authority was included within the report. The Principal Planning Officer confirmed that he was satisfied that this matter could be adequately addressed through conditions to secure the detailed design of the drainage scheme.

Members were advised that Puritan Way would be the main access point and that there was some on-street parking available. Lincolnshire County Council Highways had no concerns regarding the use of Puritan Way as an access point.

The Principal Planning Officer indicated that no objections had been received from any of the statutory consultees. However, a holding objection from the Wildlife Trust had been received prior to the submission of the biodiversity net gain information. They had since been re-consulted and had not provided an additional response.

The Principal Planning Officer indicated that the site was allocated, that the development was considered acceptable in principle and that whilst there was a predominance of semi-detached properties, the overall design was considered to be high quality. He acknowledged that there would be a change in character, particularly along Fenside Road,

which formed part of the allocation process. He confirmed that the site would not have been allocated if it had been considered to be a landscape harm that would prevent the site being developed for residential purposes; and acknowledged that the changes were considered acceptable.

In terms of neighbour amenity, the older properties along Fenside Road would experience the greatest degree of change, not harm, and the conclusion of officers was that the proposals would not have an unacceptable impact on neighbour amenity.

The scheme would be subject to biodiversity net gain conditions to secure the delivery of the 10% gain over 30 years, including its management and maintenance.

There had been a viability appraisal on the scheme which had been subsequently assessed by the Council's independent assessor. The total request was just under £1.2 million with contributions requested for education, health, highways improvements, bus services and bus passes.

The independent assessment identified that a fully affordable scheme was capable of supporting just over £150,000 in contributions.

The officer's report included an assessment of how that should be divided, recommending that monies first be given to secure the off-site improvement works. Thereafter, the NHS request would be fulfilled. The funding requests for bus routes were considered less hierarchically significant than other requests. The bus pass request and the request from Boston Woods Trust were not considered to be justified.

The Principal Planning Officer confirmed that the above division of contributions was a suggestion and that the Committee were able to consider alternatives.

In conclusion, the Principal Planning Officer advised that the scheme was considered to accord with the Local Plan and that the provision of 142 affordable dwellings weighed favourably against the shortfall in financial contributions.

Mr Richard Larrington, who lived adjacent to the site and was speaking in objection to the application, addressed the Committee. He requested and received confirmation that his supporting documentation had been received by members.

Mr Larrington advised that he did not oppose the development, he wanted to advocate for a solution that enhanced the area and at the same time address significant concerns about the development, which could result in the addition of an extra 300 cars to Puritan Way daily.

Mr Larrington indicated that a key issue was flooding which might arise from increasing the ground by 700 millimetres (which he demonstrated to the committee) and the 2,170 lorries that would bring the soil to the site, creating severe congestion. Additionally, the Shields Wilson report outlined a 20 to 1 slope, which would be 12 metres from each house back to the present level, directing rainfall towards both the homes of the Maddings and Larringtons (which would be surrounded on three sides) and which would create a funnel effect where the water would go into the gardens and on to Fenside Road. He highlighted the health and safety concerns of children using wet surfaces.

In relation to the French drain which had been proposed, Mr Larrington referred to the Shields Wilson report which confirmed that after 24 hours the soakaway test water levels did not change. He explained that the infiltration rate was zero and that the drain would quickly fill and overflow with water, rendering the proposed drain ineffective, and indicated that the French drain was not connected to the development drains, only to a soakaway. Mr Larrington stated that a proven solution had been implemented at the Allison Homes site in Frampton, where they had successfully levelled the ground five metres from the properties and had built a retaining wall which protected nearby homes from flooding whilst creating a safe, usable area for families. He invited the committee to consider this option as an alternative which would prevent flooding, including to existing properties.

Mr Larrington highlighted that £97,000 was to be spent on the Washdyke Road and Fenside Road junction which could instead be spent on a protective wall.

In relation to barn owls, Mr Larrington referred to concerns about the impact on them, their nesting sites and the extent of protections available to them. He proposed a compromise layout plan which would avoid the areas needing most protection for the barn owls, and proposed the sale of land to charities such as Boston Woods, which would create a new wildlife park for the residential area, resulting in the landowners receiving a settlement which provided a share for housing and a share for conservation land.

Mr Larrington concluded his representation by reiterating that his alternative proposal would result in the delivery of new homes and would resolve the issue of flood risk and compensated landowners whilst at the same time protecting local wildlife.

Members of the Committee requested clarification in relation to the following issues:

Mr Larrington was asked about the visual aid which he had used during his presentation to demonstrate the 700 millimetres depth of soil that he had referred to. He set out his calculation of 36,000 cubic metres of soil which would have to be transported to the site via Puritan Way to provide that depth of soil. He also used the visual aid to demonstrate the slope and angle of fall for drainage which would exist at his property and that it was likely to exacerbate the flooding issues. He indicated that the only mitigation was a 300-millimetre width drain, which would not cope with the anticipated water that would be directed to his property. He was then asked to clarify the diameters of the drain.

Mr Larrington pointed out his familiarity with the area, having lived there for 20 years (and his neighbours for longer) and that the area was known to flood already. He indicated that the impact of the plans would exacerbate flooding issues. Mr Larrington outlined an alternative drainage plan which he considered would mitigate the risk to his home and the area. The alternative plan included the installation of a second dyke to assist with the way in which the existing dyke would be overwhelmed.

The Committee was then addressed by Mr Clive Wicks, the agent for the applicants. He indicated that the plans were for a fully rental social housing project which would help young families on the waiting list. He explained that there were extensive waiting lists for affordable houses in the area and confirmed that the houses would be built to Homes England's strategic standards and the latest building regulations, using modern methods of construction. The properties would provide residents with lower bills.

Mr Wicks indicated that the site was in the Local Plan and that the Council had approved the neighbouring 79 houses at Phase One of the development. The present application would enable the completion of the site's central circular play area and public open space. He indicated that the proposed grassed area would form an important wildlife route for the local owls who fed on voles in the ditches to the west.

Mr Wicks confirmed that no flooding had taken place on the proposed site or on the existing 79 unit scheme adjacent to it. The verge along Fenside Road would be unchanged.

Mr Wicks concluded by indicating that the financial viability report had been endorsed by officers, that the flood risk report had been accepted by the leading flood authority and that Homes England was ready to start. The proposal would create £19 million of construction work into Boston's local economy and would complete the delivery of the site.

Members of the Committee requested clarification in relation to the following issues:

In relation to the alternative drainage scheme proposed by Mr Larrington, Mr Wicks clarified that the application had not considered the alternative proposal for a wall. He confirmed the extent of the trench testing which had been undertaken, including percolation tests, all of which had been successful. He also referred to drone footage which demonstrated that flooding had not occurred. He indicated that there had been no concerns from the existing built site and that the applicant's engineering experts had raised no concerns. He clarified that any overflow from the French drain would end up on the other side of Fenside Road.

In response to the information provided, the Principal Planning Officer demonstrated by reference to illustrations that in relation to the drainage strategy for Fenside Road there was a 1.2 metre slope, a post with gravel boards and the drain. He confirmed that these steps would eliminate the water from the site. The Principal Planning Officer highlighted condition 6 which required a surface water drainage scheme to be submitted. He stated that the Committee could address any additional concerns at the condition discharge stage. He also advised that none of the consultees, including the IDB, the Environment Agency and Anglian Water had raised any concerns.

Committee deliberation occurred in relation to the following issues:

In relation to access to the site for construction traffic, the Principal Planning Officer confirmed that Condition 3 required the submission of a construction management plan that included traffic management for the routing of construction traffic. Condition 11 provided for no vehicular access and he confirmed that any alterations to the conditions could be considered.

Further deliberation occurred in relation to the drainage plans and risk of flooding. Clarification was provided on the design of the drainage plans, including the role of water infiltration and gravel boards, with reiteration that there were no concerns from statutory consultees and if there were in future, any such issues could be addressed by conditions.

Resolved:

That the committee approve the application in line with officer recommendation and subject to the conditions and signing of the Section 106 agreement.

Conditions:

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

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

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

- 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:
 - o SW23-228-001 – Existing Flood Exceedance Plan
 - o SW23-228-010B – Proposed Drainage Strategy Arrangement
 - o SW23-228-011A – Proposed Drainage Strategy Details
 - o SW23-228-015 – Proposed Flood Exceedance Plan
 - o SW23-228-030 – Fire Tender
 - o 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:
 - o SW23-228-SK004 – Proposed Boundary Section

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

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

- a) a traffic management plan incorporating the routing of construction traffic and details of heavy vehicle movement patterns (including the earliest and latest times, and the suspension of trips during peak traffic times)
- b) hours of work for site preparation, delivery of materials and construction

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

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

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

4. The development shall proceed in strict accordance with the contamination recommendations set out 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 provided 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 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
- ☐ Reporting on the delivery of on-site gains on years 1, 2, 5, 10, 20 and 30 following the implementation of the habitats in accordance with the above details

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

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

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	<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> <ul style="list-style-type: none"> (a) a Biodiversity Gain Plan has been submitted to the planning authority, and (b) the planning authority has approved the plan. <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> <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

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

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

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

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

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

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

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

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

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.

44 Planning application B 24 0121

Major - Full Planning Permission

Construction of 102no. residential dwellings

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

Prior to the consideration of this item, Councillor Sarah Sharpe left the committee table and took a seat in the public gallery. She did not take part in the committee's deliberation on this item.

The application had been called in for committee determination by ward member, Councillor Sharpe, for the following reasons:

Policy 2 – Development Management:

- That the number of dwellings exceeded those allocated to the site under the Local Plan
- That there were concerns about accessibility to the properties given that they each had steps leading to the access point.
- That there were concerns about road safety and infrastructure.

Policy 3 – Design of a new development:

- That the plans were incongruous of the existing properties in the area.
- That there was also limited public transport available.
- That there were issues with the accessibility of the properties.

The application site was on the south-eastern edge of Boston to the east of White House Lane. It was 3.01 hectares in size and had been in agricultural use although currently fallow. To the north was 72 White House Lane and allotments. To the west was White House Lane with existing dwellings facing the application site. To the south was 1 White House Lane with agricultural fields beyond as well as to the east. The site was predominantly open with a few trees and hedgerows dotted along the northern and southern boundaries.

The application site was agricultural land and, according to the Borough wide Defra records, designated Grade 1. The site was within the Environment Agency Flood Risk Zone 3. The Council's Strategic Flood Risk Assessment (SFRA) 2010 identified the majority of the site as having a Flood Hazard rating of 'Danger for All' and a 'medium' tidal flood probability. The site had a depth from flooding for the 200-year event (2115) predominately in the range 0.5m – 1.6m.

There were no listed buildings or tree preservation orders on the site.

Running approximately east-west through the middle of the site were overhead power lines and a pylon approximately 50 metres from the site boundary with White House Lane. A Tree Preservation Order (Fishtoft No 5) applied outside of the site, the closest protected tree was within the rear garden of Jasmine (number 76), to the north of the application site on White House Lane. This would not be affected by the development.

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

The Development Manager outlined that the application was for 102 dwellings and associated infrastructure and had been recommended for approval, subject to conditions and the completion of a section 106 agreement. He referred to the original report and the supplementary report, the latter of which was in response to additional information following discussions which had taken place between the applicant and consultees. It primarily related to a vehicle tracking diagram, amended house tenure layout, a refuse strategy and further details of the ecological mitigation. He confirmed that the additional information did not alter the officer's assessment of the proposal or the recommendation.

The Development Manager presented information about the application site, including the boundaries and the location of existing properties.

Details were provided about the site layout, which included a mixture of one, two, three and four bedroomed properties, including affordable properties which would be spread across the site rather than concentrated in one area. Areas of green space were provided as well as a buffer zone at the boundary of the site which formed part of the ecological

mitigations, details of which had been provided, including the location of a Dyke. Details of the indicative drainage layout were provided. A detailed condition existed which would secure the drainage plans. Details of street scene, boundaries and examples of house type were provided. They included design details relating to the steps to the properties, which had been a source of objection to the application. Details of the location of pylons were also provided, which had also been a source of objection to the application.

In relation to the principle of development, the Development Manager confirmed that the site was allocated in the Local Plan for 90 dwellings and had received outline planning consent for up to 83 dwellings, although that consent had since lapsed. The principle of the residential development of the site had been established through the site allocation and the issue to be considered was the housing numbers proposed, their design and consideration of all other material considerations.

Housing numbers was the main concern of objectors and although the applicant proposed a higher number of houses than the allocation, any site allocation set an initial target of houses to be developed. It was not a prescriptive number and did not prevent an applicant seeking permission for a greater number of houses provided and neither did it warrant a reason for refusal of the application. In relation to the density of the site, the plans were considered acceptable based on the National Planning Policy Framework (NPPF) and a refusal based on density would be difficult to defend on appeal given the absence of identifiable harm.

In relation to design, the development proposed a mixture of houses with between one and four bedrooms, including bungalows. The tenure of the housing would be policy compliant. There would be flood risk mitigations.

The Development Manager accepted that the officer's report was finely balanced.

Planning officer's concerns in relation to the presence of steps had been noted. There were also concerns about the issues of design and accessibility which might be presented for future residents. These concerns had been considered against the requirements of the Local Plan, the NPPF and national design guides and it was considered, on balance, that the concerns regarding accessibility would not justify the refusal of the application.

Concerns had been raised about visual amenity at the site but given the landscaping mitigations, it was considered that it did not warrant the refusal of the application. Biodiversity Net Gain of 10% could be achieved.

Concerns about neighbouring amenity had been raised and officers were content there was sufficient distance from existing properties with no loss of light, or privacy, and no direct facing of properties. There would be a change of outlook with the loss of the field however the right to a view was not a relevant planning consideration.

In relation to flood risk, the statutory consultees had not raised any objections to the scheme. The applicant had provided detailed information about the proposed drainage scheme and a condition would be included requiring a suitable drainage scheme prior to construction commencing.

In relation to highways safety, the plans demonstrated that the existing highways network could absorb additional traffic without a safety risk and there had been no objection to the proposal from Lincolnshire County Council. The site would benefit from enhanced pedestrian and cycle routes to access services.

The Development Manager outlined the independent viability assessment and appraisal. Agreement had been reached that there would be a contribution of £131,000 towards affordable housing provision secured through a section 106 agreement.

The Development Manager concluded by indicating that despite officer concerns on some of the issues outlined, the principle of the development of the site was acceptable and on balance, the harm arising from those concerns were not considered to be significant or would warrant the refusal of the application. The scheme would deliver housing on an allocated site within the Local Plan.

Mr Ian Scott, who was speaking in objection to the application, addressed the Committee.

Mr Scott outlined the concern that the site would have a greater density of housing than intended by the Local Plan and that the number of houses should be reduced to take that into account. He proposed that the number of properties already built in Fishtoft since April 2011 should reduce the number of properties proposed at the site by 12 dwellings.

Mr Scott stated that the application was not compliant with disability access and human rights legislation by having only stepped access. He indicated that developers had received more than 10 years grace to ensure compliance with the legislation.

On grounds of loss of privacy, Mr Scott suggested that 32 dwellings be removed from the application. In relation to concerns about the location of pylons, he indicated that 8-31 dwellings should be removed from the application.

Taking in account the above factors, Mr Scott advised that the application should be rejected and re-submitted to comply with primary legislation, as the Local Plan provided mandatory requirements which required compliance. In relation to the stepped access to the dwellings, he indicated that mandatory primary legislation would not be complied with if the plans were approved. The site would discriminate against 25-48% of citizens.

Mr Scott confirmed that minimum privacy distances were not being complied with and indicated that 32 dwellings should be removed or re-positioned as a result of the breach of privacy which would arise.

In relation to the location of electricity pylons, there would be no buffer space on either side. Mr Scott referred to local policies and indicated that any principles advanced in support of the application had been disregarded by a nearby development in Fishtoft where a precedent existed for an open space corridor of 10-20 metres from the pylons to provide for public safety from radiation.

Members of the Committee requested clarification in relation to the following issues:

Mr Scott was asked to elaborate on concerns regarding loss of privacy. He advised that there were requirements for minimum distances between facing houses and referred to his

supporting documents which demonstrated that some of the dwellings at the site would fall within an arc of overlapping (as being within 21-25 metres) which was within the minimum distance requirement. On that basis and as a result of the density at the site, there should be an adjustment to remove or re-position properties which would suffer from a loss of privacy.

In relation to the pylons, Mr Scott clarified his earlier comments about the precedent of more open space and a wider corridor between dwellings and pylons having been established by an existing development in Fishtoft. He confirmed that there was no fixed law on the issue but there were concerns about the health impact which might arise from the proximity of pylons to dwellings.

In response, the Development Manager indicated that there was no planning law requirement and that clarification had been obtained from the electricity board regarding the concerns raised. In relation to privacy, he indicated that there was guidance but no planning law which set in statute and advised that each planning authority set their own guidance by which the plans had been assessed, and in the opinion of officers there were no concerns in relation to loss of light or privacy. In regards to separation distances, officers had no concerns in relation to overlooking into habitable rooms or about overshadowing. The Development Manager disagreed with the suggestion that there had to be a 25 metre separation, which was not a legal requirement.

Councillor Sharpe addressed the Committee as a public speaker. She referred to the Local Plan and recommendation that the site should have an allocation of 90 dwellings and pointed to the application seeking approval for 102 homes, which exceeded the Local Plan recommendation. She referred to the proposed density as being described in the report as significantly higher than average within the area.

Councillor Sharpe stated that any new development should reflect the existing area's distinctive development form. Of particular concern were plots 93 and 94 which were not set back from the road like others within the same scheme. The inconsistent positioning would make them appear awkward and out of place within the streetscape.

In terms of density, Councillor Sharpe indicated that the plans reduced internal square footage per resident. She cited concerns that the plans would provide below standard privacy for many dwellings and an overall cramped feel; and had concerns for the properties, particularly number 65, which would be subject to headlights shining through their windows as they would be opposite the main road of the development.

Councillor Sharpe referred to the report by SEA Consulting Engineers which stated in Section 5.3.1 that the proposed development would not meet the minimum car parking provision outlined in policy 6, 36 and Appendix 6 within the Local Plan. She outlined her concerns about where additional cars and visitor cars would park, particularly those visiting plot 94 where the driveway exited directly onto a busy road. Additionally, she highlighted the use of tandem parking which she considered to be problematic. The increased likelihood of on street parking could pose risks for passing traffic, refuse collection and emergency services. Section 3.3.7 of the Local Plan stated that it was necessary to ensure that developments did not have an adverse impact on physical or social infrastructure such as roads. Although tactile crossings were proposed, they would not alleviate the issues on

White House Lane, which was already heavily trafficked and had only a single footpath located on the opposite side of the road from the proposed development.

Councillor Sharpe referred to concerns regarding road safety on adjacent roads, and one incident involving a child. Since the SEA report, three years ago, traffic from new developments had increased at Toot Lane, including increased HGV use of local roads. Although the Parish Council had arranged the installation of speed signage approval of the application at a greater density to what had originally been proposed would exacerbate those concerns. She also referred to poor pedestrian visibility, particularly on roads near the primary school.

In relation to accessibility, the properties featured steps to the front entrance and into the rear garden, which could severely limit access for less able people, people with mobility issues, or those with young children, especially those using prams and push chairs. Councillor Sharpe stated that the design choice was contrary to the principal of inclusive housing and went against policy 17 of the Local Plan. She referred to 7.15 in the report and the National Planning Policy Framework which stated that planning decisions should create places that were safe, inclusive and accessible, and section 7.16 which referenced the National Design Guide, paragraph 120, which stated that well designed homes and buildings should be functional, accessible and sustainable, and should meet the needs of a diverse range of users. She expressed concern that this could not be achieved when the designs included steps into the house and garden. She highlighted a recent nearby development on the corner of Toot Lane which had successfully addressed flood risk issues by adjusting ground levels to provide step free access, which the applicant had been asked to provide.

Councillor Sharpe concluded by indicating that there were design shortcomings and that residents deserved homes that were appropriately sized, afforded sufficient privacy and were accessible to all.

Members of the Committee requested clarification in relation to the following issues:

Clarification was provided in relation to the location of the specific properties which might be affected by not being set back from the road at the junction to the proposed development and the impact of car lights on the facing properties.

In relation to parking for the dwellings, clarification was requested in relation to the number of parking spaces for properties and their design.

The Development Manager confirmed that the scheme had been amended by the applicant and that it complied with the County Council's road parking requirements and that no objections had been received, specifically concerns regarding safety and capacity had not been raised by Lincolnshire County Council Highways. He added that the amended plan included the required number of parking spaces per property.

Councillor Sharpe was then required to leave the meeting in accordance with the Committee's protocol.

The Development Manager reiterated that in any Local Plan where there was an allocation for a housing number, it was not prescriptive, and that it was possible for an applicant to

exceed this number. Density requirements were not being breached by the application. In relation to accessibility, he referred to section 7.18 of the report and the Local Plan which did not require accessibility standards.

Committee deliberation occurred in relation to the following issues:

Deliberation occurred in relation to accessibility to the properties. It also occurred in relation to the location of the properties in proximity to the electricity pylons and possible health considerations.

Concerns were expressed about road safety adjacent to the site and it was queried whether there were any statistics which would help inform the committee. The Development Manager confirmed that traffic management data existed and that Lincolnshire County Council had confirmed there was no road accident pattern at the site and that the application was not considered to breach the significant harm threshold.

The density of housing at the site was also re-considered.

Resolved:

That the application be refused on the following grounds: that the density of housing at the site would be out of keeping with the character and appearance of the surrounding area, landscape and local built environment.

The meeting adjourned at 12.09 and reconvened at 13.45 to consider the following item.

Councillor Lina Savickiene left the meeting at 12.09 p.m. and did not return for consideration of the next item.

45 Planning application B 23 0379

Full Planning Permission

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

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

Councillor Sharpe returned to the Committee for deliberation on this item.

The application had been called in for Committee determination by ward member, Councillor Helen Staples, to allow discussion of the following issues:

1. The impact of the new development on existing neighbours;
2. The number of dwellings and the density of the proposal and its relationship to the character of the village;
3. Access and egress, and the impact on the local highway network;
4. Access to the development for emergency vehicles;

5. Design of the dwellings including room sizes and storage space, and their suitability as family homes; and
6. Flood risk and drainage, and the drainage impacts of the proposal on existing residential neighbours and other buildings.

The application site was an area of arable field 3.83 hectares in extent lying to the east of Gaysfield Road, Fishtoft. The western boundary was marked by existing linear housing development on Gaysfield Road with further residential development around Fishtoft Manor on the northern boundary. To the south and east was open farmland. There was also an existing Scout Hut, located to the west, with an enclosed triangle of land also associated with Scouts' facilities to the south, which would be adjacent to the development.

The topography was largely flat although there was a slight rise toward the northern boundary. Access would be via a new connection adjacent to the Scout hut, the southernmost building on Gaysfield Road. The existing housing on the western boundary were mixed, with mostly modern houses and bungalows. The site was in Flood Risk Zone 3 (FRZ3).

Fishtoft was classified as a Minor Service Centre in Policy 1 of the Local Plan. Part of the site had been allocated for housing in the Local Plan as allocation Fis046 on Inset Map 15.

The proposal was for a residential development of 89 dwellings and associated infrastructure, drainage and open space. The submission included 20% affordable housing. The application had been amended since the original submission, including revised layouts, amended house types and materials specifications and an augmented drainage strategy.

The Development Manager presented the officer's report and referred to the supplementary report, which included an amended plan that had been received from the applicant, showing the location of the affordable dwellings proposed, which had been accepted by the Council's Housing Team. The supplementary report also included comments that had been received from an objector which had been addressed. He confirmed that the supplementary report did not alter the officer's assessment of the proposal.

The site plan was presented to the Committee. To the east of the site was open countryside. The plan demonstrated the location of existing properties that formed the current limits of Fishtoft in that locality. The proposed access points on to the public highway were demonstrated.

A large proportion of the site was already allocated within the Local Plan for housing. By reference to the site plan, the Development Manager advised that the allocation did not cover the entire site but a significant proportion of it.

The layout of the site was demonstrated. The Development Manager identified the main internal spine road and a number of small cul-de-sacs. The layout showed the attenuation ponds linking to the drainage and areas of public open and green space.

The drainage plan was presented and the Development Manager indicated that infiltration was not a viable option, therefore the applicant was proposing a SUDS scheme using a series of roadside swales and network of underground drains to capture and channel surface water, which would then head to the attenuation pond shown on the plan. This would then lead to a pipe taking it to the existing drainage board water course and the land drains identified.

In terms of the landscaping plan, the green space and plantings were outlined. The plan included a proposal to plant and enhance the western boundary of the site where it ran adjacent to a number of properties.

Examples of house types were provided to the Committee as well as photographs of the location. The location of other buildings, including the Scout hut, primary school and existing properties were identified.

In terms of the principle of development, the Development Manager confirmed that a large portion of the application site was located within the Local Plan for 45 dwellings, being predominantly the northern part of the site.

Planning permission had previously been granted which covered a large area of the southern part of the site. The application did not cover the entirety of the two plans. There was a slight extension to the site along the eastern boundary, but in the view of the Development Manager this was largely incidental to the allocation and to the planning consent that had previously been granted and still existed for the site. As such, in the opinion of officers, it could be taken that the principle of the residential development of the site (or the majority of the site) was acceptable and established through the allocation and also through the extant planning permissions that existed.

The Development Manager indicated that the issues to consider were the number of dwellings, their design and all other material matters. In relation to the number of dwellings, he recommended that the density proposed was acceptable. He acknowledged that the density proposed to this site may not mirror every element of the settlement itself, but it was the officer's view that it was reflective of some of the more modern parts of the settlement that had been granted consent and taken place over recent years and would not be entirely at odds with the existing built environment or the existing settlement pattern of Fishtoft. In terms of harm that would be generated, he indicated that he did not believe this would be significant or adverse.

In relation to the design, in response to concerns raised by the case officer regarding the layout and the design of the properties, the applicant had worked proactively and positively with the Council, making a number of amendments to the scheme. It was the view of officers that the amendments had cumulatively resulted in a much better overall and more organic scheme, which was of a suitable quality design.

The Development Manager indicated that the layout would not be visually harmful and responded well to the character of the locality. The development would also benefit from a landscape scheme which would help to further soften the visual impact to a satisfactory manner.

In relation to neighbouring amenity, it was acknowledged that the development would result in a change of outlook for the properties that bordered the site, but it was important to note that a property did not have a right to a view in legislation, and the principle of the development of the site had already been established on the loss of the field for development through the extant consents and the Local Plan allocation. As a result, it did not represent justified reason for the refusal of the application. Separation distances would exist and would not result in any loss of light to any neighbouring dwellings.

The Development Manager confirmed that in terms of amenity, some harm would arise to the loss of the field and the extent of the harm was not considered to be significantly adverse or unacceptable. Where any harm would arise, that harm was outweighed by the benefits of the scheme, including affordable housing for the borough on an allocated site.

In relation to flood risk and drainage, the Development Manager acknowledged that the site was within Flood Zone 3, although it was more favourable than other sites within Fishtoft, hence its allocation within the Local Plan.

Following a consultation exercise, there were no objections raised to the proposal from any statutory consultees. In relation to drainage, subject to further mitigation measures, including a roadside swale network of the underground drains leading to the attenuation basin, which would be secured through condition. It had also been proposed to install an interceptor drain along the boundary with a number of neighbouring properties which would help capture surface water in the area. It was considered that the proposed development could be satisfactorily serviced by appropriate drainage infrastructure, secured through condition, and as such the development would not result in an adverse increase in flood risk.

In terms of highways, the application had been supported by a series of plans and assessments from the applicant, which demonstrated that the surrounding network could absorb the level of traffic that would be generated both from a highway safety and capacity perspective. There had been no objection from the Highways authority and conditions were recommended to overcome any concerns that had been raised by the Fire and Rescue service. Access roads would be constructed to the standard required by the Highway authority's design codes and in the opinion of officers, concerns about highway safety would not warrant the refusal of the application.

The proposal would provide affordable housing. The applicant had submitted a viability appraisal, which had been subject to an independent review. It had demonstrated that a lower provision of affordable housing and contributions was reasonable. Officers had recommended the provision of 20% on site affordable provision and a financial contribution of £400,000 towards education provision and healthcare, which was a proportionate planning gain.

In relation to ecology, the amended layout demonstrated that sufficient ecological enhancements could be achieved, with 10% biodiversity net gain, which would be secured through condition.

In conclusion, the Development Manager indicated that the principle of the residential development of the site had been accepted and would deliver benefits through the provision of housing and the provision of affordable housing on a site that was in the main

allocated for such in the Local Plan. It was the view of officers that the amount of development proposed could be accommodated within the site without resulting in significant or demonstrable harm being caused to the locality, to neighbouring residents or to the environment, subject to the conditions within the report. He advised that the application was recommended for approval, subject to the conditions and the completion of a Section 106 agreement.

Mr Ian Scott, who was speaking in objection to the application, addressed the Committee.

Mr Scott stated that 44 dwellings should be removed to ensure compliance with the Local Plan of 45 maximum and the removal of 1.14 hectares from the site for non-compliance with the Local Plan. He indicated that rainwater flood mitigations still excluded key waterfalls, with SUDS providing less than 25% of the capacity needed.

Mr Scott advised that 18 dwellings should be removed for boundary privacy along the western boundary, as they ignored government policy. He urged the Committee to reject the application and resubmit it to comply with the Local 10-year Plan, and went on to outline key points from his supporting documents. The area of land of Fst 46 was a clearly defined boundary. The area was 2.69 hectares, not 3.8 hectares which was an excessive 42% overall allocation. The maximum number of dwellings was 45 rather than 89, which was 98% more than the Plan required.

Mr Scott indicated that there had been two unacceptable e-mail discussions from planners: in November 2023 from the Boston Forward Planning Officer to the Planning Department giving inaccurate and false opinions and (ii) in April 2024, with requirements from the Planning Officer to the developer which had been completely ignored by the developer. He stated that 45 dwellings should not be removed from a plan and then increased to 66 and then increased again to 89.

Mr Scott confirmed that there was a major design fault with the proposed SUDS attenuation pond. The Internal Drainage Board (IDB) drain had a higher maximum water level than the pond. Floodwater discharge would stop completely at times of persistent rain, but the pond design relied upon a continuous outflow discharge.

After more than two years, there was still no drainage plan from the developer. Mr Scott referred to local evidence from photographs on pages 8 and 9 of his supporting document which showed the IDB drains in the area, topping out when they had persistent rain, which he indicated happened on a six or seven-year cycle. He indicated that extra storage capacity must be built into the SUDS pond, although a five day storage capacity may be acceptable. He indicated that critical drain design flaws were ignored by the developer, with only the hard surfaces calculated in their plans. Rain falling onto the swales and ponds was excluded. Rain flowing from saturated gardens into swales was ignored. Surface water by the boundary French drain was ignored and the off-site outflow was undefined. He indicated that the recent assertion by planning officers was incorrect. For the hard surface alone, rain volumes alone on a five day interceptor pond outflow, would require a pond volume more than 2.5 times the current plan.

Mr Scott provided supporting information about existing issues in Old Leake (case reference B 16 0317) where a planning application had resulted in flooding. He advised that there was clear government policy for minimum privacy between properties of 21 and

25 metres within sight of new dwellings. Where new dwellings would be adjacent to existing neighbours, as in Gaysfield Road, he suggested that greater privacy was expected and there must be a 15-metre gap to the boundary fence line. Where there were two storey houses overlooking, the distance increased to 35 metres. The suggestion would require 18 dwellings along the western boundary to be removed or relocated.

Mr Scott referred to the riparian drainage boundary along the north where four houses required access to maintain that drain. He indicated that the planning department's assertion that riparian issues were not a planning responsibility was false. He drew attention to the recent Environment Agency warning directive where prosecutions would be pursued for ignoring primary legislation. Planning had the administrative duty to progress information received, as identified, and the riparian drain issue needed to be dealt with.

Members of the Committee requested clarification in relation to the following issues:

Information was requested about whether Mr Scott was a Fishtoft resident. He confirmed that he lived in Wrangle and had been asked to look at the plans by a councillor and residents of Fishtoft. He indicated that there were no restrictions on who could look at or comment on applications.

Mr Scott was asked about the situation with the riparian drain. He indicated that a drain had been identified along the northern boundary of the site and reference to a low brick wall in or near the ditch. The drain took water from that part of the site. It had not been maintained by the landowner. The applicant had proposed a boundary fence, which ignored the problem and would create issues with the maintenance of riparian responsibilities for four householders. He was asked which authority would enforce those responsibilities. He indicated that it could be raised by the Parish Council if the landowner was known and then escalated to the Borough Council and would ultimately be the Environment Agency which would provide enforcement.

Mr Scott was asked to provide clarification in relation to which Drainage Board would be responsible for flooding topping out issues – Councillor Bedford confirmed that it would be Witham Fourth IDB. Mr Scott referred to the location of the attenuation pond and drain which were at the same level. He referred to measures to stop backflow into the attenuation pond which he indicated would stop the outflow from the pond when the drain filled up. He indicated that the drainage ditch photographs in his supporting document were taken within a three-mile radius of Wrangle. They showed that when the pumps were working in persistent rain, the ditches were topped out by the level of the pumps and sometimes they overflowed. The ditches in the photographs were 1.5 metres deep. The SUDS assessment for the development would be inadequate as it did not account for what would happen if the outflow stopped.

Mr Scott was asked for his view on what would happen if his concerns about the drainage materialised. He indicated that the ponds were just for the hard surface areas and if it ceased to work, his calculation at page 10 of his supporting document showed a one day, three day and five day stoppage and how much bigger the pond would have to be to cope. His assessment was that it would require a capacity of 250% more than as at present if there was a five day stoppage. He also referred to separate issues relating to the capacity

of the drain. He confirmed that in the event of failure, it was likely that existing properties on Gaysfield Road would flood.

The Chairman reminded the Committee that they had received expert information from consultees in relation to drainage and that although Mr Scott had provided detailed information, he was not an expert in the same way as the Drainage Boards. Mr Scott commented that he had mentioned Old Leake as the reports prepared for that planning application were similar and yet flooding had occurred.

Clarification was sought in relation to the role of Internal Drainage Boards in dealing with flooding issues. The Development Manager clarified that it would be a dangerous precedent if the Committee were to consider that statutory consultees were not the experts in their field of drainage. The planning officers sought their expert views on relevant matters and to disregard their advice based on anecdotal information would create a difficult position for the Committee in trying to defend an appeal. He indicated that there had been extensive liaison between the IDB, the lead flood authority and the planning department in order to scrutinise the drainage plans.

In relation to separation between properties, the Development Manager confirmed that there was no national policy and this was a matter to be decided by each planning authority at local level.

The Committee was addressed by Councillor Helen Crawford, as the Chair of Fishtoft Parish Council, speaking in objection to the application.

Councillor Crawford confirmed that in January 2024, Fishtoft Parish Council had raised many concerns about the proposed development, which she did not consider had been adequately addressed.

In relation to the travel assessment from Lincolnshire County Council Highways, she disputed their assessment for the development which was that it would generate only an additional 47 vehicle movements between 08:00 and 09:00 on a weekday morning.

Fishtoft had less than 500 residential properties. Councillor Crawford confirmed that it had one pub, a church and playing fields with a community hall. In terms of public transport, if a resident wanted to leave using public transport, it would be necessary to take the 08:42 bus to Boston. The last bus back was at 16:40. If it were necessary to walk, it would be along field-lined roads with speeds of up to 60 miles per hour and no pavement. Looking at the data used by Highways to assess the additional vehicle movements caused by this development, they had referred to Holt in Norfolk as the closest in size. However, it had a population of just over 3,500. From the development selected for the assessment, in terms of public transport, it had a first bus at 05:30 travelling through Holt to Cromer and on to Norwich. The last bus back was at 20:00.

The next comparison site in size used was Ditton in Kent, with a population of just under 5,000. It also had a poor bus service, but it was possible to safely walk along the pavements to the nearest convenience store half a mile away.

All the other sites used in the assessment had populations of 5,000 upwards to 35,000 – they had shops, train stations, frequent bus services, and one even had a tram. Councillor Crawford advised that none could be considered on a scale with Fishtoft village.

The data for the assessment was taken from the trip rate computer system, which Lincolnshire Highways supported. Councillor Crawford indicated that it was surprising that no data referring to developments in Lincolnshire was available. She indicated that Boston had a higher percentage of population that drove in their own cars to work than anywhere else in England, but despite that no data referring to Boston developments had been used.

Councillor Crawford concluded by indicating that the site selected for the vehicle movement assessment should be relevant to the development, but they were not and the figure of 47 vehicle movements could not be relied upon unless a proper assessment was provided.

Members of the Committee requested clarification in relation to the following issues:

Clarification was requested in relation to facilities in Fishtoft and Councillor Crawford reiterated the above information.

The Development Manager confirmed that there had been thorough assessments with empirical information by the Highways authority which had not raised concerns. In terms of facilities in Fishtoft, its proximity to Boston meant that it was regarded as a sustainable settlement within a couple of miles of the population centre.

At this point, the Chairman sought and received permission from the committee members for the meeting to continue, as the meeting duration was approaching the three hour period referred to in the Council's constitution.

The Committee was addressed by Councillor Helen Staples, the ward councillor who had called in this application and was speaking in objection to the application.

Councillor Staples confirmed that the application had received over 80 very valid objections. She indicated that Fishtoft was not a community averse to development and over the past years, it had received a high proportion of affordable and social housing, with more presently being constructed.

In relation to the Local Plan, the site had originally listed for 40 properties and there were now 89 properties being proposed, which would have an intolerable impact on the existing built development. She indicated that there was an inaccuracy in the officer's report in relation to Fishtoft Academy which she confirmed was full, contrary to what people believed. There were no places for any more children.

Members noted that Witham Fourth IDB and the Fire and Rescue Service had initially objected to the application and Councillor Staples indicated that she had seen very little change that would alter their opinions.

Councillor Staples disputed Lincolnshire County Council's Highways assessment, which she regarded as a desktop exercise. She referenced that she had lived in the area for almost 50 years and had seen the traffic increase dramatically, but despite that Gaysfield

Road was still a very small road and at school times had a high proportion of traffic. It was also used heavily by the agricultural fraternity with huge vehicles and equipment. She also referred to Anglian Water's processing site with up to 25 tankers daily in the area, which was set to increase to seven days a week.

Councillor Staples confirmed that Fishtoft had a very poor public transport, the pub was set to close and the church had a small congregation. In relation to sustainability, she indicated that the roads were badly maintained and dangerous. It was not safe to cycle or walk anywhere from Fishtoft. The village had a football team and scouts, but the scouts were set to have their recreational ground disturbed should the development go ahead and they would have to cross the road if they were using the recreational ground to get back to the Scout Hut

Councillor Staples disputed page 86 of the agenda and the suggestion that the development would be a natural evolution to the village screened from the highway. It would not be screened from the highway because it was going to be higher than the highway. It would be at least a metre higher than the built development and would be dense, overshadowing and overbearing.

Councillor Staples indicated that she wanted the best for the community she represented and did not feel that 89 new homes as appropriate. She cited the concerns about flooding risk and about whether the interceptor drain would work as it was not regarded as suitable in heavy clay soil.

Councillor Staples concluded that the most damning piece of evidence was the photograph provided to the Committee, taken from the east to the west, which showed how high the land was in comparison to the existing development. It provided a risk to the properties and the health and well-being of residents. She invited the Committee to refuse the application on the grounds of density, overbearing, overshadowing and the risk of flooding.

Councillor Staples left the meeting in accordance with the Committee's protocol.

The Development Manager advised that in relation to capacity at the primary school, the education authority had clarified that there was capacity at the school.

Committee deliberation occurred in relation to the following issues:

Clarification was provided that the Scout Hut would remain in place and that the land used by the scouts would not be affected by the development, although there would be a crossing point from the hut to the land.

Concern was reiterated in relation to flooding and housing density at the site.

Approval of the recommendation was moved. The vote was not carried.

The Legal Officer clarified that reasons for refusal should be provided. Density of the properties was cited as a reason to reject approval and debate occurred in relation to density of housing at the site.

The Development Manager indicated that the extant planning permission could not be ignored. He indicated that whilst accepting that the allocation of housing to the site was greater, it would be necessary to demonstrate the harm, given that there were two extant permissions at the site.

Flooding risk raised by Mr Scott was also suggested as a reason to reject approval.

The Development Manager invited caution in relying on the documentation supplied by Mr Scott who was not from the area, did not know the area and was relying on information that was not from the area. He indicated that proceeding in this way would place stronger weight on the information provided than on the assessment provided by the applicant and two statutory hydrology bodies that had raised no objections. He confirmed that the Committee was entitled to do this but had to consider the ramifications.

There followed a vote on whether to approve the recommendation in line with the officer's recommendation subject to the conditions and reasons therein. The vote was carried.

Resolved:

To approve the recommendation in line with officer recommendation subject to the conditions and reasons therein:

Conditions:

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

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

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

- 1846G/22/010 Alternative Planning Layout
- 1846G/22/010m Affordable Housing Plan
- 1846G/22/06a Site Sections Key Sheet
- 1846G/22/07b Street Scenes
- 21-150 & 1-U-0001 Rev C06 150 & 151 House Type Urban
- 21-250-U-0001 Rev C03 250 House Type Urban
- 21-251-U-0001 Rev C04 251 House Type Urban
- 21-253-U-0001 Rev C04 253 House Type Urban
- 21-254-U-0001 Rev C03 254 House Type Render
- 21-350-R-0001 Rev C06 350 House Type Rural
- 21-350-U-0001 Rev C05 350 House Type Urban
- 21-352-R-0001 Rev C04 352 House Type Rural
- 21-353-U-0001 Rev C04 353 House Type Urban
- 21-354-R-0001 Rev C04 354 House Type Rural
- 21-355-R-0001 Rev C06 355 House Type Rural
- 21-355-U-0001 Rev C07 355 House Type Urban
- 21-356-U-0001 Rev C06 356 House Type Urban
- 21-358-M-0001 Rev C04 358/9 Render

- 21-358/9-R-0001 Rev C04 358/9 House Type Rural
- 21-358/9-U-0001 Rev C03 358/9 House Type Urban
- 21-360-R-0001 Rev C05 360 House Type Rural
- 21-360-U-0001 Rev C04 360 House Type Urban
- 21-450-M-0001 Rev C04 450 House Type Render
- 21-450-R-0001 Rev C04 450 House Type Rural
- 21-450-U-0001 Rev C03 450 House Type Urban
- 21-451-M-0001 Rev C03 451 House Type Render
- 21-451-R-0001 Rev C03 451 House Type Rural
- 21-451-U-0001 Rev C02 451 House Type Urban
- 21-452-U-0001 Rev C05 452 House Type Urban
- 21-454-R-0001 Rev C07 454 House Type Rural
- 21-454-U-0001 Rev C07 454 House Type Urban
- 21-455-M-0001 Rev C05 455 House Type Render
- 21-352-001 Rev C03 352 House Type Urban
- 21-356-001 Rev C05 356 House Type Rural
- D001 Rev 2 Engineering Layout
- D300 Rev 1 Longsections Sheet 1 of 3
- D301 Rev 1 Longsections Sheet 2 of 3
- D302 Rev 1 Longsections Sheet 3 of 3
- 3158-A01-01 Rev A Site & Materials Layout
- 22206 D202 Rev 3 SuDS Identification Plan
- 22206 D702 Rev 1 Attenuation Basin and Headwall Details
- 22206 D205 Rev 2 Flood Routing Plan
- 22206 D208 Rev 1 Land Drain Plan
- 22206 D801 Rev 2 Section 38 Plan
- 22206 D600 Rev 1 Direct Cut and Fill
- 22206 D701 Rev 1 Adoptable Drainage Details
- EY-01-07 Rev D Gable Front Sales Garage
- WL-01C Landscape Plan
- Site Location Plan
- 1846G/22/02a Proposed Site Location Plan
- 22206 D700 Rev 1 Road Construction Details
- SD-100 Rev F 1800mm High Close Boarded Timber Fence
- SD103 Rev C 600mm High Post and Wire Fence
- SD1700 Rev B 3m x 6m internal dimension Detached Single Garage Details
- SD1701 Rev B 3m x 6m internal dimension Detached Double Garage Details

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

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

1. An assessment of significance and proposed mitigation strategy (i.e. preservation by record, preservation in situ or a mix of these elements).

2. A methodology and timetable of site investigation and recording including provision for trial trenching based on the results of the geophysical survey and appraisal forming part of the approved outline application
 3. Provision for site analysis
 4. Provision for publication and dissemination of analysis and records
 5. Provision for archive deposition
 6. Nomination of a competent person/organisation to undertake the work
- The scheme of archaeological investigation must only be undertaken in accordance with the approved details, and completed in accordance with the timetable within. No other works shall take place until the site investigation has been completed, unless agreed as part of the timetable.

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

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

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

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

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

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

The scheme shall:

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

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

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

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

- ☐ the dwellings will be built using flood resilient construction techniques;

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

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

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

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

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

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

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

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

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

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

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

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

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

(i) details of the public open space and how the POS will be landscaped (hard and soft) along with provision of play equipment or other facilities;

(ii) arrangements for adoption by an appropriate public body or statutory undertaker, or management and maintenance by a Management Company.

(iii) arrangements concerning funding mechanisms for the ongoing maintenance of all elements of the POS (including mechanical components) to include details such as:

1. on-going inspections relating to performance and asset condition assessments;

2. operation costs for regular maintenance, remedial works and irregular maintenance of limited life assets; and

3. any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime including

(i) means of access and easements for maintenance purposes;

(ii) A timetable for implementation.

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

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

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

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

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

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

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

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

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

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

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 (2019).

INFORMATIVE NOTES FOR DECISION NOTICE

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

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

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

2. INFORMATIVE - Protection of existing assets - A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water.

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

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

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

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

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

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

BIODIVERSITY NET GAIN

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

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

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

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

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

The Meeting ended at 2.56 pm.